



National Law School of India University

Bengaluru, India

Two Day International Conference On Constitutional Conventions and Practices

8th and 9th January 2018 at International Training Centre, NLSIU

Conference Note:

A.V Dicey in his work *Law of the Constitution* has defined Constitutional Conventions as the “rules for determining the mode in which discretionary powers (prerogative powers) ought to be exercised.” Another working definition given by Hood Philips in his book *Constitutional and Administrative Law* states that Constitutional Conventions are “rules of political practice which are regarded as binding by those to whom they apply, but which are not laws, as they are not enforced by the Courts or by the Houses of Parliament”. Conventions of the Constitution consist of maxims, practices, customs and precepts which, though they regulate the ordinary conduct of Ministers and other persons under the Constitution, are not considered to be legal in a strict sense. It is a rule of behaviour accepted as obligatory by those concerned in the working of the Constitution (Kenneth Wheare). These rules may be enforced by some other means such as informal sanctions, public opinion etc. and even though these enforcements seem weak in comparison to legal enforcements, they have for a long while been a basic feature of our political institutions and the sanction behind them is more moral and political in nature.

Constitutional conventions like customs and practices together with statutes constitute the Law of the land. If one thoroughly wants to understand the legal framework of the land by looking only at Statute law, ignoring Conventions, such a study will be incomplete and inaccurate. Constitutional Conventions ensure that the Constitution maintains a certain amount of flexibility and operates in tune with the prevailing times. Conventions, more often than naught serve as the means through which Constitutional developments can be brought forth without initiating any formal amendments to the law. It would be difficult to find a system of government that does not have Conventions regardless of whether it has a written or unwritten Constitution. This is because it is impossible for any written document to answer every normative question that crops up with every issue.

The Constitution of India is one such example of a written Constitution, which despite being extremely comprehensive still has many grey areas, which Conventions fill. In fact, many of the mandatory provisions of our Constitution are Conventions of the British Constitution. Dr BR Ambedkar had consistently emphasised on the fact that we had chosen the British Model of Government and called for adherence to Westminster system. Ivor Jennings stated that “the machinery of Government in India is essentially British and the whole collection of British Conventions has apparently been incorporated as Conventions”. The Conventions of the Constitution that set the norms for behaviour for those in power and which regulates the working of the different parts of the Constitution are crucial, if not more important than the written words of the Constitution itself. Taking the example of India, under the Constitution, the President is empowered to appoint the Prime Minister. But no guidance is provided in the written words of the Constitution as to who should be appointed as Prime Minister. In such an instance the Conventions regarding the appointment of the Prime Minister play an imperative role in guiding the President.

Another interesting aspect of Constitutional Conventions is its relation to Constitutionalism. Constitutionalism in simple terms can be referred to the idea that the powers of the Government should be legally limited and that its legitimacy is dependent on that limitation. These ideas were propounded by many jurists and scholars like John Locke, David Fellman etc. The theories and ideas relating to Constitutionalism propose that such limitations should be entrenched in the Constitution and form a body of fundamental law. The clash with Constitutional Conventions comes due to many scholars claiming that such limitations should not just be entrenched but also enshrined in written words in the Constitution. It was Dicey, who by giving the example of the British Constitution stated that the Constitutional System had various Constitutional conventions that limit the Government effectively. But the question that remains is whether legal limitations in the form of written text prove to be more efficient in limiting Government power or whether the flexibility of the Constitution and its conventions are better in the long run to ensure governmental limitation. Another aspect in relation to Constitutionalism is the argument that, even if such limitations are inscribed in the Constitution and a comprehensive written constitution exists, it is not necessary that Constitutionalism is truly followed in spirit in such instances.

Not enough attention has been paid to the evolution, adherence and the proper application of Constitutional Conventions. Lately, many instances have been noticed, where codes and conventions which were being observed for a long period of time have been broken easily. Such an approach is resulting in the recourse to extra constitutional methods for resolving issues, which is a complete subversion of the intention of the Constitutional makers, who left certain aspects of the document uncodified so that the Constitution stayed flexible and open to adapt to the future times.

