



CENTRE FOR CONSTITUTIONAL LAW AND GOVERNANCE (CCLG)

Rajiv Gandhi National University of Law, Punjab

Sidhuwal, Bhadson Road, Patiala, Punjab - 147006

cclg@rgnul.ac.in

CENTRE FOR CONSTITUTIONAL LAW AND GOVERNANCE (CCLG)

Faculty Coordinators:

Prof. (Dr.) Kamaljit Kaur,

Professor of Law

List of Student Members for Academic Session 2022-23

Name	Year	Position
Shubham Shukla	IV	Convenor
Divyank Tikkha	IV	Deputy Convenor
Kartikey Varshney	III	Member
Mridull Thaplu	III	Member
Jasmine Singh	III	Member
Monalisa Nanda	III	Member
Tushita Maheshwari	III	Member
Shreyansh Rathi	II	Member
Akanksha Trivedi	II	Member
Yuvraj Mathur	II	Member
Kartikey Singh	II	Member
Divya Tiwari	II	Member
Chhavi Sardana	II	Member
Pranit Singh	II	Member



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Details of last five major activities conducted:

1. **Awareness Programme on NRI Marriages – Do's and Don't's – A Way Forward. – 09/10/22**
2. **RGNUL and Think India organized Panel Discussion on India's Upcoming G20 Presidency. – 18/10/22**
3. **Public Lecture on 'Envisioning Constitutional Framework In Metaverse.' – 19/11/22**
4. **Research Proposal on 'An Impact Assessment of National Legal Services Authority v. Union Of India.'**
5. **Proposed National Conference On Uniform Civil Code – Prospects And Implications.**



REPORT OF ACTIVITIES CONDUCTED

SESSION 2022-23 (August 2022 to December 2022)

1. LECTURE ON 'DYNAMICS OF NATIONAL FOOD SECURITY ACT, 2013

Speaker: Dr. Ashwini Kumar Gaur, Additional Director (Retd.), Food, Civil Supplies and Consumer Affairs Department, Government of Haryana

26th August 2022

The Centre for Constitutional Law and Governance (CCLG), RGNUL organised a lecture on the topic, "Dynamics of National Food Security Act, 2013" on 26 August 2022, Friday at 2:30pm. The lecture was delivered by Dr. Ashwani Kumar Gaur, Additional Director (Retd.), Food, Civil Supplies and Consumer Affairs Department, Government of Haryana. He initiated the discussion with an introduction to Bengal Famine which marks one of the deadliest pages of Indian History. With the independence of the country, Dr. Gaur elaborated, Indian Government was committed to the security of foodgrains. However, for a long time in the early decades of Indian Independence, foodgrains had to be imported to feed the population. It was with the Green Revolution that the production spectrum rose to a level unprecedented and India moved towards self-sufficiency. Mere rise in production level could not eliminate hunger and therefore, an effective Public Distribution System had to be established. By 1971, India had achieved self-sufficiency and moved towards an effective distribution system. In the meantime, Dr. Gaur highlighted, several commissions were constituted which aimed at providing suggestions for 'extension of agricultural base.'





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This was complimented by introduction of remunerative prices for procurement in the form of MSPs to enhance farmer's income. Having achieved storage facilities, effective procurement,

stable market, and wide scale production, India was ready for the National Food Security Act which shall guarantee food as a right to the people across the nation. With the introduction of the Act, Dr. Gaur shared his personal experiences of the challenge to identify the beneficiaries.

The list of beneficiaries had to be prepared by the State governments and Haryana became one of the first states to come up with the same. He also went on to share the practical challenges that were faced by the administrators in tackling the problems of false claimants, misuse of the title of beneficiary, and several other societal confrontations. Concluding with the success of the Act, he highlighted how the legislation of NFSA, 2013 acted as a guarantee of food security across the nation.

The lecture was also attended by RGNUL faculty members Prof. Kamaljit Kaur, Dr. Manpreet Kaur, Ms. Jasmine Kaur, Mr. Siddhartha Fuller, Mr. Aashish Gaur, Mr. Sourav Kumar amongst several others. Mr. Siddhartha Fuller introduced the speaker and RGNUL student Mr. Shubham Shukla offered the vote of thanks.





