

Workshop on Constitutional Resilience in South Asia

Venue: Room 202, Level 2, Melbourne Law School, 185 Pelham Street, Carlton 3053 (Victoria)

Organised By:

- Bonavero Institute of Human Rights, Faculty of Law, University of Oxford
- Centre for Asian Legal Studies, Faculty of Law, National University of Singapore
- Melbourne Law School, The University of Melbourne

In Partnership with:

- Verfassung und Recht in Übersee | World Comparative Law
- Legal Theory Workshop, Melbourne Law School
- Indian Law Review

Hosted By:

- Asian Law Centre, Melbourne Law School
- Centre for Comparative Constitutional Studies, Melbourne Law School



SCHEDULE

Day 1: 5 December 2019 (Thursday)

9.00: Registration & Coffee

9.25: Welcome, Acknowledgement of Country & Opening Remarks: Prof Matthew Harding & Prof Tarun Khaitan

9.50: Panel 1: Chair: Prof Kate O'Regan

Author	Paper	Discussant
Mr Ambar Ghosh	The Impact of Political Institutions in shaping the Discourse of Constitutionalism in India	Prof Weitseng Chen
Dr Dian Shah & Dr Mario Gomez	Institutional Resilience and Political Transitions: Sri Lanka in Comparative Perspective	Prof William Partlett
Mr Iain Payne	One Court, Many Roles: Making Nepal's 2015 Constitution	Prof Cheryl Saunders

11.20: Coffee Break

11.40: Overview Seminar on Neo-Authoritarianism: Chair: Prof Sarah Biddulph

Author	Paper	Discussant
Prof Tarun Khaitan	Killing a Constitution with a Thousand Cuts	Prof Kate O'Regan
		Dr Tom Daly
		Prof Arun Thiruvengadam

13.00: Lunch Break

14.00: Panel 2: Chair: Ms Swati Jhaveri

Author	Paper	Discussant
Dr Erika Arban & Ms Jayani Nadarajalingam	Federalism as a Means to Solidarity in the Sri Lankan Context	Dr Michael Breen
Ms Danushka Medawatte	(Un)doing Sri Lankan Democracy: Autocracy and Ethno-Nationalism in Constitutional Governance	Dr Mayur Suresh

15.00: Coffee break

15.30: Panel 3: Chair: Prof Ros Dixon

Author	Paper	Discussant
Prof Michael Pal	The South Asian Fourth Branch: Designing Election Commissions for Constitutional Resilience	Prof Tarun Khaitan
Judge Muhammad Omar Faruque	Integrity Crisis of the Electoral System in Bangladesh: the 13th Amendment Judgment and Beyond	Mr Warwick Gately AM
Dr Mohsin Alam Bhat	Constitutional Trust, Independence and Accountability: Election Commission and Operationalising Democracy in India	Justice Indu Malhotra (TBC)

17.00: End of formal proceedings of the day



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Day 2: 6 December 2019 (Friday)

9.30: Panel 4: Chair: Prof Jeff Goldsworthy

Author	Paper	Discussant
Prof Tarun Khaitan	The Supreme Court's Identity Crisis: A Constitutional Court or a Court of Appeals?	Justice Dhananjaya Chandrachud (TBC)
Mr Vikram Narayan & Ms Jahnavi Sindhu	A Case for Judicial Review of Legislative Process in India	Dr Scott Stephenson
Mr Gautam Bhatia	Undermining Constitutional Resilience: Judicial Endorsement of the Imperial Executive	Dr Zim Nwokora

11.00: Coffee Break

11.30: Panel 5: Chair: Mr Siddharth Narrain

Author	Paper	Discussant
Mr Douglas McDonald-Norman & Prof Arun Thiruvengadam	Blinkered, Compromised and Scared: Rohingya Asylum Seekers and the Limits of Constitutional Protections in India	Prof Michelle Foster
Mr Abishek Jebaraj & Ms Srishti Agnihotri	Identity-Based Electoral Speech and its Place in a Constitutional Democracy	Prof Farrah Ahmed
Mr Adam Weinstein	The Limits of Freedom of Assembly and Association in Pakistan's Legal System	Prof Liora Lazarus

13.00: Lunch Break* (Please get your lunch and bring it to the following Workshop)

13.30: Lunchtime Academic Writing workshop*

Chair: Dr Lael Weis

Panelists: Prof Arun Thiruvengadam, Prof Farrah Ahmed, Prof Tarun Khaitan

* The lunch and the lunchtime workshop on 6 December 2019 are generously sponsored by the Legal Theory Workshop, Melbourne Law School

15.00: Coffee Break

15.30: Panel 6: Chair: Prof Michael Crommelin

Author	Paper	Discussant
Mr Gaurav Mukherjee	The "Social" in Indian Constitutional Resilience: Toward an understanding of the role of the Supreme Court	Prof David Bilchitz
Dr Faizan Siddiqi	Re-thinking Constitutional Resilience from Below: Dalit Rights and Land Reform	Prof Glenn Patmore
Ms Rishika Sahgal	Strengthening Democracy in India through Participation Rights	Prof Patrick Emerton

17.00: End of formal proceedings of the day

18.00: Informal Buffet Dinner at *Wokks*, 607 Swanston St, Carlton VIC 3053 (a five-minute walk from the Law School)



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Day 3: 7 December 2019 (Saturday)

9.30 am: Panel 7: Chair: Dr Erika Arban

Author	Paper	Discussant
Dr Dinesha Samararatne	The Sri Lankan Legal Complex and its Impact on Constitutional Resilience	Prof Michael Pal
Ms Wegahatabrhan (Wegi) Sereke & Dr Daniel Mekonnen	The Relative Stability of Constitutional Resilience in India: What Lessons to the Global South?	Dr Mario Gomez
Mr Jashim Chowdhury	Decline and Resilience of Westminster Parliamentary System in Bangladesh	Ms Jayani Nadarajalingam

10.30: Coffee break

11.00: Panel 8: Chair: Dr Dinesha Samararatne

Author	Paper	Discussant
Ms Marzia Raza & Mr Muhammad Salman	Governance as a Predictor for Democratization: Why Does the Civil-Military Disequilibria Persist in Pakistan?	Prof Jeff Redding
Prof Farhan Siddiqi	Nudging Towards Democracy? A Pathology of Pakistan's Civil-Military Relations in the 2000s	Mr Hamza Bin Jehangir

12.00: Lunch Break (Please get your lunch and bring it to the following Workshop)

12.30: Lunchtime Workshop: Developing a Research Agenda & Profile

Chair: Prof Farrah Ahmed

Panelists: Prof Swati Jhaveri, Prof Weitseng Chen, Prof Liora Lazarus

14.00 pm: Panel 9: Chair: Ms Jhuma Sen

Author	Paper	Discussant
Prof Ebrahim Afsah	Dysfunctional Resilience in the Afghan Civil Service	Prof Vanessa MacDonnell
Mr Devendra Damle & Mr Shubho Roy	Business Scheduling in the Lok Sabha: A Study of Parliamentary Dysfunction	Ms Swati Jhaveri

15.00: Closing discussion:

Chair: Prof Arun Thiruvengadam

Panelists: Prof Kate O'Regan, Ms Swati Jhaveri, Prof Tarun Khaitan

15.30: End of conference

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