



Organised by KLE Society, Belagavi

KLE Society Centenary Celebrations

National CONFERENCE

ON

“POST LIBERALIZATION NUANCES OF ORGANIC CONSTITUTION”

1st & 2nd October 2016

KLE Society's Law College, Bengaluru



KLE Society, Belagavi



The desire for common good and urge to create empowered people to be social engineers of a better tomorrow was the ideology that led to the founding of KLE Society in the year 1916. Today, the KLE Society is acknowledged as a phenomenon that has defined the meaning of quality education in India and abroad. The Society has to its credit 252 institutions which offer world-class education through 16,000 faculty members to 1,25,000 students. These institutions range from kindergarten to post-doctoral level in the fields of Medicine and Healthcare Delivery, Pharmacy and Nursing, Law, IT, Engineering, Agriculture among others. The Society has come a long way and become a key player whose commendable contribution to healthcare and education has gained global recognition. Behind the Society's endeavors, there is vision, leadership and dedication of the Hon'ble Chairman Dr. Prabhakar Kore, supported by dedicated members of Board of Management.

KLE Society on the eve of its Centenary Celebrations takes pride in presenting the National Conference on **“Post Liberalization Nuances of Organic Constitution”** leading to guidance in policy framing in post liberalized era in consonance with Constitutional goals.

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KLE Society's Law College Bengaluru

The KLE Society's Law College at Bengaluru is established under the umbrella of Karnataka Lingayat Education Society in 1975 to cater to the needs of young students desirous of pursuing legal education. The College is conceived as a nursery and training ground for those seeking entry to the legal profession. The KLE Society's Law College offers three Year LL.B., B.A.LL.B and B.B.A.LL.B. Courses. While the college offers many Certificate and Diploma Courses in law, it proposes to start B.Com.LL.B. and LL.M. programmes. The college is recognized by the Bar Council of India and is affiliated to the Karnataka State Law University, Hubballi.

At the threshold of "Centenary celebrations of KLE Society" yet another milestone has been reached by KLE Law College, Bengaluru. On 23rd July, 2016 the new campus of the college was inaugurated by Shri. Arun Jaitley, Hon'ble Union Minister for Finance & Corporate Affairs, Govt. of India amidst galaxy of policy makers. The new campus with state-of-the-art facilities on a sprawling campus creates a perfect ambience for the intellectual discourse and learning law through variety of clinical methods.

The college has been one of the premier law institutions in India imparting quality legal education to students from various parts of the country and abroad. The college has committed in research and publications like KLE Law Journal, Annual Souvenir 'Chiguru'. The activities like Moot Court, Client Consultation, Trial Advocacy, Negotiation Competitions are regular features. Achievements of students at national and international competitions are the major attractions at the college.

Continuous awards and recognitions by the leading media houses like 'India Today', 'The Week', 'GHRDC', 'Career 360' and recognition by the Bar Council of India as one of the top five Law Colleges in the country stands testimony for our modest progress in the direction of imparting quality legal education.



“Post Liberalization Nuances of Organic Constitution”

The Constitution of India is embodiment of aspirations of the people. It is aptly described as a value document. It is not just a contrivance for administration of State, but it serves as a bridge between past and future of the nation to bring transformation in all walks of life. It keeps evolving with the growth of the nation. Thus it is described as an organic law as well. Though the Constitution of India is framed sixty six years ago, at a turbulent time of life of the nation, it has been drafted and enacted to endure for centuries to come. There are two features of our Constitution that makes it an ever evolving organic law. The first one being amendment process. The framers of the Constitution, were men of vision, foresight and scholastic ability, but they did not claim monopoly over the knowledge and experience, rather very consciously and cautiously provided for peaceful method of amending the provisions of the Constitution. They were mindful of the fact that the social, political and economic life of the nation undergoes a change and such change necessitates an inevitable adjustment in its basic law. Second one is a strong and independent judiciary as ombudsman of executive and legislature shouldering responsibility of protecting and defending the Constitution. Such a vibrant and active judiciary with the judges of eminence and forensic abilities has made the Constitution ever growing by developing interpretative skills and has protected it whenever attempts were made to defeat it and upheld the aspirations of the people. These two features of Constitution of India have immensely contributed to make the Constitution an organic document.