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2. AWARENESS PROGRAMME ON NRI MARRIAGES – DO'S AND DON'T'S – A WAY FORWARD

Speaker: Prof. Jyoti Rattan, Coordinator of the programme from Panjab University

9th October 2022



The Rajiv Gandhi National University of Law, Punjab in collaboration with the National Commission for Women and Panjab University, Chandigarh organized a programme for spreading awareness on issues concerning NRI marriages. The event began with the inaugural address delivered by Prof. Jyoti Rattan, Coordinator of the programme from Panjab University highlighting the pressing issues faced by various families in NRI marriages. While appreciating the work done by NCW at the grassroots level, she emphasized on the need for diligent verification and mandatory registration of marriages to curb the menace.



Another guest, Advocate Gurveer Singh discussed the communication gap between the members of the families and also elaborated on the issue of fallacious documentation done by the parties in NRI marriages. Sh. Balwinder Singh, PPS, AIG, NRI Wing remarked, “60% to 70% of total cases of matrimonial disputes are related to NRI marriages. The number of cases has witnessed a sharp rise between



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2014 and 2018. This gives a clarion call for organizing awareness programmes to sensitize the general public.”

Inspector Puneet Grag discussed the significant role of verification and provided steps for a perfect NRI marriage. Inspector Harbans Singh, SHO, NRI Wing, Sangrur narrated real-life examples to make the audience understand the gravity of the situation. Mr. Navneet Gupta from Block Development and Panchayat Office also contributed to the deliberations. RGNUL, Punjab students also performed a skit for sensitizing the audience on the issue. The victims and their parents also shared their experiences during the event.

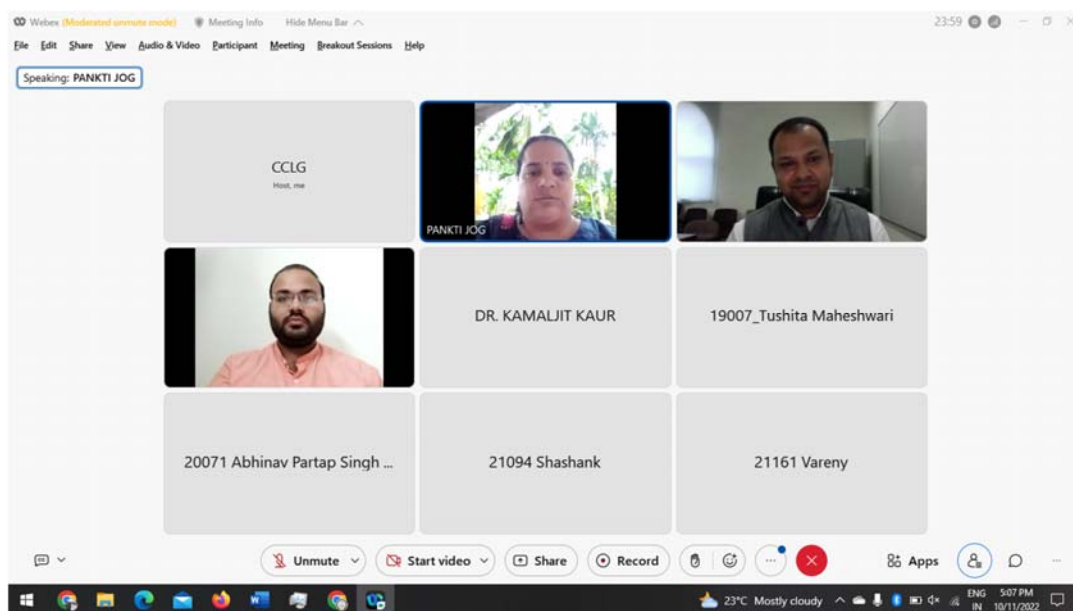




3. ONLINE LECTURE ON 'RTI AS A TOOL FOR ELECTORAL TRANSPARENCY AND ACCOUNTABILITY'

Speaker: Ms. Pankti Jog, Gujarat Coordinator, ADR; **Mr. Siddhartha Fuller**, Assistant Professor of Law, RGNUL, Punjab

11th October 2022



The Centre for Constitutional Law and Governance (CCLG), RGNUL in collaboration with Association for Democratic Reforms organised an online lecture via Cisco Webex on the topic 'RTI as a Tool for Electoral Transparency and Accountability' on 11th October, 2022, Tuesday at 3:00 PM. The lecture was delivered by Ms. Pankti Jog, Gujarat Coordinator, ADR and Mr. Siddhartha Fuller, Assistant Professor of Law, RGNUL, Punjab. Ms. Pankti Jog broadly discussed about the following issues: i) RTI as an effective tool vis-à-vis Voters' right to know ii) Role of Election Commission in ensuring free and fair elections iii) Criminalization of Politics and lack of robust electoral framework in the country iv) Issues concerning electoral transparency at the grassroots level.

