



MAR GREGORIOS COLLEGE OF LAW

MAR IVANIOS VIDYANAGAR, THIRUVANANTHAPURAM

Affiliated to the University of Kerala & Approved by the Bar Council of India

Padma Bhushan Prof. N R Madhava Menon
Chair on Legal Education

Activity Report 2020-21

Seminar on Constitutional Law

Date: 19-02-2021

Prof. (Dr.) Anil G Variath

Professor of Law and Registrar

Maharashtra National Law University, Mumbai

Topic: Constitution and Criminal Law

Prof. Anil started the lecture with emphasis on importance of Constitutional law. He said that Constitutional choices in the domain of criminal procedure reflect, and often amplify, the tension between competing goals of protecting individual liberty and promoting the public good. He spoke about the, two facets: (i) emphasising individual liberty by restricting State power (the ‘liberty perspective’) and (ii) emphasising public order by limiting individual liberty and expanding State power (the ‘public order perspective’). He disused that the two perspectives are not mutually exclusive, watertight compartments or oppositional models, or even the only perspectives on understanding the criminal process. They refer to priorities—tendencies, instead of binaries. Each perspective is a standpoint, an orientation, from which a decision maker canvasses the domain of constitutional criminal procedure, and determines where the emphasis should lie in balancing individual liberty and social control. He said that the development of constitutional criminal procedure in India has demonstrated a shift from a liberty perspective to a public order perspective. On our account, the Supreme Court’s perspective has resulted in distinct forms of interpretative practices and doctrinal construction, which helps explain the particular trajectories of criminal due process rights in India. In conclusion, he threw light on the impact of the Court’s approach on the rights of impoverished persons in the criminal process.

Prof. Anil was welcomed and introduced by the Dr. Gigimon V S, and Vote of thanks was given by Mr. Narayana Sharma, PG Student.



Padma Bhushan Prof. N R Madhava Menon Chair on Legal Education

Activity Report 2020-21

Seminar on Political Science

Date: 22-02-2021

Dr. Jalaj Gonatiya

Assistant Professor

Dharmashastra National Law University, Jabalpur

Topic: Theories of Sovereignty

Prof. Jalaj started his talk by introducing the term sovereignty. He said sovereignty has affected us a lot, its existence is felt everywhere from our government to every day, when we demand some favour from the authorities and the authorities refuse to grant us the same, we protest. The concept of sovereignty has been controversial in academic discourse. He said people obey because they agree that it is pleasing to do so. In tyrannical states, people obey through apprehension, while in democratic states the common people obey through blessing. Force is only required for the few who refuse to obey. It is this possession of force to support its commands and to compel obedience that distinguishes the state from all other associations and that makes it sovereign. The meaning of sovereignty has undergone change across history. We all know what power is, in a broader sense. Although we see it everywhere in our lives, it is hard to define. While doing social and political theory, we try, however, to make the concepts of Sovereignty more precise and clearer. Despite the many meanings of the concept, sovereignty has a core meaning. Concept of understanding Theories of Sovereignty is very much relevant in 21st century. He went through the nature of Sovereignty, to understand the meaning as well as new challenges of Sovereignty in the contemporary situation. He concluded by saying that one cannot dream of a state in the absence of sovereignty. Sovereignty is the supreme power of a state, both in the internal and external spheres.

Dr. Jalaj was welcomed and introduced by the Dr. Gigimon V S, and Vote of thanks was given by Ms. Arya, PG Student.



