FIRST AZIM PREMJI UNIVERSITY INTERNATIONAL CONFERENCE ON LAW, GOVERNANCE AND DEVELOPMENT

INDIAN LEGAL SYSTEM REFORM: EMPIRICAL BASELINES AND NORMATIVE FRAMEWORKS

BANGALORE, MAY 18-19, 2012

Azim Premji University
India today is home to two contrasting realities. On the one hand, that of having survived, despite heavy odds to the contrary, as a strong and single political entity for over sixty five years and being on the verge of becoming one of the fastest growing economies in the world and on the other, of being home to the largest number of poor and hungry people in any country in the world. Most recent analyses of India’s progress over the last six decades focus on the twin failures to fight corruption and eliminate widespread poverty, and understand these failures to be the result of flawed economic and social policy or the lack of political commitment. The Law, Governance and Development Research Initiative believes that such analyses fails to recognize that the origin, structure and pathologies of government and the legal system in India are at the core of the problems of governance and development and has therefore hamstrung our response to these problems. Hence, the Initiative seeks to create new knowledge and restore the study of the structure and practices of government and the constitutive and instrumental role of the legal system to the core of our enquiry into the problems of development and governance.

The field of law and development has a long and distinguished pedigree of research and teaching in several of the most prestigious institutions around the world. However, there is not a single law school or other university which engages with this academic field in India. The field is further marked by a deep scepticism about the causal relationship between legal reform and a nation’s development. While there is some evidence that a more functional and efficient legal system is found in more developed nations, the evidence does not conclusively establish that effective legal reform results in rapid national development. This research initiative engages with the field of law and development with a healthy scepticism towards instrumentalist claims about legal reform and with a view to develop the intrinsic values of a well-organized legal system.

In the past year of its existence, the initiative has grown into a compact yet competent group with four full time members, two external research associates and two student assistants. It has also received the assistance of a number of short term interns. The Initiative even in the earliest months of its existence had prepared APF’s intervention in the in the RTE litigation before the Supreme Court. (APF and its submissions find mention in the recently released judgment in which the court has upheld the constitutional validity of the Right to Education Act.)
Since then, the Initiative has undertaken four large scale research projects: one, an in-depth study of the functioning of the Karnataka Lokayukta in the past 15 years and the lessons from the findings on any future model of a centralized Lokpal, secondly an outcomes based study of the effect of caste based sub-categorisation on diversity in public employment in Karnataka, undertaken through a comprehensive analysis of all Group A and Group B recruitments by the KPSC in the last 15 years, thirdly a study of the functioning of the Bangalore Mediation Centre in an effort to study mediation as an effective alternative to and a solution for the problems of litigation and fourthly, a study of pendency and vacancy data of all three tiers of courts for the past 20 years in order to reconfigure the debate on judicial delays and take it beyond a simplistic pendency-vacancy co-relation. These projects and other relatively smaller undertakings have resulted in three working papers, one journal article, one opinion piece and three forthcoming working papers. The working paper on the study of the Karnataka Lokayukta was especially well received and was cited in Parliament during the debate on the Lokpal Bill. Additionally, the Initiative had organized a panel on Law & Governance at the 6th Annual Public Policy Conference at IIM-B, at which the Initiative’s ongoing research and early findings were presented.

Going forward, the Initiative aims to annually publish a ‘Status of Legal System report’ through which it aims to create a forum for academic enquiry and debate on law and its relationship to governance and development, and explore empirical and theoretical questions of reform of the Indian legal system using a multi-disciplinary approach. To this end, the Initiative has started a series of annual International Conferences on Law, Governance & Development which will serve as a forum at which to present the work of the Initiative in the past year, engage with an international network of law and development scholars, introduce them to APU and its research and open up avenues for further collaborations. The first such conference is scheduled for May 18-19, 2012 at Bangalore.
The Law, Governance and Development Initiative (LGDI) was established at the Azim Premji University in 2010 to analyze the relationship between development and governance with a particular focus on the structure and practices of government and the constitutive and instrumental role of the legal system. The Initiative seeks to investigate and reconfigure our understanding of governance problems in India and relocate legal system reform as a central element of governance reform in India. The annual conference of LGDI aims to create a forum for academic enquiry and debate on law and its relationship to governance and development, and explores empirical and theoretical questions of reform of the Indian legal system using a multi-disciplinary approach. The theme for this year’s conference is ‘Indian Legal System Reform: Empirical Baselines and Normative Frameworks’.

