



Remembering  
**PADMA BHUSHAN PROF. (DR.) N. R. MADHAVA MENON**



## **PROF. N. R. MADHAVA MENON ASIAN JURAL CONCLAVE 2021-2022**

- Mooting
- Students' Conference
- Judicial Colloquium
- Research Paper Presentation

# **JUDICIAL COLLOQUIUM 2021-22**

**25<sup>th</sup> to 27<sup>th</sup> February, 2022**

## **RULES & REGULATIONS**

**Organized by :**

**LLOYD LAW COLLEGE**

**Greater Noida (U.P.)**

**with technical support from**

**MILAT**

**MENON INSTITUTE OF LEGAL ADVOCACY TRAINING**



**PROF. N. R. MADHAVA MENON ASIAN JURAL CONCLAVE,  
2021-22**

**COMMONWEALTH COMPARATIVE CONSTITUTIONAL AND  
PUBLIC LAW (3CPL) COLLOQUIUM: 2022  
ON  
"NEW ASIA AND DIVERSE CONSTITUTIONAL  
FRAMEWORK"**

**RULES AND REGULATIONS**

**ARTICLE 1: Objective and Organization**

1. The Prof. N. R. Madhava Menon Asian Jural Conclave – The Commonwealth Comparative Constitutional and Public Law Colloquium, 2021-22 (Judicial Colloquium) is a platform for jurists and academia to come together to deliberate upon current issues and challenges in the Constitutional and Public Law domain focusing on the comparative perspective to give insights into the global thinking and strategies to address them. It is also intended to not only promote research and publication by law teachers but also help in providing a comparative and global perspective while teaching Constitutional Law and Public law subjects to law students who would be entering into legal profession in an increasingly globalized world. It is also expected to facilitate building a mutually enriching professional relationship between law teachers and jurists cutting across borders.
2. The Judicial Colloquium will be held on 26<sup>th</sup> and 27<sup>th</sup> February, 2022 on the theme of *"New Asia and Diverse Constitutional Framework."* The indicative list of sub themes are:
  - Constitution and constitutionalism
  - Constitutional change and constitutional stability
  - International law and constitution making
  - International human rights and the constitutions
  - Legal pluralism and political pluralism.

## **ARTICLE 2: Participation**

1. From India:
  - i) Members of Faculty who are nominated to be coaches to mentor the 7 qualified teams from India round for the Asian round of the Mooting Competition shall participate in the Judicial Colloquium.
  - ii) Ph.D. Scholars.
  - iii) Post Graduate Law Students (LL.M.)
2. Other than India:
  - i) Members of Faculty who are nominated to be coaches to mentor the teams from the Asian countries participating in the Asia round of the Mooting Competition shall participate in the Judicial Colloquium.
  - ii) Ph.D. Scholars.
  - iii) Post Graduate Law Students (LL.M.)
3. The participants will present their research papers in the Colloquium giving their country and / or comparative perspective on the topic chosen.
4. In addition to above mentioned participation, other jurists and legal educationists from the participant countries will also be invited to present their papers and participate in the deliberations.

## **ARTICLE 3: Abstract and Paper Submission**

All presenters shall submit their abstract by email to -

**judicialcolloquium.ajc@lloydlawcollege.edu.in** latest by **February 01<sup>st</sup>, 2022.**

The soft copy of final paper shall also be submitted by email to **judicialcolloquium.ajc@lloydlawcollege.edu.in** latest by **February 18<sup>th</sup>, 2022.**

## **ARTICLE 4. Guidelines for Paper Submission**

1. The abstract of the proposed research paper should not exceed 300 words including keywords.
2. The prescribed word limit for the research paper is 8,000 words exclusive of footnotes.

3. The body of the manuscript shall be in Times New Roman, font size 12 and in 1.5 line spacing.
4. The footnotes shall be in Times New Roman, font size 10 and in single line spacing.
5. Submissions must be made in the MS Word (.doc/docx) format and the citations must conform to the latest edition of the Bluebook.
6. All queries shall be made only to -  
judicialcolloquium.ajc@lloydlawcollege.edu.in
7. All submissions shall be made by e-mail to -  
judicialcolloquium.ajc@lloydlawcollege.edu.in within the prescribed time period.
8. The subject of the email shall be "**Abstract - Submission for Judicial Colloquium - 2021-22 (Title of the manuscript)**" for the abstract and "**Research Paper- Submission for Judicial Colloquium - 2021-22 (Title of the manuscript)**" for the Research paper.
9. The submission of research paper should be accompanied by a plagiarism report/ similarity test report (one page only indicating the percentage of similarity).
10. The submission of research paper should be accompanied by a covering letter which must include the following details:
  - (a) Name of author
  - (b) Contact details- address and mobile number
  - (c) Name and address of parent institution
  - (d) Areas of specialization of the author
  - (e) A declaration that the research paper is original and authored solely for the purpose of the Prof. N.R. Madhava Menon Asian Jural Conclave (Judicial Colloquium), 2021-22.
11. No indication shall be made in the research paper for identifying the institution/college of the participant or name of the participant. No presenter/researcher shall communicate their institutional affiliation or identity to anyone during the conference.
12. The abstract and research paper as well as the presentation at the judicial Colloquium must be in English Language.