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Seminar on Company Law

Date: 19-03-2021

Dr. Deva Prasad

Assistant Professor

Indian Institute of Management, Kozhikode,

Topic: Legislative Design of Director's Responsibility in India: In Search of Clarity

Dr. Deva started the discussion by addressing on the role of director as per the company law. He said that Indian Companies Act, 2013 addresses the director's responsibility through specific statutory provisions. While highlighting certain nuances in the legislative design, and needs more clarification for the director's responsibility, specifically for non-executive and independent directors. There is a need to reform the existing statutory framework for according protection to directors of a company. Operationalization of fiduciary responsibility based on common law principles, along with section 166, Companies Act, 2013 is not clear in the statutory design. Emerging concerns of the director's responsibility include lack of adequate protection for non-executive and independent directors which deserve more policy deliberations. Dr. Deva concluded by pointing that the recently introduced Insolvency and Bankruptcy Code, 2016 poses evolving responsibility on directors, forming yet another emerging concern in the Indian context.

Dr. Deva Prasad was welcomed and introduced by the Dr. Gigimon V S, and Vote of thanks was given by Ms. Swathi Nair, PG Student.



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Activity Report 2020-21

Seminar on Criminal Law

Date: 01-07-2021

Mr. Renjith Thomas

Assistant Professor

National Law University, Jodhpur

Topic: Sentencing Trends in Death Penalty – A Critical Analysis

Mr. Renjith started with the analysis of death penalty provision in IPC and there after the list of supreme court judgment starting with the Constitutional bench decision of the Bachan Singh v. State of Punjab case wherein the court has laid down elaborate criteria that needs to be applied to decide whether an accused deserves death penalty or not. Analyzing the decision of the Supreme Court from 1973- 2020, he argued that subsequent Courts have not only failed to apply the criteria laid down but have also grossly misunderstood the decision of the Constitutional bench, thereby sending several accused to the gallows for whom the appropriate punishment may have been imprisonment for life. Mr. Renjith detailed out the path the meandering course of death penalty sentencing in India has taken and suggests corrective course. He concluded his lecture by saying that death should be the last preferred option and to be used sparingly in only those cases where the accused cannot be transformed.

Mr. Renjith was welcomed and introduced by the Dr. Gigimon V S, and Vote of thanks was given by Ms. Bipasa, BA LLB Student.



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Seminar on Criminal Law

Date: 09-07-2021

Adv. Niharika Hema Raj

Advocate and Managing Partner
P&M Legal, Ernakulam

Topic: Anti-terrorism Law: Procedure and Practice

Adv. Niharika started the talk by listing out the number of Central and State laws have been enacted or subsequently amended to deal with terrorism and related activities. The Indian Penal Code ('IPC'), and the Code of Criminal Procedure, 1973 ('CrPC'), contains provisions relevant to terror cases as well. She said that currently, the UAPA is the primary anti-terrorism law in force in India. This law was enacted by Parliament in 1967 to enable the imposition of reasonable restrictions on the rights to freedom of speech and expression, peaceful assembly, and formation of associations or unions in the interest of sovereignty and integrity of India. She also listed out various Supreme Court judgements, wherein the constitutional validity of these judgements was challenged. The importance of the National Investigation Agency Act, 2008 was also discussed in her presentation. The establishment of Special Courts has been a common response in India towards terrorist offences. The designated courts to try terrorist offences were first established under TADA, and then again in POTA. After the repeal of POTA, while many of its substantive provisions were reintroduced through amendments in the UAPA, its provisions on Special Courts were modified and introduced into the new NIAA enacted. She concluded with the questions of latest human rights violations in the name of these acts.

Ms. Niharika was welcomed and introduced by the Dr. Gigimon V S, and Vote of thanks was given by Ms. Aleena, BA LLB Student.