She began her lecture by providing an insight into the usage of the Right to Information for increasing electoral accountability. While discussing the phenomenal work done by ADR in this field, she highlighted the pressing concerns which has not caught the public eye and has adversely affected the electoral system of the country at the grassroots level. She said,



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“Election Commissions is devoid of an effective mechanism to check the authenticity of data. Currently,

43% of the total MPs have criminal charges against them. The EC should not escape from accountability and voters should become its eyes.” Further, she gave examples from the real world which helped the participants understand about the urgent need for electoral reforms. She highlighted the issue of unbridled employment of hate speech by all the political parties with the sole aim of garnering the vote of the public. It is ruining the social fabric of the country. She also discussed issues concerning unchecked expenditures by candidates during elections, the non-efficiency of existing laws in curbing electoral malpractices, electoral bonds and the criminalization of Politics in contemporary times.

Mr. Siddhartha Fuller started his talk with a famous quote from Jefferson which reads as ‘Eternal vigilance is the price of liberty’. He primarily discussed the judgments passed by the Hon’ble Supreme Court of India in various Public Interest Litigations pertaining to electoral practices. He also discussed provisions enshrined in the Right to Information Act, 2005 which empower the citizens against electoral misdeeds.

RGNUL faculty members, Prof. (Dr.) Naresh Kumar Vats and Prof. (Dr.) Kamaljit Kaur participated in the discussion attended by more than 50 participants, along with the members of CCLG and other students. RGNUL student Shubham Shukla moderated the discussion and Shreya Maloo offered a vote of thanks.



4. RGNUL AND THINK INDIA ORGANIZE A DISCUSSION ON UPCOMING INDIA'S G20 PRESIDENCY

Speakers: Dr. Sreeram Chaulia, Professor & Dean, Jindal School of International Affairs;
Mr. Falit Sijariya, India's Youth Representative to G20

18th October 2022

Centre for Constitutional Law and Governance, RGNUL in association with Think India and India's Y20 Delegation 2022 conducted an interactive session on the topic "India's G20 Presidency: A Historic Responsibility". Dr Sreeram Chaulia, Professor & Dean, Jindal School of International Affairs, JGU Sonipat and Mr. Falit Sijariya, India's Youth Representative to G20 elaborated on India's forthcoming G20 Presidency. Prof. Chaulia discussed about the strong position of India to lead G20 from 1st December to 30th November 2023, despite the global setbacks amid the Russia- Ukraine crisis and pandemic. He said that in a time of rising inflation, post-pandemic recovery and food insecurity in many countries, India's presidency holds a lot of hope and anticipation. Furthermore, he stated that India will be able to tackle the challenge of steering the multilateral organization because India is good at consensus building.





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Professor Chaulia talked about the following prospective role and responsibilities of India while Presiding over G20 in the upcoming months:

1. India is presently coordinating with the current G20 chair Indonesia, which shows India's continuous commitment towards leading the global world. Leadership is a continuous process and does not arise merely by getting the presidency.
2. India wants to bring peace to the world through the cessation of the Russia-Ukraine war, and there is hope that India may try to discuss and negotiate on that front.
3. India's approach will be far-sighted and not only to corner Russia but also to alleviate the problems of least-developed countries. India will try a consensus-building approach which gives us the credibility of being a neutral and progressive country.
4. Climate Finance is also an agenda which India is going to take forward. And for this purpose, we need significant financial and technical assistance from developed countries. India has its own concept of "LIFE" (Lifestyle for the Environment), which is promoting a less consumerist approach through our traditional knowledge.
5. India is also going to prioritize 'Digital Public Infrastructure' which is very crucial for economic recovery. It is the time when China is pushing for its own technology of a 5g network but every country is apprehensive about adopting Chinese technology.
6. The decision of the G20 is not legally binding as it is not a creation of any convention or treaty. So, it is rather a soft law but effective. India is going to use G20 as a symbol of multilateral reform because G20 provided a platform which is non-hierarchical and more democratic infrastructure.
7. Another crucial point for India to focus upon is 'Disaster Resilient Reform'. As China is exercising a debt trap diplomacy that leads to various countries sacrificing their strategic infrastructure and ports to China. India will see how to create a quality infrastructure that does not burden poor countries perpetually.





