



IMS UNISON
UNIVERSITY

Nurturing Knowledge. Empowering Minds.

**NATIONAL SEMINAR ON
CONSTITUTIONALISM AND THE
CONTEMPORARY CHALLENGES TO
MODERN INDIA**

**13th & 14th MARCH
2020**



Media Partner

**ORGANIZED BY
SCHOOL OF LAW
IMS UNISON UNIVERSITY
DEHRADUN, UTTARAKHAND**

IMS UNISON UNIVERSITY

IMS Unison University Dehradun, a constituent of Unison Group has made fast strides in the horizon of education as a premier educational and research University. Nestled amidst beautiful and serene surroundings, it offers an environment that fosters learning and stimulates creativity. Ever since its inception in 1996 as IMS Dehradun, as a non-profit organization led by a group of visionaries, it has dedicated itself for the cause of changing the face of professional education in Uttarakhand. The University today provides a platform for excellence in teaching, learning and research. State-of-the-art information technology is extensively used in the University contributing to the development of well-trained graduates, postgraduates and doctorate students to fulfil the manpower needs of the corporate world. IMS Unison University aspires to become a renowned centre for creation & dissemination of knowledge. It aims to provide a holistic career oriented education that develops intellectual, moral and physical capabilities of the students, nurturing creativity and innovation. The University is committed for the cause of imparting quality education by providing the required academic infrastructure, developing strong industry interface and providing placement opportunities to its students.

SCHOOL OF LAW

School of Law is making fast strides in the horizon of legal education. It offers BALLB (Hons.), BBALLB (Hons.), LLM. & Ph.D programs. Ever since its inception, School of Law has set up a sublime tradition of organizing meaningful & constructive academic programs in the pursuit of imparting quality legal education. Pragyaa: Journal of Law, a double blind peer reviewed journal published bi-annually by the School of Law is one more feather to its cap which bears testimony to the fact of its commitment for the cause of legal research. The academia which comprises a blend of highly qualified professionals & academicians is making every effort to perch this School of Law on a higher pedestal of academic learning & research.

CONCEPT NOTE

Constitution imbibes in it a scaffold of its social, political economic structure of the nation with the inclusion of the ideals, values and the tools to achieve the desirable goals of a developing nation; therefore, there cannot be a permanent structure with regard to its concepts and tools. It has to be amended from time to time keeping in mind the experiences, necessities, failures and success being an organic/ living law. This has also been endorsed by the jurists including the Jennings that the dead should not be allowed to rule the nation forever, since the framers were not aware of the problems, necessities and experiences of future generations and nation.

The jurisprudential values/ethos adopted by the Constitution is called "**Constitutionalism**". **Constitutionalism** is the idea that government should be limited in its powers and that its authority depends on its observation of these limitations. A constitution is the legal and moral framework setting out these powers and their limitations. It usually refers to various constitutional devices and procedures, such as the separation of powers between the legislature, the executive and the judiciary. The independence of the judiciary, due process or fair hearings for those charged with criminal offences, and respect for individual rights, which are partly constitutive of a liberal democratic system of government, independent judiciary, respect for individual rights and the right to self-determination are essential **features of constitutionalism**. The central purpose of **constitutionalism** is to limit governmental power, to check and restrain the persons who hold public office and exercise political authority.

Constitution has been the backbone of our judicial system since its inception, the flexibility of our constitution provides for the necessity of the judicial and legislative framework of our society to work in coherence with the dynamic nature of law.