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Celebration of International Day of Justice

Date: 17-07-2021

Prof. (Dr.) T. R. Subramanya

Dean, School of Legal Studies, CMR University
Former Vice-Chancellor, KSLU, Hubballi &
Legal Counsellor to the Kingdom of Bahrain

Topic: International Court of Justice: Role and Functions

Prof Subramanya, started his talk stating that the International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the UN Charter, signed on 26 June 1945 at San Francisco, in pursuance of one of the primary purposes of the United Nations. The Court operates under a Statute which forms an integral part of the Charter, as well as under its own Rules. It started operating in 1946, when it replaced the Permanent Court of International Justice (PCIJ), which had been established in 1920 under the auspices of the League of Nations. The seat of the Court is in the Peace Palace at The Hague. Of the six principal organs of the United Nations, it is the only one not located in New York. He detailed out the various decisions rendered by ICJ and its binding effects. He also discussed the Kedar Jadhav judgement and how its decision will be effective in the future. Prof. Suabramanya concluded by stating that the ICJ was conceived by States. Hence its future ultimately depends on them. States established the World Court in 1945, States have the power to ratify amendments to its Statute, and, by accepting the Court's compulsory jurisdiction, it is again States who contribute to the Court's authority and activity.

Prof T R Subramanya was welcomed and introduced by the Prof. John PC the Principal, and Vote of thanks was given by Dr. Gigimon V S.



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Activity Report 2020-21

Seminar on Intellectual Property Law

Date: 22-07-2021

Dr. Athira P. S.

Assistant Professor & Director
Centre for Intellectual Property Rights
National University of Advanced Legal Studies, Kochi

Topic: Use of marks in Commerce – Reassessing relevance of Geographical Indications as an Intellectual Property

Dr. Athira introduced the topic of GI and discussed that the TRIPS Agreement prescribes minimum standard of protection for geographical indications (GIs) and additional protection. The lack of uniform international protection, along with inability to reach global consensus to remedy this, has placed many GIs under the threat of becoming generic. Especially, the ones produced by backward, rural communities in developing countries like India, have been vulnerable to exploitation by large commercial enterprises through patenting. The Indian statute along with its rules has adapted a strong scheme of GI protection, mostly on the lines of the European Regulations. However, certain features of the Act merit serious consideration, the most important being the broad criteria given to determine genericide. She concluded the lecture detailing the requirement to consider the situation outside the country of origin to determine such genericide, is avoidable and potentially harmful.

Dr. Athira PS was welcomed and introduced by the Dr. Gigimon V S, and Vote of thanks was given by Ms. Gifty Maria, BA LLB Student.



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Activity Report 2020-21

Seminar on Artificial Intelligence and Law

Date: 27-07-2021

Dr. Kavitha Chalakkal

Assistant Professor & Assistant Director (Research)
Lloyd Law College, Greater Noida

Topic: Artificial Intelligence and Law: New Challenges

Dr. Kavitha spoke about legal and human rights issues of artificial intelligence (AI) being discussed and debated, how they are being addressed, gaps and challenges, and affected human rights principles. Such issues include: algorithmic transparency, cybersecurity vulnerabilities, unfairness, bias and discrimination, lack of contestability, legal personhood issues, intellectual property issues, adverse effects on workers, privacy and data protection issues, liability for damage and lack of accountability. She focused on the frame of 'vulnerability' to consolidate the understanding of critical areas of concern and guide risk and impact mitigation efforts to protect human well-being. While recognising the good work carried out in the AI law space, and acknowledging this area needs constant evaluation and agility in approach. She concluded the discussion, giving the gravity of the impacts of AI technologies, particularly on vulnerable individuals and groups, and their human rights.

Dr. Kavitha was welcomed and introduced by the Dr. Gigimon V S, and Vote of thanks was given by Ms. Athira, PG Student.



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Activity Report 2020-21

PROF. N R MADHAVA MENON LECTURE SERIES

22-10-2021

Prof. Dr. Shashikala Gurpur,

Director- SLS, Pune, & Chairperson IP Cell, SIU

Dean-Faculty of Law, Symbiosis International (Deemed University)

Topic: Concept Comparison Strategy Synergy of Development Lawyering

Prof. Shashikala talked about the challenges and opportunities, in theory and practice, posed by the integration of two such citizen-based accountability strategies—social accountability and legal empowerment. Citizen-based accountability strategies to improve the lives of the poor and marginalized groups are increasingly being used in efforts to improve basic public services. The latest thinking suggests that broader, multi-pronged, multi-level, strategic approaches that may overcome the limitations of narrow, localized successes, hold more promise. It traces the foundations of each of these approaches to highlight the potential benefits of integration. Consequently, it examines whether these benefits have been realized in practice, by drawing upon five cases of organizations pursuing integration of social accountability and legal empowerment for health accountability in developing countries like India. She concluded her lecture by highlighting the cases that while integration offers some promise in advancing the cause of social change, it also poses challenges for organizations in terms of strategies they pursue.

