

# National Conference on Development of Constitutional Law by the Supreme Court & High Courts [P-1314]

12- 13 November 2022

National Judicial Academy (NJA), Bhopal

## PROGRAMME SCHEDULE

DAY-1: 12.11.2022 SATURDAY	
9:30 AM -11:00 AM  (10:45AM – 11:00AM Q&A/Discussion)	<p style="text-align: center;"><b><u>SESSION 1</u></b></p> <p style="text-align: center;">Constitutional Interpretations: Reflections on Transformation, Continuities &amp; Constitution’s Silences</p> <p><i>Proposed scope of discussion:</i></p> <ul style="list-style-type: none"><li>• Principles of Constitutional Interpretation; Textualism, Originalism, Structuralism Doctrinarism and Minimalism</li><li>• Interpreting the Constitutional Sounds &amp; Silences</li><li>• Tracing “Transformative Constitutionalism” &amp; its Scope</li><li>• Authority of Dissents &amp; Their Potential Resurrection</li></ul> <p style="text-align: center;"><b>Panel:</b> Mr. Arvind P. Datar</p>
11:00 AM - 11:30 AM	<b>Tea Break</b>
11:30 AM - 1:00 PM  (12:45PM – 1:00PM Q&A/Discussion)	<p style="text-align: center;"><b><u>SESSION 2</u></b></p> <p style="text-align: center;">Development of Constitutional Morality: Adhering to the Constitutional Norms &amp; Ethos</p> <p><i>Proposed scope of discussion:</i></p> <ul style="list-style-type: none"><li>• Evolution &amp; Contours of Constitutional Morality</li><li>• Judicial Approaches to Constitutional Morality</li><li>• Doctrine of “Non-Retrogression” &amp; “Manifest Arbitrariness”</li><li>• Judicial Innovation <i>vis-à-vis</i> Constitutional Trust</li></ul> <p style="text-align: center;"><b>Panel:</b> Mr. N.L. Rajah &amp; Mr. Arvind P. Datar</p>
1:00 PM - 02:00 PM	<b>Lunch Break</b>
2:00 PM – 3:30 PM  (3:15PM – 3:30PM Q&A/Discussion)  <u>3.30PM- Tea break</u>	<p style="text-align: center;"><b><u>SESSION 3</u></b></p> <p style="text-align: center;">Affirmative Actions, Equal Opportunity &amp; Diversity: An Evolving Jurisprudence</p> <p><i>Proposed scope of discussion:</i></p> <ul style="list-style-type: none"><li>• Constitutional Underpinnings to Reservations</li><li>• Concept of “Creamy Layer”</li><li>• Right to Choose &amp; Hire <i>versus</i> Reservation</li><li>• Substantive Equality</li><li>• SEBC &amp; 102<sup>nd</sup> Constitutional Amendment</li></ul> <p style="text-align: center;"><b>Panel:</b> Mr. Arvind P. Datar &amp; Prof. V. K. Dixit</p>

**DAY-2: 13.11.2022****SUNDAY**

<b>DAY-2: 13.11.2022</b> <b>SUNDAY</b>	
<b>9:30 AM -11:00 AM</b>  (10:45AM – 11:00AM Q&A/Discussion)	<b><u>SESSION 4</u></b> Judicial Review: Judicial Review of Legislative & Administrative Actions  <i>Proposed scope of discussion:</i>  <ul style="list-style-type: none"> <li>• Judicial Review of Legislative Process, Legislative Competence and Constitutional Limitations</li> <li>• Institutional Limitations of the Judiciary in Reviewing the Legislative Action</li> <li>• Contours of “Due Process” &amp; “Procedural Fairness”</li> <li>• Grounds for Judicial Review of Administrative Action: Illegality, Irrationality, Procedural Impropriety &amp; Proportionality</li> <li>• Principles of Judicial Review &amp; Proportionality</li> </ul> <b>Panel:</b> Justice C. K. Thakker & Mr. N. Venkataraman
<b>11:00 AM - 11:30 AM</b>	<b>Tea Break</b>
<b>11:30 AM - 1:00 PM</b>  (12:45PM – 1:00PM Q&A/Discussion)	<b><u>SESSION 5</u></b> Judicial Activism <i>versus</i> Judicial Restraint: Evolving Jurisprudence  <i>Proposed scope of discussion:</i>  <ul style="list-style-type: none"> <li>• Power of ‘suo moto’ cognizance</li> <li>• Strengthening “Rule of Law”</li> <li>• Contemporary Scenario of Judicial Activism and Overreach</li> <li>• Separation of Powers</li> <li>• Judiciary and Media</li> </ul> <b>Panel:</b> Justice C. K. Thakker & Mr. C. Aryama Sundaram
<b>1:00 PM - 1:15 PM</b>	<i>Audit of the Course by Participant Justices</i>
<b>1:15 PM</b>	<b>Lunch Break &amp; Departure</b>

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