The Constitution is a document that keeps evolving and responding to changing situations. In post 1990 developments establishing coherence in New Economic Policy and Constitutional goals was the new challenge. Over a period of 25 years since the introduction of New Economic Policy, there has been a major shift in the economic policy of India. Private participation in public utility services has increased. Public sector industries are privatized. Affirmative actions took different contours and agrarian reforms took back seat. Trade and Commerce, International Trade, Corporatization and urbanization became priorities of successive Governments. IPR regime underwent drastic change to comply with WTO norms. Corporate Law has undergone a colossal change to facilitate and manage domestic and foreign corporate entities. There is unprecedented growth of media and its freedom. All these developments in the post liberalization scenario are a mixed bag of advantages and disadvantages. Undoubtedly, these changes have contributed to the growth of the nation, but certain developments have gone against the Constitutional principles, impeded the rights of the individuals and marred the aspirations of the framers of the Constitution.

Thus it is desired to take a holistic view of the developments in the country during post liberalization era, verify and understand if the developments are serving the Constitutional goals, identify the mismatch, if any, arrive at some intellectual thought leading to contribution to the Constitutionally coherent policy framing in post Liberalized era.

Sub -themes

1. Privatization and Public Welfare
2. Protective Discrimination: Maintaining the Balance under the Constitution
3. Media and Privacy Issue
4. Adherence to and Deviations from the Basic Structure - the Role of Judiciary in preserving the Constitution in Post – Liberalization era
5. Coherence and Incoherence in Corporate Laws and IPR regime with the Constitution

1. Privatization and Public Welfare

The Constitution of India seeks to establish a welfare State to assure the maximum welfare of the maximum people. For this cause, socialist model of economy was supplanted. As a consequence, major Public Utility Services and industries were to remain in the domain of the State, where service was the motive and not the profit. But in 1990s, pursuant to the New Economic Policy of India, the successive Governments have given more emphasis on privatization leading to disinvestment from the Public Sector industries and keeping open all Public Utility Service sectors to private players. These developments have posed challenges to the basic tenets of the Constitution, hence a research and deliberation in this area is felt.

2. Protective Discrimination: Maintaining the Balance under the Constitution

One of the efforts of the State to bring transformation in the lives of the suppressed, downtrodden and vulnerable class of the Indian society is Protective Discrimination. It is one contentious issue that is in vogue from 1951, with Champakam Dorairajan case and successive amendments to Articles 15 and 16. It became more contentious when Government of India implemented Mandal Commission recommendations. Later it became a matter of vote bank politics and even IX schedule was used to shield the reservation laws. Many reservation laws though meant for betterment of the suppressed, downtrodden and vulnerable class, serious doubts have been often raised about the purpose they served. Latest addition to this controversy is the demand for reservation in private sector in view of vanishing role of State in economic activities. In milieu of this, a de-politicized, non-partisan and objective assessment of measures of protective discrimination and suggesting the way forward to balance the conflicting interests under the Constitution is needed.

3. Media and Privacy Issue

Post 1990, print media and digital media underwent a drastic change due to liberalized foreign policy of Government of India. Foreign participation increased. This development has no doubt contributed for spreading awareness among the people about affairs of the State, to some extent contributed in bringing transparency in administration. It has almost acquired the status of fourth estate of the State. Further, IT enabled environment and social media have brought drastic change in communication. Flip side of these developments is an issue concerning the privacy rights of the people. While there is a necessity of providing free access to internet with a view to make the accelerating and all pervasive e-governance meaningful, privacy of individuals is under attack by the State and non-State actors. In this scenario the conflict between right to privacy of individuals and freedom of speech and expression of the press and media vis-à-vis power of the State to collect and use the data of individuals for various purposes need to be deliberated.

4. Adherence to and Deviations from the Basic Structure - the Role of Judiciary in preserving the Constitution in Post – Liberalization era

Despite the controversy over competing ideas of contents of the basic structure, the core of basic structure remains unchallenged. The Constitutional mandates borne out from the Preamble, Part III and Part IV of the Constitution are arguably under attack in post liberalization era. Neither the amendment procedure nor the interpretational exercise would ever permit the deviation from the basic structure. Doubts are often raised about the adherence and deviation from the Basic structure of our Constitution during post liberalization days. In view of such doubts the sanctity of the system in place is seemingly in danger. Therefore, it is desired to investigate and to mirror the present developments with the Constitutional goals leading to shedding light for future policy making in the area.

