

Constitutionalism and Constitutional Morality: Contemporary Issues and Challenges (CCMCIC)

March 26th 2019

Organized by

Department of Law

School of Legal Studies

BABASAHEB BHIMRAO AMBEDKAR

UNIVERSITY (A CENTRAL

UNIVERSITY)LUCKNOW- 226025

“Only Constitutional morality and not social morality can be allowed to permeate rule of law” (Supreme Court in LGBT case)

About the University

The BabasahebBhimraoAmbedkar University (A Central University) Lucknow (NAAC Accredited “A” Grade) is one of the premier Central Universities in the country established on 10th January 1996 to promote advanced knowledge, to offer appropriate courses relevant for the development of socially and educationally depressed section of the people, including agricultural technology and rural crafts; to promote the study of the principles for which BabasahebBhimraoAmbedkar worked during his lifetime, to pay special attention to the promotion of educational and economic interests and welfare of the people in general and members belonging to the SC/ST in particular.

About Lucknow:

Lucknow, the city situated on the banks of the river Gomti popularly known as the city of the Nawabs and Nawabi culture worldwide. It is also known as the Golden City of the East, Shiraz-i-Hind and the Constantinople of India. Lucknow is a beautiful city and famous for its historical monuments which were built during the ancient times and still retains its old world charm. Lucknow is also famous for its traditional cuisine, fine arts and the most courteous people you will ever find in India. It is the capital city of Uttar Pradesh and stands out as a city that takes pride in the endearing.

Concept Note:

India is a democratic country governed by written Constitution and rule of law. Constitutionalism is the manner in which the institutions of the Government conduct themselves to achieve the very objective of the Constitution. It renders political and ideological aspirations that connote to the philosophical

soul of the Constitution. The primary objective of having a constitutional democracy is to transform the society progressively and inclusively. Our Constitution has been perceived to be transformative in the sense that the interpretation of its provisions should not be limited to the mere literal meaning of its words; instead they ought to be given a meaningful construction which is reflective of their intent and purpose in consonance with the changing times. Transformative constitutionalism not only includes within its wide periphery the recognition of the rights and dignity of individuals but also propagates the fostering and development of an atmosphere wherein every individual is bestowed with adequate opportunities to develop socially, economically and politically. Discrimination of any kind strikes at the very core of any democratic society. When guided by transformative constitutionalism, the society is dissuaded from indulging in any form of discrimination so that the nation is guided towards a resplendent future. Thus constitutionalism at its core, signifies a restraint on the government not to act in a manner which would become violative of the provisions of Constitution and rule of law. Its efficacy is being backed by constitutional morality, in the absence of which, operation of constitutionalism will be farce.

Constitutional morality embraces within its sphere several virtues, foremost of them being the espousal of a pluralistic and inclusive society. The concept of constitutional morality urges the organs of the State, including the Judiciary, to preserve the heterogeneous nature of the society and to curb any attempt by the majority to usurp the rights and freedoms of a smaller or minuscule section of the populace. Constitutional morality cannot be martyred at the altar of social morality and it is only constitutional morality that can be allowed to permeate into the rule of law. The veil of social morality cannot be used to violate fundamental rights of even a single individual, for the foundation of constitutional morality rests upon the recognition of diversity that pervades the society.

The role of the Courts gains more importance when the rights which are affected belong to a class of persons or a minority group who have

been deprived of even their basic rights since time immemorial. Our Constitution is a living and organic document capable of expansion with the changing needs and demands of the society. The Courts, therefore, owed a duty to robe themselves with the armoury of progressive and pragmatic interpretation to combat the evils of inequality and injustice.

But even after the paramount status of Indian Constitution, Constitutionalism and Constitutional morality, the irony that is nurtured by the society is to impose a rule, however, unjustified, and proffer explanation or justification to substantiate the substratum of the said rule. Mankind, since time immemorial, has been searching for explanation or justification to substantiate a point of view that hurts humanity. The theoretical provisions of the Constitution, theory of Constitutionalism constitutional morality and human values remain on paper.

Though the Constitution of India secures justice social economic and political to all its citizens and confers the right to life, liberty, equality, and dignity to all, however women in general and Hindu and Muslim women in particular, children LGBT groups and SC/ST groups etc. are some of the examples who are deprived from the justice and equality. They are facing deprivation segregation and discrimination in the society due to the socio-cultural and religious morality deep rooted in the Indian society though it is illegal. Even after the various judicial pronouncements the task of implementation of constitutionalism and constitutional morality are yet to be achieved.

In this background, the main objective of the seminar would be to critically discuss and deliberate upon the Contemporary Issues and Challenges of Constitutionalism and Constitutional Morality in order to develop a comprehensive understanding of the issue involved and come out with some appropriate solutions, models, strategies and policy framework.

Sub-Themes of the Seminar

1. Constitution and Constitutionalism
2. Democracy, rule of law and Indian Constitution
3. Constitutionalism and Constitutional morality

4. Constitutional sovereignty and constitutional faith
5. Transformative Constitutionalism and role of Judiciary
6. Dr. Ambedkar's View on constitutional Morality
7. Efficacy of Constitutional morality in contemporary age
8. Social Morality vs. Constitutional Morality
9. Secularism and minority rights
10. Untouchability
11. Homosexuality
12. Woman and personal laws: Religious code v/s Constitutional morality
13. Social and cultural morality v/s Constitutional morality
14. Surrogacy and Abortion in the context of cultural morality
15. Any other topic related to the theme

Submission of Abstract

The Participants interested in making Paper presentation on the seminar theme are requested to submit their abstract along with registration form.

- ✂ **The abstract of paper Maximum 350 words, in MS word 12 points Font New Times roman, 1.5 spaces.**
- ✂ **Full paper within 4000- 8000 words and should be typed in MS word 12 points Font New Times roman, 1.5 space on A4 size paper.**
- ✂ **Abstract and full paper must be sent on e-mail.**

(E-mail: seminarlawbbau2019@gmail.com)

Rules of Participation

1. For participation, registration is mandatory. Only registered participants will be allowed to take part in National Seminar.
2. Participants/ Paper Presenters have to register at the time of Registration.
3. Personal presence is necessary. No certificate will be issued to the candidate who will not present in the seminar personally.
4. No abstract or full paper shall be accepted after the last date of submission respectively.
5. Only the quality paper based on original research will be accepted for presentation.
6. Selected and peer reviewed papers may be published in an edited book ISBN.

Registration fee:

For Academicians and other Delegates (without accommodation): Rs. 600/-

For Research Scholars (without accommodation): Rs. 500/-

For Students (without accommodation):Rs. 300/-

Mode of Registration: Filled registration FORM along with fee in the form of DD/multi-city cheque/NEFT/e-transfer/cash

Important Dates:

1. **Last Date for Abstract Submission:** 28th February 2019
3. **Issue the list of Accepted Abstract:** 10th March 2019
3. **Last Date for Full Paper Submission:** 20th March 2017

No accommodation and T.A. /D.A. shall be given by the University.

Accommodation will be arranged by the organizers on the request of the participants in guest house, and Hostels of the University on payment, if available.

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Day One National Seminar
On
Constitutionalism and Constitutional Morality: Contemporary Issues and Challenges
March 26th, 2019
Organized by
Department of Law
School of legal Studies
BABASAHEB BHIMRAO AMBEDKAR UNIVERSITY (A CENTRAL UNIVERSITY)
LUCKNOW- 226025 Website: www.bbau.ac.in

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Sub-Theme:
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Title of the Paper:
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