

National Conference on Development of Constitutional Law by the Supreme Court & High Courts [P-1329]

Date: 04-05 February, 2023

Participants: High Court Justices

Programme Coordinators – Ms. Paiker Nasir & Ms. Nitika Jain, Faculty, NJA

TENTATIVE PROGRAMME SCHEDULE

04 February, 2023 SATURDAY	DAY-1
9:30 AM -11:00 AM (10:45AM – 11:00AM Q&A/Discussion)	<u>SESSION 1</u> Constitutional Interpretations: Reflection on Transformation, Continuities & Constitution’s Silences <i>Proposed scope of discussion:</i> <ul style="list-style-type: none">• Principles of Constitutional Interpretation; Textualism, Originalism, Structuralism Doctrinarism and Minimalism• Interpreting the Constitutional Sounds & Silences• Tracing “Transformative Constitutionalism” & its Scope• Authority of Dissents & Their Potential Resurrection
11:00 AM - 11:30 AM	Tea Break
11:30 AM - 1:00 PM (12:45PM – 1:00PM Q&A/Discussion)	<u>SESSION 2</u> Development of Constitutional Morality: Adhering to the Constitutional Norms & Ethos <i>Proposed scope of discussion:</i> <ul style="list-style-type: none">• Evolution & Contours of Constitutional Morality• Judicial Approaches to Constitutional Morality• Doctrine of “Non-Retrogression” & “Manifest Arbitrariness”• Judicial Innovation <i>vis-à-vis</i> Constitutional Trust
1:00 PM - 02:00 PM	Lunch Break
2:00 PM – 3:30 PM (3:15PM – 3:30PM Q&A/Discussion)	<u>SESSION 3</u> Affirmative Actions, Equal Opportunity & Diversity: An Evolving Jurisprudence <i>Proposed scope of discussion:</i> <ul style="list-style-type: none">• Constitutional Underpinnings to Reservations• Concept of “Creamy Layer”• Right to Choose & Hire <i>versus</i> Reservation• Substantive Equality• SEBC & 102nd Constitutional Amendment
03:30 PM	Tea

05 February, 2023 SUNDAY	DAY-2
9:30 AM -11:00 AM (10:45AM – 11:00AM Q&A/Discussion)	<p align="center"><u>SESSION 4</u></p> <p align="center">Judicial Review of Legislative & Administrative Actions</p> <p><u>Proposed scope of discussion:</u></p> <ul style="list-style-type: none"> • Judicial Review of Legislative Process, Legislative Competence and Constitutional Limitations • Institutional Limitations of the Judiciary in Reviewing the Legislative Action • Contours of “Due Process” & “Procedural Fairness” • Grounds for Judicial Review of Administrative Action: Illegality, Irrationality, Procedural Impropriety & Proportionality • Principles of Judicial Review & Proportionality
11:00 AM - 11:30 AM	Tea Break
11:30 AM - 1:00 PM (12:45PM – 1:00PM Q&A/Discussion)	<p align="center"><u>SESSION 5</u></p> <p align="center">Judicial Activism <i>versus</i> Judicial Restraint: Evolving Jurisprudence</p> <p><u>Proposed scope of discussion:</u></p> <ul style="list-style-type: none"> • Power of ‘<i>suo moto</i>’ cognizance • Strengthening “Rule of Law” • Contemporary Scenario of Judicial Activism and Overreach • Separation of Powers • Judiciary and Media
1:00 PM - 1:15 PM	<i>Audit of the Course by Participant Justices</i>
1:15 PM	Lunch Break & Departure

Academic Coordinators

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