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Professor concluded his lecture by talking about the idea of 'Multi-stakeholder Multilateralism'. He put forth the idea that the engagement regarding G20 needs to expand in a big way. There needs not to be just a nation, state, and diplomats' engagement but also the engagement of civil society, students, peasants and youths from different

countries. India is in the best position to work towards a 'Multi-stakeholder Multilateralism' strategy by expanding the horizon of engagement among various stakeholders. India is not afraid of responsibilities and will help revitalize and rehabilitate the struggling multilateral world order.

Mr. Falit Sijariya discussed about one of the priority areas of Y20 i.e., Youth as Equal Partners in the Development Agenda: Global Policies and Programmes. He gave a clarion call for increasing the engagement of youth at international level.

Prof. (Dr.) Kamaljit Kaur, Mr. Aashish Gaur, Mr. Sourav Kumar was present during the session along with 150 students. RGNUL faculty Mr. Siddhartha Fuller gave the welcome address and RGNUL student Shubham Shukla proposed the vote of thanks.



5. ONLINE LECTURE ON “ARTICLE 32” OF THE INDIAN CONSTITUTION

Speaker: Advocate Vivek Salathia of Punjab and Haryana High Court

11th November 2022

Centre for Constitutional Law and Governance organised a special online lecture on Article 32 of the Indian Constitution on 11 Nov, 2022. **Advocate Vivek Salathia** of Punjab and Haryana High Court enlightened the students with his theoretical and more importantly practical knowledge of application of the Constitutional Law specifically dealing with Article 32 of the Constitution. The session was quite engaging and interactive. He explained nuances of law to the students in a very lucid manner with various realistic examples.

Mr. Vivek Salathia started by explaining nature of Article 14 as the beginning reference point of all the articles relating to equality and then moved on to other articles as well. He concluded his brief introduction by explaining nature of Article 30.

Then he moved on towards Articles 12,13 and 32, as the lecture was focused on the discussion Article 32. He further reiterated that Art. 12,13, & 32 are very fundamental to Part 3 of the constitution.

He further explained, when framing was started it was very imperative to define state as the Fundamental Right are only enforceable of the state and so an inclusive definition of the state was provided in the constitution (*Rajasthan State Electricity Board v. Mohanlal*).

Mr. Vivek shed light on the fact that Article 32 is drafted as such that not only article 32 is protected but it also protects other rights of Part III. What good a right will be if u do not have a parallel remedy. If Article 32 was not there in the Constitution, then there would have been numerous amendments to lower the power of the Fundamental Rights. Moreover, by introducing the enforcement mechanism as an altogether different right displays the far sightedness of the founding fathers so that the enforcement mechanism itself doesn't gets violated by the state action.



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Mr. Vivek elucidated on the types of writs that can be filed under Article 32. He explained writ as a formal written order. In our case writs are the power of Supreme Court and High Court to issue formal orders. The difference between writs under Article 226 and 32 is that under 226 High Court has wider jurisdiction as compared to Supreme Court under Article 32.

Mr. Vivek further clarified types of writs Art 32:

Mr. Vivek delineate **Habeas Corpus** (enforceable against private detention as well). Person in illegal custody is categorized as a *detenu*. Practically, what happens is that if a person is in illegal custody. We approach HC and find very strange writs. Like in a case the Habeas Corpus writ is filed by a father to recover the custody of children. But the point here is that this writ is only maintainable if a person is proved to be in illegal detention. In runaway marriages this writ is highly misused.

Mr. Vivek explained nuances of **Roving writ**: If the person who is detained is being moved from one place to other then a roving writ is requested to be issued. A warrant officer by court is appointed to enforce the order of the court with the help police to secure the release the person in illegal custody and produce him in front of court so that appropriate orders can be passed. Practically Writ of Habeas Corpus is not directly entertained by the Supreme Court.

Further, **Mandamus** which is meant to enforce the positive duties of the legal officers which he should perform as his duty. He mentioned very famous Bhagalpur blinding case in reference to continuous mandamus (when continuous supervision is required by the court



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by passing continuous orders and keeping cases sub judice). In Continuous Mandamus most cases are involves environmental pollution in which first case was Vellore Citizen Forum v. UOI. He made student understood that it is a discretionary remedy.