The Conference will invite presentations and papers on the following themes:

1. Constitutional Conventions in the exercise of Legislative Functions
2. Constitutional Conventions in the exercise of Judicial Functions
3. Constitutional Conventions in the exercise of Executive Functions
4. Constitutional Conventions in the exercise of President's Authority
5. Constitutional Conventions in the exercise of the PMO's Functions
6. Constitutionalism and Constitutional Conventions
7. Others; For Example, Constitutional Conventions in the Office of Profit / Conflict of Interest Principles

Important Dates:

- **Abstract Submission: December 10th, 2017**
- **Communication for Acceptance of Abstract: December 15th, 2017**
- **Submission of Draft Full Length Papers: January 5th, 2018**
- **Last Date for Registration: 20th December, 2017**
- **Date of Conference: 8th and 9th January, 2018**

Submissions - Details and Guidelines:

Abstracts of not more than 500 words, for original researched papers on the above mentioned themes are invited. Authors of shortlisted abstracts shall be required to send their full length papers. Authors of accepted papers shall have the privilege of presenting their paper at this conference. Papers of outstanding quality shall be published. There can be maximum only one Co-author.

The full length research papers in case of short articles should be 3500 – 5000 words (inclusive of foot notes), and around 8000 words (inclusive of foot notes) in case of long articles. Potential contributors are required to adhere to a uniform mode of citation (20th edition of The Bluebook: A Uniform System of Citation is recommended). Abstracts and papers should be submitted as Word documents, with a covering letter containing the name and designation of the author(s), and should be emailed to the email addresses listed below.

Registration Charges:

- **Conference Registration : Rs.3000/- per author / per participant [Non Residential]**
- **Last Date for Registration : 20th December, 2017**

Participants may register either as paper presenters or as delegates (participants).

Presenters/Delegates must make their own arrangements for accommodation with breakfast and dinner and the organizers are not responsible for the same.

Registration fee covers the following: Admission to all academic sessions, Conference material, Tea/Coffee and lunch during the designated breaks for the duration of the conference.

Registration fees may be paid by DD drawn in favour of National Law School of India University and sent along with the Registration Form attached herewith or through NEFT transfer, as per the bank details given. Once the NEFT is done the participant/s must send the BANK TRANSACTION ID to baba@nls.ac.in.

Invited Professors will be provided with accommodation at our cost.

About National Law School of India University, Bengaluru:

The National Law School of India University came into existence through a Notification under the National Law School of India University Act (Karnataka Act 22 of 1986). It signified the culmination of efforts by the Judiciary, the Bar Council of India, the Karnataka Bar Council, the Bangalore University and the Government of Karnataka to reform legal education and to establish a centre of excellence for legal education and research in India. , the Law School has a campus of its own, located in Nagarbhavi, about 10 kms from the City railway station and standing over twenty-three acres beside the Institute of Social and Economic Change. The Law School today has many research and extension centres and a number of Endowment Chairs. The National Law School has exchange programmes with the National University of Singapore, Osgoode Hall Law School, York University, Canada and Bucerius Law School, Germany. Faculty members of this University have gone to the Universities of Wales, Warwick and Nottingham and Faculty from these Universities have spent some time here doing teaching and research under the Exchange and Faculty Improvement Programmes facilitated by the British Council, Chennai. A number of professors and judges from the U.S.A., Canada, U.K., Australia, Singapore, Hong Kong, China, South Africa, Malaysia and New Zealand have visited and interacted with, and even taught, at the Law School.

About the Centre for Environmental Education, Research and Advocacy [CEERA]:

The Centre for Environmental Law Education, Research and Advocacy (CEERA) established in 1997 is an integral part of National Law School of India University. CEERA has dedicated faculty coordinator and fulltime core team of research scholars working all through. It enjoys the support of Ministry of Environment and Forest, Government of Karnataka, Bar and Bench in India and several Institutions and Universities abroad. Building environmental law database, effectively networking between all stakeholders and build environmental law community and policy research in the area of environment are CEERA's main objectives. To achieve its objectives, CEERA ever attempts to build functional and professional linkages with Government agencies and non-governmental organisations in India as well as South Asian Region and at international levels.

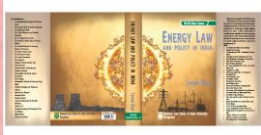
Apart from handling and furthering India's environmental conservation work involving policy, analysis, campaigning, community capacity building and strategic legal intervention on critical environmental issues, CEERA serves as rich resource centre for environmental law teaching and research for both bachelors and masters course at the NLSIU. CEERA manages well designed and developed electronic data in the shape of two websites (www.ceeraindia.org , www.nlsenlaw.org) and also runs a Post-graduate Diploma course in Environmental Law through distance education mode.

About NLSIU Book Series:

The NLSIU Book Series was initiated in 2015 by Dr. Sairam Bhat, with the first publication **NLSIU Book Series-1**, by Dr. Sairam Bhat, 'Contracts, Agreements and Public Policy in India', published by NLSIU bearing ISBN identification.