## **ARTICLE 5: Assessment of Research Paper and Presentation and Publication**

A Peer-Review Committee will assess the research papers and the presentations. After presentation, the researchers may be asked to revise the paper based on comments of the Peer Review Committee. The modified final version shall be submitted by email to - [judicialcolloquium.ajc@lloydlawcollege.edu.in](mailto:judicialcolloquium.ajc@lloydlawcollege.edu.in) within 15 days of the communication in this regard after the Colloquium i.e. latest by March 12<sup>th</sup>, 2022.

All selected research papers will be published by the CIJER through an international publisher Thomson Reuters.

## **ARTICLE 6: Awards**

1. Based on the assessment, the best research paper will be adjudged the Winner and shall be awarded the "Prof. N.R. Madhava Menon Asian Jural Conclave (Judicial Colloquium), 2021- 22 Best Research Paper Award".
2. The next best research paper will be adjudged the 'Runner Up' and shall be awarded the "Prof. N.R. Madhava Menon Asian Jural Conclave (Judicial Colloquium), 2021- 22 Second Best Research Paper Award".
3. All presenters will be awarded 'Certificate of Research Paper Submission and Presentation'.

### **Dates for Judicial Colloquium**

Abstract Submission	01 <sup>st</sup> February, 2022
Submission of Paper (Soft Copy)	18 <sup>th</sup> February, 2022
Opening Session of Judicial Colloquium	26 <sup>th</sup> February, 2022
Judicial Colloquium	26 <sup>th</sup> -27 <sup>th</sup> February, 2022

***Prof. N. R. Madhava Menon Asian Jural Conclave, 2021-2022***  
***(Judicial Colloquium - Concept Note)***

**"New Asia and Diverse Constitutional Framework"**

The Constitution for any state is a living document which palpitates with its own principles that forms the basis of governance in its own country. There exist various nations having different forms of Constitution. The diversification in the Constitution often determines the social, political, legal and sometimes religious attributes of such country. For instance, Pakistan derives its socio-political power from its Constitution which is based on Sharia- law. The Constitution is written in most of the countries and forms an umbilical relationship with the state in which it is created and being utilized. Constitutions, thus, create and empower the institutions of the state by which law is made, administered, and enforced. They provide the legal framework for relations between the state and those whom it recognizes as the people of the state.

Constitutions can protect values, principles, and practices deemed important for the peaceful co-existence of communities within the state. They derive their legitimacy from factors bound by the state: typically, the people as putative authority and relying on state actors to put them into effect.

There are *forty eight states* in Asian Continent governed by their own "Rule of Law". Some of them are strongly guided by the legal provisions of their own laws deriving their powers from the Constitution and others by way of their own processes. These countries are designated to use a system of constitutionalism which can be regarded as a *political theory concerned with the architectural structure and basic values of the society and the government*. It aims to make the world comprehensible and, to some extent, controllable. Constitutionalism is sometimes regarded as synonymous with limited government with control over the action of government in consonance with its Constitution. There may be a Constitution but not necessarily constitutionalism in that country.

Constitutional change and Constitutional stability are broader and important concepts that define the working of the country and form of its government. For instance, Turkey in 2017, transitioned from parliamentary form of government to presidential form of government and abolished the office of Prime Minister, consolidating power of state and government in one Head, i.e., President. That created embargo of power, which affected the stability and general ethos of the country.

Historically, international law is not regarded as a part of constitutional law of a country but with the emerging development in jurisprudence most of the countries embodied the principles of international law to give more meaning to their constitution and fulfill the international commitments. The Constitutions have paid more attention to the internal (domestic) exercise of state sovereignty than its external exercise (how the state interacts with other states). As international law and international relations are becoming increasingly significant for all states, Constitutions are beginning to deal with these issues as well. Many Constitutions specify the status of international law in domestic law. Many also touch up on the related issue of how the State enters into international legal commitments. During the course of Constitution-making, it is common to consider whether any of the state's international legal commitments should be detailed in the Constitution. It may also be the case that international legal norms should be considered in designing and implementing the process of Constitution-making.