Mr. Vivek unraveled **Quo-Warranto** which is literal terms means warrant your authority, and always issued against a holder of a public office (IAS, IPS, Judges, Politician). Many times, a holder of public office misuses his power or and acts in manner which he is not authorized then the writ of quo warranto is issued to clarify the authority of the person so acting. A quo warranto cannot be issued against a holder of a private office. In famous case of 1975 case, AN Ray's appointment as CJI was challenged as there were 3 judges senior than him but justice AN Ray was appointed by superseding them all. One instance is, A person holding an Office of Profit cannot hold a public office of substantive nature it can be challenged under this writ.

At last, but not the least he concluded the lecture by explaining **Prohibition** which is also known as jurisdictional writ issued by a higher court to a lower court and **Certiorari** which primarily means to question the order passed by any incompetent court or tribunal.

He further drew distinction between them as that if a matter is sub judice or listed before any court and the court before which is listed does not has jurisdiction then the writ of prohibition can be passed but if any order is passed in any such matter, then the writ of Certiorari will be passed to quash any such order. As far as rule of Locus standi is concerned, it is strict and it can be only filed by the aggrieved party and can only be filed against state.

The lecture was attended by 150 students.

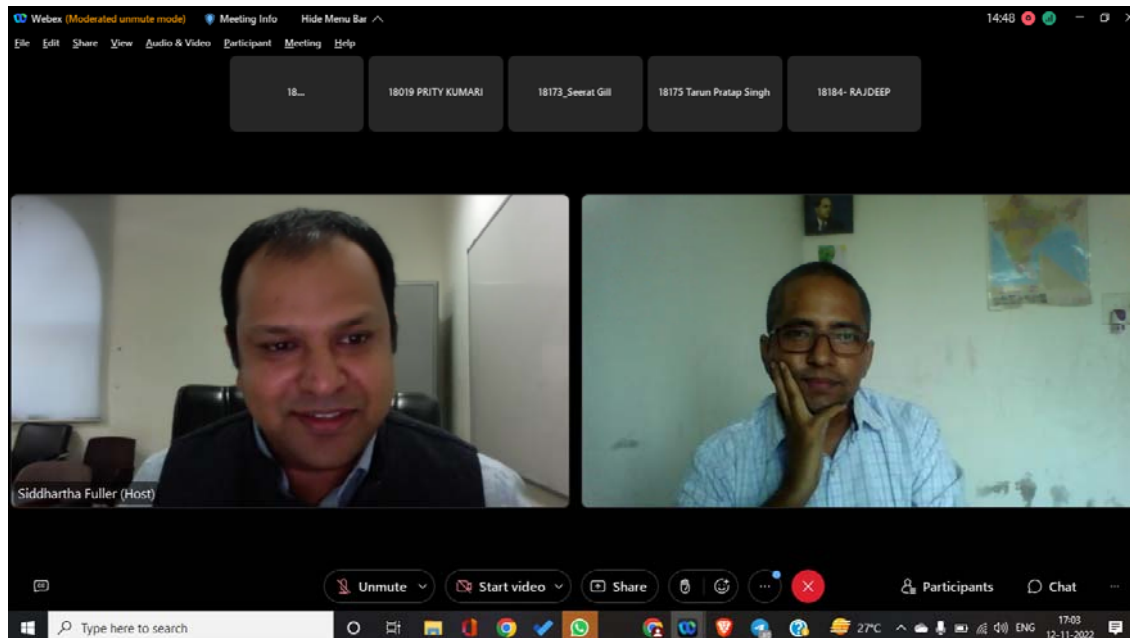


6. ONLINE LECTURE ON “86TH CONSTITUTIONAL AMENDMENT, 2002: A CRITICAL SURVEY OF SOCIO-ECONOMIC AND POLITICAL CONTEXT”

Speaker: Dr. Ayaz Ahmad, Associate Professor, Karnavati University, Gujarat

12th November 2022

Centre for Constitutional Law and Governance, RGNUL organized an online lecture on 86th Constitutional Amendment, 2002: A critical Survey of Socio-economic and Political Context on 12th November, 2022 through Cisco Webex. Dr. Ayaz Ahmad, Associate Professor, Karnavati University, Gujarat addressed the students as guest speaker for the session. He gave insights on the 86th Constitutional Amendment, 2002 and highlighted some critical issues regarding Right to Education. He said, “Professor Upendra Baxi gave three approaches to deal with any legislation, namely C1, C2 and C3. C1 means the text of the statute, C2 means the interpretation of the statute and C3 means the ideology behind implementing the statute.”