The task before judiciary is of balancing fundamental rights and age old religious traditions. Every religion has its own practices, which are a mystery. There are beliefs not supported by reason. The legislature and courts have intervened to abolish religious practices which are crime under the non-constitutional authorities. It is not only the authority of the judiciary which is under challenge by social media, online articles & opinion needs but every kind of authority worth its name. In the words of Justice Bobde, Judge Supreme Court of India, published in Hindu, 31.10.2019; "It is not just the

judiciary, what is happening in society? There is challenge to authority of parents, schools, the Parliament. “This is the age of challenging authority”. Our Constitution provides for parliamentary form of government. Presently, the parliamentary system is at crossroads because of the declining number of sittings of legislatures, persistent disruptions, declining quality of debates, growing number of legislatures with criminal records, inadequate representation of women, and increase in money and muscle power in elections, Electoral reforms, lack of inner democracy in functioning of the political parties among others. It is of great concern that these issues are leading to an erosion of trust of the people in these law-making bodies. There is a need to review anti-defection law to address “grey areas”. The Government needs to be responsive to the views and concerns of opposition parties and electorates. Therefore, there is pressing need for parliamentary reforms to restore the trust of the people in parliamentary institutions”

The Seminar on Constitutionalism provides an opportunity for exchanges about important questions of constitutional law. We have selected specific areas of law such as allocation of authority in constitutional orders, the remedial authority of judges, to topics such as the role of religion, the challenges of national security, the interaction between constitutions and family life, and commitments to equality. We were prompted by the need for serious and careful analyses of problems that supreme and constitutional courts face.

The constitutional democracy appeared to have a robust future. Today, in many countries around the world, the values of judicial independence and egalitarian treatment of individuals are under attack. The Seminar continues to see the potential for constitutional law to generate and to reflect commitments to fair treatment, and that constitutional discourse and practices are aspects of meeting the challenges of conflicts over rights and government structures.

The time has come to identify the Constitutionalism in its true spirit. Therefore, the School of Law, IMS Unison University has decided to owe the responsibility to identify the reasonable Constitutionalism keeping in mind the necessity, experiences and developing responsible Constitutional jurisprudence by providing academic and professional platform in form of two-day seminar at its campus on Dates 13th-14th March, 2020.

CALL FOR PAPERS

Papers are invited from research scholars, academicians, lawyers and jurists on the above mentioned theme. The following sub-themes are only illustrative in nature and may include any paper covering the major themes of the Seminar.

Sub- themes:

- Secularism: Concept and Practice in India.
- Federalism: Diplomatic / political Targeting.
- Freedom of Speech and Expression: Shadow effects on other fundamental rights especially with reference to the Press.
- Tortious Liability: Judicial March to Political Distribution of State Exchequer.
- Constitutional torts: Emerging jurisprudence
- Reservation, Nuisance Politics and overriding effects of Election.
- Separation of Powers with reference to Union Territories and Emerging practice to serve Political interests under the guise of Constitutional Values.
- Proclamation of Internal Emergency: Farewell in India.
- Unconstitutional practices, Identification of Political and Social threats to the Constitutionalism.
- Constitutional Institutions and Emerging Threats.
- Promotion of the concept and practices of Cultural Exceptionality in India.
- Parliamentary Privileges: Necessity to codify the same to come out from Transitory Status.
- Legislative behavior and necessity of a Constitutional provision to recall.
- Constitutional Provisions and their noncompliance: Identification of reasons and Gaps.
- Electoral Reforms: Formulation of the Constitutional norms to develop and regulate elections in India.
- Revisiting the powers of the head of the state and the head of the Government under the Indian Constitution: Reasons, justification and necessity.
- Judicial precedents: causal approach and confusions in considering them.
- Appointment of Judges in higher judiciary: Emerging issues resulted from different experiences and evolution of responsible constitutional norms.
- Frequent use of unethical and unconstitutional means to achieve oblique goals under the scaffold of Election system.
- Constitutional governance of Human Rights in India.
- Constitutional accountability of individual in violation of fundamental and constitutional values in India: Necessity to revisit the legislative structure

The above Sub Themes are not exhaustive and the author(s) may select any other relevant issue, giving a comprehensive and indispensable review of developments during the past 12 months which effect law and practice.