Some Constitutions provide various types of human rights in form of fundamental rights to its citizens. International human rights obligations are generally highly influential in drafting the parts of constitutions that protect rights. The International Bill of Human Rights provides source of the relevant rights. Incorporating international human rights commitments into a Constitution enhances the likelihood of compliance in the ordinary course of interpreting and applying the Constitution. Certain aspects of international human rights are also relevant to the structures of government, as described above. Human rights provisions may also be reflected in parts of a Constitution, including the Preamble, which are not necessarily enforceable but that set out a vision for the state and contribute to the symbolic character

of the Constitution.

It is not obligatory to include international human rights commitments in a Constitution. However, even as a matter of international law, a country that is a party to a human rights instrument is obliged to comply with the rights enshrined therein, whether or not they are described in the country's Constitution. Even where, as often is the case, international human rights commitments are included in a Constitution, a host of associated decisions must be taken that will affect their operation in practice, including:

- Which rights to include;
- How they are expressed;
- Which rights are 'non-derogable', including in conditions of emergency;
- By whom the rights are held, including the rights that are available to non-citizens;
- Against whom the rights are held, including whether (and to what extent) rights are held against non-state actors; and
- The nature and procedures of the court or tribunal through which rights can be enforced.

Thus, international law may assist with some, but not all, of these matters. The Constitutional concepts, like legal pluralism and political pluralism have long been rejected in legal studies; the term legal pluralism has seen a remarkable rise of interest since the turn of the century. Now legal pluralist approaches both reflect and produce new perspectives on the role of the state in plural legal orders. "Legal pluralism" means recognition by the State that there is a plurality of religious norms that should be legally accommodated by delegating and/or sharing the power to make binding law in the domain of intimacy with religious authorities. Some feminists now argue that well-designed, "woman friendly" religious status-based legal pluralism can help resolve the gendered dilemmas of discrimination faced by religious women in our midst.

The ultimate promise of pluralism is that its process of conflict, dialog, and negotiation leading to compromise will result in the abstract value known as "the common good." Since first conceived by the ancient Greek philosopher Aristotle, "the common good" has evolved to refer to anything that is of



benefit to and shared by all or most members of a given community. In this context, the common good is closely related to the theory of the "social contract," the idea expressed by political theorists Jean-Jacques Rousseau and John Locke that governments exist only to serve the general will of the people. Legal pluralism has vast policy and governance implications. In developing countries, for instance, non-state justice systems often handle most disputes and retain substantial autonomy and authority. Legal pluralism's importance, however, is rarely recognized and dramatically under theorized.

Understanding legal pluralism is important for any legal or policy intervention, including but by no means limited to state building. Without understanding legal pluralism's dynamics in a given context, interventions are likely to be ineffective. Legal pluralism and constitutionalism have frequently been presented as the two main competing orientations to meet the challenges of the global age. Whereas the former insists on diversity, the latter insists on common values. In government, the political philosophy of pluralism anticipates that people with different interests, beliefs, and lifestyles will co-exist peacefully and be allowed to participate in the governing process. Pluralists acknowledge that a number of competing interest groups will be allowed to share power. In this sense, pluralism is considered a key element of democracy. In the world of politics and government, it is assumed that pluralism will help achieve a compromise by helping decision-makers become aware of and fairly address several competing interests and principles.

Due to globalization and rapid development new alliances are forming regularly in the world, there have been suggestions that the creation of an Asian Union that spans the entire continent is an unlikely future for 2050, it should not be disregarded as impossible. The idea of Asian Union signifies a combination of political and legal economy working together to get the benefits by all and from all. Tremendous shifts that have taken place over the last century, both within and between Asian states, in particular through the development of economic infrastructure under western security guarantees, make such a regional institution worth considering. This could emerge from

China's relationships with Central Asia and Russia in the west, or from China's involvement with ASEAN in the east. Either way, a successful Asian Union will need to carefully navigate its security framework in order to avoid provoking the distrust and potential opposition of the rest of the world.

Against this backdrop, this year's Commonwealth Comparative Constitutional and Public Law (3CPL) Colloquium is thus on the exacting and exciting theme: "New Asia and Diverse Constitutional Frameworks".

The below mentioned themes are suggestive and not exhaustive:

- Constitution and constitutionalism
- Constitutional change and constitutional stability
- International law and constitution making
- International human rights and the constitutions
- Legal pluralism and political pluralism.



## SILF MILAT Institutional Excellence Award 2018



## LLOYD LAW COLLEGE

Add. : Plot No. 11, Knowledge Park - II, Greater Noida, (U.P.)

Tel : +91-8882069112, +91-8800621117

E-mail : [profmenonmooting@lloydlawcollege.edu.in](mailto:profmenonmooting@lloydlawcollege.edu.in)

Website : <https://ajc.lloydlawcollege.edu.in> ; [www.lloydlawcollege.edu.in](http://www.lloydlawcollege.edu.in)