He also highlighted the relationship between Judicial Engagement and 86th Constitutional Amendment Act. While discussing the judgment delivered by the Supreme Court in *Mohini Jain v. State of Karnataka* (1992), we need to understand the reason why this judgment came only in the 1990s and the outcome of the judgement could not have been possible in the 1960s, 70s or even 80s.



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There were two key developments that took place during this era. First was the liberalisation of the economy and privatisation of the education sector. And second was the Mandalisation of Indian politics. These were two different movements which impacted Indian society at that time.

The lecture was attended by 50 students. Mr. Siddhartha Fuller, Assistant Professor of Law, RGNUL Punjab was present during the session.

7. QUIZ AND DEBATE COMPETITION TO CELEBRATE THE CONSTITUTION DAY WEEK

Organised by CCLG under the aegis of **Ministry of Law and Justice**

14th November 2022



Quiz competition was organized by Centre for Constitutional Law and Governance, RGNUL on 14th November, 2022 at 4:00 PM for the students of 3rd, 4th and 5th year students. The quiz was based on Indian Constitution and landmark judgments of Supreme Court on constitutional matters. The top three teams from final year shall be representing the university in Nani Palkhiwala Quiz competition to be organized in February, 2023.



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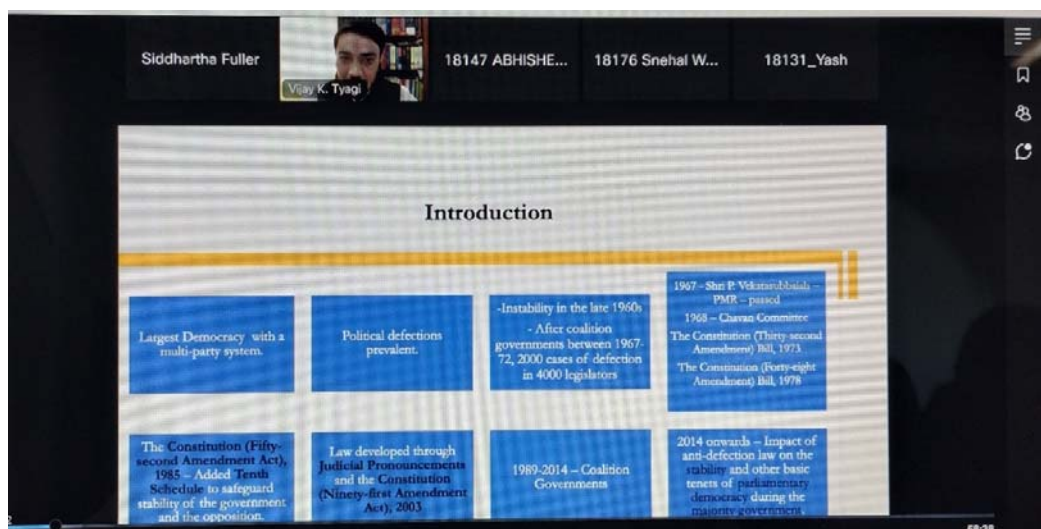
CCLG also organized a debate competition on 15th November, 2022 on the motion titled 'This house believes that the collegium system in appointment of judges is against the spirit of the Indian Constitution'. Around 25 students participated in the competitions.



8. ONLINE LECTURE ON THE CONSTITUTION (FIFTY-SECOND AMENDMENT) ACT, 1985

Speaker: Mr. Vijay Kumar Tyagi, Advocate at the Supreme Court of India

14th November 2022



Centre for Constitutional Law and Governance, RGNUL Punjab organized an online lecture on 52nd Constitutional Amendment Act, 1985 on 14th November, 2022 at 5:00 PM through Cisco WebEx. Mr. Vijay Kumar Tyagi, Advocate at the Supreme Court of India delivered the talk as guest speaker. He discussed the evolution of anti-defection law in India through legislative as well as judicial interventions over the passage of time.

He started his lecture by briefly explaining the finer nuances of the provisions enshrined in the tenth schedule and elucidated on the landmark judgments pertaining to the law of anti-defection. He said that the tenth schedule plays a pivotal role in maintaining the sanctity of a multi-party democracy inside the parliament. He further embarked upon an elaborate discussion on various sub-concerns and substantial legal questions including the indispensable need of debate and discussion in the Parliament, the fetters on the freedom of speech and expression of the members, right to vote and their correlation with the power to issue whips under paragraph 2(1)(b).