5. Coherence and Incoherence in Corporate Laws and IPR regime with the Constitution

In the post liberalized scenario, India introduced many changes to Corporate Laws and IPR regime. It was inevitable to comply with WTO norms and to have economic and industrial growth. Changes in Corporate Laws have huge impact on the Indian Market and it has been criticized as a pro-capitalist development against the unique socialist principle enshrined in the Constitution. Though the changes in the IPR laws encouraged innovation and technological developments yet, criticized on the grounds that they are against societal interest and monopoly in any form results in exploitation. Changes in these two legal regimes have raised the issues about their coherence with the Constitutional principles. Thus, the discussion on these issues desired.

SUBMISSION GUIDELINES

ABSTRACT: The abstract should not exceed 500 words, and must be accompanied by a cover page, stating the following: Sub- Theme, Title of the Paper, Name of the Author(s), Designation, Name of the Institution / Organisation, E-mail id, Postal Address and Contact number.

PAPER:

1. Co-authorship is permitted to a maximum of two authors. However, both authors need to register separately. At least one author shall attend the conference to present the paper.
2. A cover letter mentioning the Name of the Author(s), professional position / Course / Year of Study (as applicable) / Name of the Institution / College / University / Postal Address / Email id and Contact Number.
3. The scanned copy of the Registration form with the signature and stamp / seal of the Head of the Institution / Head of the Department and copy of the scanned demand draft should be sent to klelawconference2016@gmail.com. Hard copies to be sent to the below mentioned address.
4. Any paper containing unattributed work is liable to be rejected.
5. The main text should be in Times New Roman with font size 12 and line spacing of 1.5.
6. The footnotes should be in Times New Roman, font size 10 with spacing of 1.0.

7. One inch margins should be maintained on all four sides.

8. Citation Style: Bluebook, 19th Edition.

9. The length of the paper shall be between 3000 to 3500 words, (excluding footnotes / endnotes / annexure/reports etc).

10. All abstract submissions are to be made in Microsoft Word (doc) 2007/2010 format.

11. Full paper shall be submitted in PDF form.

12. All submissions for the conference have to be electronically mailed with the Subject Column as "Submission Abstract / Submission Full Paper", as the case may be and bearing the name(s) of the author(s) as the file names, only at the following address, klelawconference2016@gmail.com

13. Certificate shall be issued to the delegates only upon the attendance of all technical sessions.

REGISTRATION FEES

**Academicians and Professionals - Rs.1000/-
Students - Rs.500/-**

● The registration fee includes conference kit, working lunch and refreshments during the days of the conference.

PAYMENT DETAILS

Demand Draft to be drawn in favour of "The Principal KLE Society's Law College, Bengaluru", payable at Bengaluru.

The hard copy of the demand draft along with registration form should be sent to: The Principal, KLE Society's Law College, Vishweshwaraiah Layout, 5th Block, West Cricle-3, CA No-2, BDA Layout, Ullal Post, Bengaluru - 560056.

All queries should be addressed to – klelawconference2016@gmail.com

IMPORTANT DATES

- **Submission of Abstracts** – 12th September, 2016
- **Communication of Selected Abstract** – 14th September, 2016
- **Submission of Registration form and DD (Soft Copy)** - 17th September, 2016
- **Submission of Registration form and DD (Hard Copy)** - 23rd September, 2016
- **Submission of Full Paper (Soft Copy)** - 23rd September, 2016

National Conference - 1st & 2nd October 2016

National Conference 2016, KLE Society's Law College, Bengaluru.

www.klelawcollege.org

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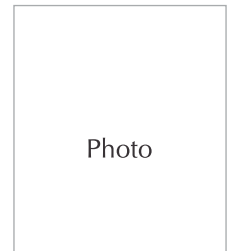
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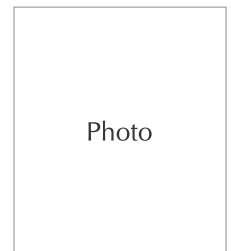
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