SUBMISSION GUIDELINES

ABSTRACT:

The abstract must be developed on A4-sheet in Word Document Format typed in Times New Roman in 12 font size with 1.5 line spacing in not more than 500 words, it should not contain more than FIVE keywords. The abstract should contain personal details of the author(s) in the order: Title of the paper, Name, Designation, Institute/ University/ College/Organization, Contact number, E-mail and address (is), of the author(s). Kindly indicate the name of the main author for correspondence in case of more than one author.

All abstracts will be peer reviewed and evaluated on the basis of originality, research rigor, relevance to the seminar, and contribution to the theory and practice.

SUBMISSIONS:

Submissions are to be made only in electronic form. The same may be e-mailed to nationalseminar.iuu2019@gmail.com in MS Word format along with a covering letter addressed to Organizing Secretary.

Title	Must be written in bold, size 14 and centered margin.
Margin	Manuscripts must be in single spacing, font size 12 in Times New Roman and all margins: 1.5 inches (left) and 1 inch (top, right and bottom).
Tables	Tables must be placed as part of the text. DO NOT attach tables at the end of the manuscript.
Software	Manuscript must be submitted in Microsoft Word 2007 in the above format ONLY.
Sub Title	Written in bold, size 12 and left margin.
Tables/ Figures	Title of the tables/figure should be written on the top of the tables/figure. Times New Roman, font 12, Bold and centered margin.
Footnoting	Footnoting should be done strictly according to Bluebook 19th Edition , Times New Roman, Size 10, Line-Spacing 1.5
Word Limit	Articles should be generally of 4000-4500 words (excluding references and footnotes).

We encourage potential contributors to adhere to a uniform mode of citation throughout the submission.

RULES FOR PARTICIPATION

- No abstract or full paper shall be accepted after the last date of submission.
- Registration is mandatory on confirmation of acceptance of abstract, with the payment of required fees to be deposited in the bank account. Only registered participants will be allowed to take part in National Seminar.
- No refund will be allowed once a participant/paper presenter is registered.
- All the registered participants will be provided participation certificate, seminar kit, meals & accommodation (*Check in: 12 March 2020 -12 noon & Check out: 14 March 2020- 12 noon*).
- Only one co-author is allowed.
- No *in-absentia* presentations will be allowed, at least one author must be present for presentation.

Important Dates:

Last date for Abstract Submission: December 30, 2019

Date for confirmation of acceptance of Abstract: January 15, 2020

Last Date for Registration: January 30, 2020

Submission of full Paper: February 10, 2020

The participants are requested to send their abstracts & papers to:

nationalseminar.iuu2019@gmail.com

The Best papers shall be published in our journal, Pragmaan: Journal of Law, published bi- annually by School of Law, IMS Unison University, Dehradun.

REGISTRATION FEE

Academicians / Organization Representatives (Including Co-Author)	Rs. 2000
Research Scholars/ Students (Including Co-Author)	Rs. 1200 (Without Accommodation) Rs. 1800 (With Accommodation)
Skype presentation	Rs. 1200

GST Included in registration fees

Please indicate your need for accommodation in Registration Form. No accommodation will be provided to accompanying person who is not participating or presenting paper in seminar. No TA/DA will be provided to participants.

MODE OF PAYMENT:

Payment can be made by NEFT/IMPS/Demand Draft or Bank transfer in favour of:
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March 13-14, 2020

Registration Form

(Kindly fill and send this form on or before 30 January 2020)

Name Prof./Dr./Mr./Ms _____

Category (Teacher/Researcher/Student/Civil Society/Govt. Official): _____

Designation _____

Will you be presenting a Paper? (Yes/No): _____

Title of Paper _____

Broad Theme: _____

Affiliating Organization _____

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Work experience (Years) _____

Description of present responsibility _____

Designation of the authority you report _____

Whether accommodation required? (Yes/No): _____

Payment Details:

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DD/NEFT/IMPS No. _____ Date of Transfer _____

Transfer Bank Details _____

Declaration: I hereby declare that the particulars stated above are true and correct to the best of my knowledge and belief.

Date:

Signature of Delegate