



**Two Days National Conference on Constitutional-Jurisprudence
(Historical and Jurisprudential context of Constitutional Law)
At National Law Institute University, Bhopal, India**

We, at the National Law Institute University, decided to organise a National Conference on 'Constitutional Jurisprudence' sometime in the month of March 2024. Primary aim of this conference is to intellectually empower young faculty of law teachers. This conference is different from usual conferences on 'Constitutional Law' and on 'Jurisprudence' in as much as the focus of this conference is on jurisprudential and historical context of constitutional law, conventions and practices. Centre of our focus shall be the Constitution of India, though without reference to other constitutions in the context of history and philosophy of other countries the discussion may not be complete. The philosophy of the Constitution of India is inspired by the evolutionary changes in the written constitutions of many democratic countries as well as constitutionalism of others. We would not hesitate to appreciate a paper even if its major focus is on foreign constitution and its history with some reference to constitutionalism in general.

There is reason to believe that Dr. Bhim Rao Ambedkar and other members of the constituent assembly drafted the constitution on the corner stone erected by thousands of philosophers of other countries as well as of India. Indian Constitution and for that matter any other constitution, is not the brain child only of the framers of that constitution, framework of every constitution is the cumulative effort of the framers of that constitution and thousands of acknowledged and unacknowledged philosophers of the world.

In the mediaeval and ancient periods all kings derived their authority from God or gods and, therefore not answerable to the people. The authority of the King was derived from a perfect sky dweller who personally interfered in the matters of the State through the King. Thus, making the clergy and theocratic institutions as the repository of authority and the King and the clergy derived their legitimacy from one another. Social Compact theorist were able to change this source of power from God and gods to the people resulting in the demolition of the authority of the monarchy and the theocratic State. We are indebted to Locke for putting Fundamental Rights on a special pedestal. The 'general will' of Rousseau is without doubt the corner stone of democracy. The 'Long Parliament' and the 'Magna Carta' of Great Britain and the famous saying of Rousseau, when said, "Man is born free but everywhere he is in chains", are the foundations of liberty. The idea of liberty was further developed by J. S. Mill and the American judges of the US Supreme Court.

The Chief Justice of the Kings Bench Sir Edward Coke when pronounced that 'God and Law protecteth' the King and not vice versa, he was dismissed, but the idea of 'rule of law' implanted in the conscience of the people could not be. Justice H.R. Khanna for his dissent in ADM Jabalpur was superseded but he will be long remembered for espousal of human rights, that is what cannot be achieved through Article 21 of the Constitution can be achieved through human right to life. Human Right discourse has close connection with the philosophy of



Immanuel Kant and Nuremberg trials. If positive law becomes oppressive and grossly unjust, the only remaining hope is human rights discourse.

There does not seem to be any doubt that Gandhian philosophy also has a deep imprint on the Constitution of India. Though our constitution is a liberal constitution and liberty has been accorded a high value, there is a real possibility of creation of vast differences in the economic status of people, leading to estrangement between them. The idea of fraternity implies that the differences must not be allowed to grow to such an extent as to being capable of breaking the bonding of togetherness. Gandhi was devout Hindu belonging to the most orthodox denomination of Hinduism, that is *Sanatan Dharma*, yet he introduced the concept of equality in highly stratified caste system. The original idea of occupational specialisation found expression in varna system, which did not have any place for untouchability, rather the original varna system was based on occupational and varna mobility. At some stage of history, the system deteriorated into birth-based caste (jati) system. In order to abolish the practice of untouchability, the result is innovative Article 17, which criminalises the age-old practice of untouchability, the concept of protective discrimination was a necessary sequel of abolition of untouchability. (Articles 15 and 16).

The evolution of Parliamentary form of government in Great Britain experienced many historical vicissitudes and necessarily intermingled with concepts of liberty, democracy and equality. But why did United States prefer Presidential form of government over the Parliamentary form? May be the assertion of a revolutionary change and desire of an autochthonous constitution gave the world a new form of government with stricter principles of separation of powers. Is it not that a stricter separation of powers ends up immensely empowering the head of the executive? These can be some stimuli for ideas on the themes of this Conference.

Following sub-topics are only indicative of the scope of the theme of conference, they do not define the scope of the theme exhaustively.

