



Centre for Asian Legal Studies
Faculty of Law



SOUTH ASIAN RESEARCH COLLOQUIUM ON CONSTITUTIONAL LAW 2021-22

South Asian Constitutionalism, Crisis and Unstable Democracies

Hosted by

Maharashtra National Law University Mumbai

in association with

Centre for Asian Legal Studies, Faculty of Law, National University Singapore,

Faculty of Law, University of Colombo, Sri Lanka

and

Indian Law Institute, New Delhi

ABOUT THE THEME

SOUTH ASIAN CONSTITUTIONALISM, CRISIS AND UNSTABLE DEMOCRACIES

Over the last two decades, South Asia is witnessing changes in the structures and sub-structures of the representative constitutional democracy. South Asia is home to major democracies of the world. It shares a common base with culture, social, economic, political, and linguistic diversities. It is home to 24.89% of the total world population with growing poverty, weak governance, and dwindling democracies and economic structures. Recurring problems have led to the instability of the democracies making it a volatile ground for the overthrowing of the Constitution of the countries. There are multi-fold reasons for these instabilities. Constitutionalism can guarantee democracy.

For a long time, the South Asian countries have looked towards the West for adopting the ideas and solutions to their problems but these problems can only be solved by the indigenous and homegrown approaches. Academic discussions can play a vital role in this continuous process of evolution of the Constitution and democracies. The colloquium will help in the concurrence of learners and researchers from different countries which will lead to an exchange of thoughts, expression, creativity, novelty, and innovation. It has also led the South Asian States to change, amend and replace their existing constitutional structures. Comparative constitutional law jurisprudence in the subaltern context in South Asia exposes how institutional safeguards like constitutional courts, human rights commissions, regional institutions have been compromised due to instabilities like the militarized constitutional politics, subservience of democratic principles, and flawed constitutional designs. The unconventional jurisprudence evolving in this region exposes how decolonial South Asia is developing its own subaltern constitutionalism.

The colloquium through critical cases studies of crisis in India, Pakistan, Sri Lanka, Malaysia, Myanmar, and Nepal traces how ethnic politics, religion, nationalism, authoritarianism, decolonisation has all contributed to the creation of distinctive constitutionalism in South Asia. On average, Constitutions have lasted only 17 years since 1789. Within this, Constitutions in the post-colonial countries, which gained independence after World War II, have been particularly fragile. Pakistan, for example, has had three different Constitutions and large periods of rule without any Constitution. Among the 12 Asian countries that gained independence soon after World War II and drafted Constitutions, only three Constitutions have survived – India's, Taiwan's, and South Korea's.

During the course of the colloquium, the participants will delve into political, historical, or constitutional analysis comparing South Asian constitutional experiment with its indelible geopolitical and internal crisis legacy. South Asian subaltern constitutionalism is a break as well as a continuity, which is the result of the intersection of mutually constitutive post-structuralism and post-colonialism.

The success of South Asian democracies will lie in tracing the stability of constitutional institutions, empowering marginalized minorities, and proselytizing subaltern constitutional ethos. Despite strong constitutional guarantees, South Asian states have witnessed legitimisation of discrimination and delegitimization of rule of law. The colloquium also explores constitutionalism through subaltern tools of comparative constitutional law in the South Asian region.

PROGRAM SCHEDULE

Workshop I

Introduction to Research Methods in Constitutional Law
(November- December 2021)

Workshop II

Research Development Workshops and first Review and Discussion of Draft Paper: Symposium
(February – March 2022)

Workshop III

Presentation of Research Papers and Reviews by Discussants
(May-June 2022)

Presentation and Publication of Academic Research Papers

International Conference on South Asian Constitutionalism, Crisis and Unstable Democracies
(September 2022)

PROGRAM DIRECTOR & CHAIR

Prof. (Dr.) Dilip Ukey

Vice-Chancellor, Maharashtra National Law University Mumbai

PROGRAM CO-DIRECTORS & CO-CHAIRS

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Dr. Kokila Konasinghe

Senior Lecturer in Law, Faculty of Law, University of Colombo, Sri Lanka

REGISTRATION

Articles of the participants shall be published as a book by a reputed publisher.

20 participants will be selected based on geographical representation and their writing sample.

Young legal academics from Asia with 1-5 years of teaching/research experience can apply.

No Participation fee will be charged. Participants will be selected on the basis of a review of the application form.

Registration form: <https://forms.gle/UZiYd29EcDo99a6LA>

Applications are open till 10th November 2021

ABOUT THE ORGANIZERS

Maharashtra National Law University Mumbai

Maharashtra National Law University Mumbai is one of the premier National Law Universities in India. MNLU Mumbai was established in Maharashtra to impart advanced legal education and promote society-oriented research in legal studies for the advancement of the societal life of the people in the country. The prime goal of the University is to disseminate advanced legal knowledge and processes of law amongst the students and impart in them the skills of advocacy, legal services, law reforms and make them aware and capable to utilize these instruments for social transformation and development.

Centre for Asian Legal Studies, Faculty of Law, National University Singapore

The Centre for Asian Legal Studies (CALS) was established in 2012 as part of NUS Law's strategic positioning as Asia's Global Law School. It is the first of its kind to be established in Asia. Today, CALS plays a pivotal role in developing legal scholarship within the region, offering to emerging and established scholars opportunities to spend time at NUS Law to research, teach, and participate in conferences. Our four research clusters in commercial law, civil law traditions, public law, and law and religion in Asia serve as intellectual nodes for the Centre's research agenda and the development of Asian legal studies in Singapore, for the region, and beyond.

Faculty of Law, University of Colombo

The Faculty of Law of the University of Colombo is the only Faculty of Law in the entire University system in Sri Lanka under the University of Grant Commission. The main objective of legal education in the Faculty of Law has been not only to teach its students what the law is but also, and importantly, to teach them what the law ought to be. The Faculty of Law concentrates not only on the transmission of knowledge but importantly on inculcating necessary skills and proper attitudes to be a law graduate with social responsibility and respect for human rights and other rights of people.

Indian Law Institute, New Delhi

Indian Law Institute was founded in 1956 primarily with the objective of promoting and conducting legal research. The objectives of the Institute as laid down in its Memorandum of Association are to cultivate the science of law, to promote advanced studies and research in law so as to meet the social, economic and other needs of the Indian people, to promote systematization of law, to encourage and conduct investigations in legal and allied fields, to improve legal education, to impart instructions in law, and to publish studies, books, periodicals, etc.



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See more at <https://mnlumumbai.edu.in/>