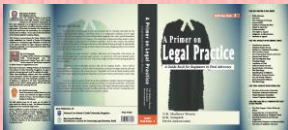
The NLSIU Book Series-2 was edited again by Dr. Sairam Bhat, 'Energy Law and Policy in India', published by NLSIU bearing ISBN identification.



The NLSIU Book Series-3, edited once again by Dr. Sairam Bhat, 'Right to Information and Good Governance', published by NLSIU bearing ISBN identification.



The Book Series-4, 2017, is co-authored by Padmashree Prof. [Dr.] N R Madhava Menon on 'A Primer on Legal Practice'. The Book Series is intended to record the experiences and aspirations in law and public policy. It purports to be a forum that encourages and engages students, academicians, administrators, practitioners and research scholars to come together for the cause of continuing Legal Education through their scholarly writing.



About the LPG book:



This book is a culmination of few papers which were submitted during the International Conference on the same topic. The book is divided into four distinct parts and covers four cardinal areas where the influence of Liberalization, Privatization and Globalization has been prominent, namely, Developments in Constitutional Law which covers the Non-Profit Sector's response to globalization, illicit financial inflows influencing Sustainable Development and the Judicial pronouncements of the Supreme Court, concluding with the constitutional response to economic liberalisation. With a plethora of opinions on Energy Security regulation and neoliberal national security, this book has been successful in achieving its objective of covering almost all the possible areas where liberalization could have had an impact on the nation. It goes on to put forth opinions on how economic liberalization has impacted human rights and the influence of globalization on national culture. Finally, the fourth part of this book covers International Trade Concerns and brings forth a dialogue on WTO challenges and International Commercial Arbitration as a tool to regulate trade and commerce. It also covers the issue of India's patent institution promoting the pharmaceutical industry. Covering almost all main areas of probable change, this book justifies its genesis as changing the legal paradigm post liberalisation and globalisation.

Patrons for the Conference:

Prof. (Dr.) R. Venkata Rao
Vice Chancellor, NLSIU

Prof. (Dr.) V.S. Mallar
V.R. Krishna Iyer Chair on
Public Law & Policy Choice), NLSIU

Prof. (Dr.) M.K. Ramesh
Professor of Law

Prof. (Dr.) T.V Subba Rao
Visiting Professor, NLSIU

Prof. (Dr.) Sairam Bhat
Professor of Law, NLSIU

Prof. (Dr.) V. Vijayakumar
Professor of Law, NLSIU

CORRESPONDENCE DETAILS:

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- For clarifications on Conference: Ms. Raagya Zadu, Teaching Associate, NLSIU
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- For Registration and Payment of Fees: Ms. Baba R S, Secretary, NLSIU
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NATIONAL LAW SCHOOL OF INDIA UNIVERSITY

Nagarbhavi, Bengaluru 560072

Two Day International Conference on Constitutional Conventions & Practices

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REGISTRATION FORM

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Company/ Organization/School/College	
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Email:	
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a) Mobile:	
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Payment details	DD No. and Date: NEFT Transaction ID No. and Date:

Please send the nominations to
Ms. Baba R S,
Secretary
National Law School of India University
Nagarbhavi, Bengaluru 560072

ELECTRONIC CLEARING SERVICE (CREDIT CLEARING) / REAL TIME GROSS SETTLEMENT (RTGS) FACILITY FOR RECEIVING PAYMENTS

A DETAILS OF ACCOUNT HOLDER:-

NAME OF ACCOUNT HOLDER	DIRECTOR NLSIU SCHEMES AND PROJECTS
COMPLETE CONTACT ADDRESS	NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, P.B.NO.7201, NAGARBHAVI, BANGALORE - 560 072
TELEPHONE NUMBER/FAX/MAIL	23213160, 23160532, 23160533 / Fax 23160534 / registrar@nls.ac.in
PAN	AAAJN0185F

B BANK ACCOUNT DETAILS:-

BANK NAME	CORPORATION BANK
BRANCH NAME WITH COMPLETE ADDRESS, TELEPHONE NUMBER AND EMAIL	NLSIU BRANCH, NLSIU CAMPUS, NAGARBHAVI, BANGALORE - 560 072, Ph: 080-23218130 & 23218115 EMAIL - cb2144@corpbank.co.in
<u>IFSC CODE / NEFT CODE / RTGS CODE / BRANCH CODE</u>	CORP0002144
TYPE OF BANK ACCOUNT (SB/CURRENT/CASH CREDIT)	SAVINGS BANK
COMPLETE BANK ACCOUNT NUMBER (LATEST)	,520101045115075
MICR CODE OF BANK	560017060