1. The preamble, the source of authority of the state, its accountability, constitutional vision, democracy and republican form.
2. Fundamental Rights, criminalisation of untouchability, protective discrimination and affirmative action; equality, liberty, fraternity and justice.
3. The importance and relationship of Human Rights vis-à-vis Fundamental Rights.
4. Constitutional values and constitutional vision.
5. Is the parameters of federalism are the characteristics of federalism necessarily confined to the characteristics propounded by K. C. Wheare.
6. Freedom of choice and determinism in criminal law.
7. Interpretation of the constitution, debate between 'originalists' and 'revisionists'; importance of 'Human Rights Discourse' in constitutional interpretation.
8. Rule conformist views and rule sceptic views of the constitution.
9. Legal Morality, Constitutionalism, Constitutional Morality: Overlap and Separation by the Judiciary.



10. Separation of 'Is' and 'Ought' and its relevance to Constitutional-Jurisprudence.
11. Any other sub-theme relating to Constitutional-Jurisprudence.

Conference Objectives

The National Conference is an educational endeavour to:

- To identify and address the diverse and emerging trends in law, political science and sociology.
- To address the challenges in the field of constitutional law and jurisprudence.
- To create a platform for sharing knowledge and dialogue on issues related to constitutional law and jurisprudence.
- To compare the evolution of constitutional values, constitutional morality and constitutionalism in the context of legal history and jurisprudence.
- To empower the stakeholders in the field of constitutional jurisprudence and legal history.
- To create knowledge on constitutional values, constitutional morality and constitutionalism in the context of legal history and jurisprudence together with the eminent scholars participating in the conference.

Conference participation fee

Teachers and others: Rs. 2000

Students: Rs. 500

The fees will be paid by the participants only after their paper is selected for presentation at the Conference.

Management Committee

Patron: Prof. (Dr.) S. Surya Prakash, the Vice Chancellor

Conference Convener: Prof. (Dr.) V. K. Dixit, Visiting Professor

Co-Conveners: Mr. Ranjan Kumar, Assistant Professor in Legal Theory

Ms. Saubhagya Bhadkaria, Assistant Professor

Mr. Shudhanshu Pratap, Research Associate

Co-Conveners (Student): Ms. Arushi Bhagotra, Mr. Ujjawal Joshi and Mr. Ritik Nandan



Important Dates

Last date for Full Paper Submission: 29.02.2024

Submission Guidelines

- The submissions are to be made only in Microsoft Word Format (.docx or .doc files) by filling the given form. Soft copies should be submitted by 29.02.2024.
- All articles, and short articles, must be accompanied by an abstract not exceeding 500 words along with keywords.
- Tentative word limit:
 1. Long Articles (4000 to 8000 words);
 2. Short Articles (2000 to 4000 words);
 3. Case Comments (1500 to 3500 words); and
 4. Book Reviews (1000 to 3000 words).

The word limit can have a 10% deviation on the discretion of the Editorial Board. Further, it is not inclusive of the Footnotes and Abstract.
- Heading and sub-headings will be formatted with case size of 12 in Times New Roman and Bold.
- Body of the writing will be formatted with case size 12 in Times New Roman.
- Footnotes shall follow the line spacing of 1, and the rest of the manuscript shall follow the line spacing of 1.5.
- All referencing and footnoting shall strictly adhere to the standards laid down in the Oxford University Standard for the Citation of Legal Authorities (4th ed.). Substantive footnoting is impermissible.
- All the contributions should be the original work of the contributors and should not have been submitted for consideration in any other Publication. Plagiarized papers will be rejected.
- Co-authorship is permissible up to a maximum of three authors.
- The authors shall not disclose their identity anywhere in the body of the manuscript.
- Copyright Policy- The Author(s) agree to give the Editorial Board all the necessary rights to produce, distribute, and publish the manuscript, including but not limited to online and offline media.
- **Link to make the submission** - <https://forms.gle/PsgYQeYuv3f2uMpE7>



Contact Information

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Papers for the conference are invited from the faculties of Law, interested faculties of Political Science and students of Law. The last date of submission of papers is 29th February 2024. The papers shall be blind peer reviewed. Within 15 days of the last date of submission or earlier, the willing participants will receive information of the acceptance of the paper from us. In case anyone does not receive such information, please assume we are unable to use their paper and the submitted paper can be used elsewhere. Some of the accepted papers shall be published by the University.

The Conference shall be held in the second half of the month of March 2024. The particular dates shall be intimated later.