Prof. Dr. John PC, welcomed Prof. Shashikala Gurpur and introduced the topic. Dr. Gigimon V S delivered the vote of thanks to speaker and participants.



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18-11-2021

Prof. Dr. Bhavani Prasad Panda,

Director- KIIT Law School KIIT (Deemed University)

Founding Vice Chancellor, Maharashtra National Law University, Mumbai

Topic: Clinical Courses in Legal Education

Prof. Panda started his lecture with history of legal education and how Clinical Legal Education was introduced through the establishment of National Law School in India. Clinical legal education is understood as developing the perceptions, attitudes, skills and sense of responsibilities which lawyers are expected to assume when they complete their law degree course. It can, therefore, be as broad and varied as the law schools' curriculum would accommodate; certainly, it is not limited to mere training in certain skills of advocacy and legal system. Clinical legal education, whether as teaching-learning pedagogy or professional skill training, has wider goals of enabling law students to understand and assimilate responsibilities as members of public service in the administration of justice, upholding rule of law, and equitable distribution of legal services in society. Access to justice with desired skills, legal acumen and lawyering craftsmanship are the core objectives of clinical legal education. He discussed these two issues of all the stakeholders of legal education two pertinent questions: one, how clinical legal education has been and is suffering during COVID-19 pandemic period? and second, how the lost glory of clinical legal education can be achieved? Prof. Panda concluded the talk by discussing how his law school is achieving the goals of CLE during the pandemic period.

Prof. Bhavani Prasad Panda was welcomed and introduced by Dr. Gigimon V S. Ms. Christa delivered the vote of thanks to the guest and participants.



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PROF. N R MADHAVA MENON LECTURE SERIES

24-11-2021

His Excellency Hon'ble Mr. Justice Mohan Peiris,

Permanent Representative of Sri Lanka to the United Nations
Former Chief Justice, Supreme Court of Sri Lanka

Topic: United Nations and it's role in International Peace and Security

Justice Pieris started his lecture by introducing the United Nations (UN) and its aims are facilitating cooperation in international law, international security, economic development, social progress, human rights, and achievement of world peace. The UN was founded in 1945 after World War II to replace the League of Nations, to stop wars between countries, and to provide a platform for dialogue. It contains multiple subsidiary organizations to carry out its missions. There are currently 193 member states, including every internationally recognized sovereign state in the world. From its offices around the world, the UN and its specialized agencies decide on substantive and administrative issues in regular meetings held throughout the year. The organization has six principal organs and other prominent UN System agencies. Justice Peiris said that one of the primary purposes of the United Nations is the maintenance of international peace and security. Since its creation, the UN has often been called upon to prevent disputes from escalating into war, to persuade opposing parties to use the conference table rather than force of arms, or to help restore peace when armed conflict does break out. Over the decades, the UN has helped to end numerous conflicts, often through actions of the Security Council — the primary organ for dealing with issues of international peace and security. The Security Council, the General Assembly and the Secretary-General all play major, complementary roles in fostering peace and security. United Nations activities cover the principal areas of conflict prevention, peace-making, peacekeeping, enforcement and peace building.

Fr. Dr. Koshy Issac Punnamoottil welcomed the Guest His Excellency Hon'ble Mr. Justice Mohan Peiris. Prof. Dr. John P C proposed the vote of thanks to the guest and all the participants.