More than 50 students attended the lecture. Mr. Siddhartha Fuller, Assistant Professor of Law, RGNUL Punjab moderated the session and presented the vote of thanks.



9. LAW PRACTICUM LECTURE ON 'CONSTITUTIONAL AMENDMENTS AND PROTECTIVE DISCRIMINATION IN INDIA'

Speaker: Mr. Abhishek Chauhan, Advocate, Supreme Court of India

18th November 2021

The Law Practicum lecture on 'Constitutional Amendments and Protective Discrimination in India' was organized by Centre for Constitutional Law and Governance, RGNUL on 18th November, 2022 at 9:30 am. Mr. Abhishek Chauhan, Advocate at the Supreme Court of India delivered the lecture on the said topic. He began his lecture by discussing the scheme of Indian constitution vis-à-vis corresponding provisions in international jurisdictions including treaties, declarations etc. He emphasized upon the need for affirmative inequality by discussing the difference between legal inequality and real inequality.

He further discussed the bare provisions of article 15 and article 16 of the Indian Constitution along with the landmark judgments to make the audience well versed with the letter of the constitution and rule of law therein. He critically analysed the quantum of reservation, strictness of 50% cap on the reservation, rule of consequential seniority and other allied concepts on the touchstone of recent rulings of the Hon'ble Supreme Court of India. While deliberating on the sampling method for collection of Data and sub-classification of Scheduled Castes, he referred to the recommendations of various committees like Ratna Prabha Committee etc. He raised various concerns pertaining to the issue of reservation like whether reservation is an exception or classification? Do Nagraj conditions still hold the ground? Can the creamy layer principle be allowed in Supreme Court?

RGNUL students of final year participated in the Lecture along with the faculty coordinator of CCLG, Mr. Siddhartha Fuller.



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10. LECTURE ON 'ROLE OF ADMINISTRATIVE DISCRETION UNDER ADMINISTRATIVE LAW'

Speaker: Prof. (Dr.) Devendra Singh, Professor of Law, Department of Laws, Panjab University

09-11-2022

Prof. (Dr.) Devendra Singh, Professor of Law, Department of Laws, Panjab University addressed students of LLM Constitutional Law Specialization and other BALLB students on the topic of 'Role of Administrative Discretion under Administrative Law' on 09-11-2022. 4 faculty members and a total of 105 students attended his lecture.





11. PUBLIC LECTURE ON 'ENVISIONING CONSTITUTIONAL FRAMEWORK IN METAVERSE'

Speaker: Mr. Vikramjit Banerjee, Additional Solicitor General of India and Senior Advocate, Supreme Court of India

19th November 2022

Centre for Constitutional Law and Governance, RGNUL Punjab organized a public lecture to mark the beginning of the Constitution Day week on the theme of 'Envisioning Constitutional Framework in Metaverse' on 19 November, 2022 at 10:30 AM. Mr. Vikramjit Banerjee, Additional Solicitor General of India and Senior Advocate, Supreme Court of India addressed the students as guest speaker for the session. He began by discussing how every government and its governing document reflect the culture in which they were written. The Roman Empire was the inspiration for the division of powers seen throughout the rest of the globe.

The citizens take democracy for granted, yet they get the benefits of it in the form of a peaceful and secure nation. Knowledge used to be hoarded by an elite few, but when that happened, it inevitably gave rise to a new class of "gatekeepers" who made it impossible for the general public to gain access to information. Technology's proliferation has made previously inaccessible information and its sources more widely available to the general public. Earlier information sources were challenged when individuals became more unified via the use of technology. In his work, Marcus Ciasco argues that democracy is the worst form of government possible. However, India found a compromise on its path to a representative government.



He further said that the Mauryan Empire was the most organised polity in ancient Indian history, and the Arthashastra is the greatest representation of that orderliness. There was a need for a duty-based approach to administration in such a culturally varied community because of the existence of so many different concepts, which was mandated by the universal system of government. Even the ancestors of modern India, the Janapadas, had a constitution. Additionally, the Dharmasastra were a new

idea, but the difficulty arose when they were misunderstood as a rule of law when, in fact, they were a pamphlet on how to construct laws and administer a community. All of South and Southeast Asia was under the rule of Dharmasastra.