This Conference will be organized around a set of original research contributions, made available to all the participants prior to the Conference. The Conference will encourage informed debate on the central issues of legal system reform in India, organized around panel themes described below. This year’s conference will be held on May 18th and 19th, 2012 at the Azim Premji University, Bangalore.

R. Dhavan and P. Kalpakam in The Supreme Court Under Strain: the Challenge of Arrears (1978) first developed an empirical approach to legal system analysis in India with their study of the performance of the Indian Supreme Court in the first three decades after Independence. Upendra Baxi’s The Crisis of the Indian Legal System (1982) was the first book length study of the legal system that brought together empirical analysis with a wider theoretical and normative understanding of the role and significance of the legal system. In this work, three decades ago Baxi warns us that the crises facing the Indian legal system had reached a point where the legality and legitimacy of the system had substantially eroded and the institutional capacity for self-correction seemed bleak. R. Moog’s more recent work on the problem of delays in the lower courts reflects on the role of judges in Indian lower courts using an ethnographic perspective (Moog, 1992, Delays in the Indian Courts: Why Judges Don’t Take Control). Hazra and Debroy’s edited collection titled Judicial Reforms in India (2007) makes the case for a judicial reform using a law and economics approach to understand delays in the Indian legal system.
Despite these varied academic engagements with the problems of reform of the Indian legal system, in the last two decades the sense of crisis has only deepened as piece-meal policy reform and glaring media scrutiny has hollowed out any remaining faith in the possibility of meaningful change. This Conference seeks to reconnect the policy and academic engagements with judicial reforms by identifying key empirical baselines and methods and to revisit the normative frameworks that should guide efforts towards reform of the Indian legal system.

The proposed panels for this two-day conference are:

**Session 1: Legal System Reform - A Context**

The academic discourse around legal system reform in the last two decades has adopted either of two approaches: rule of law or the access to justice. The rule of law approach emphasizes that individuals, organizations and the government submit to, obey and be regulated by law, and not arbitrary action. This approach emphasizes neutrality towards the ends of a legal system and provides for autonomy of persons to regulate their legal obligations and duties within the bounds of law (LGDI draft Working Paper 2012, Approaches to Legal System Reform). The access to justice approach on the other hand, challenges this neutrality. It focuses on how the justice system should be made to efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status (P. Baxi, 2007, Access to Justice and Rule of [Good] Law). Recent legal system reforms in India including the National Litigation Policy (2010) have adopted the rule of law approach (for a contrary view see M. Gopal, 2009, Development and Implementation of Reform Initiatives to Ensure Effective Judiciary) while various civil society groups and international organizations have emphasized the achievement of greater access to justice. (World Bank, World Development Report, 2006 and UNDP, 2004, Access to Justice: A Practice Note). This panel will assess whether this framework of debate around Indian legal system reform adequately addresses contemporary concerns. In particular we ask whether earlier concerns about the colonial character of the legal system and the autonomy of the legal system from the political and economic systems remain relevant.
Session 2: Civil Justice Reform

The Code of Civil Procedure Amendment Act, 2002 was the last significant attempt at statutory reform of the civil justice system. This Act sought to streamline court procedures and inter alia introduced time limits for the filing of plaints and written statements and sought to limit the number of permissible appeals from particular suits. It also put the number of permissible adjournments to three and mandated that suits need to be adjudicated within a year. These statutory reforms were undone by the legal fraternity and the courts which reduced these statutory limits to be merely directory. Subsequently, over the last 5 years, the bench has been pre-occupied with the large-scale adoption of information technology and allied case management strategies by the courts as means to eliminate pendency. In this panel we review and evaluate the evidence from these attempts at civil justice reform and examine the prospects for meaningful reform. (LGDI draft Working Paper 2012, Pendency and Vacancy: A Necessary Connection?)

Session 3: Criminal Justice Reform

The submission of the reports by the Committee on Reforms of Criminal Justice System headed by Justice Malimath (2003) and the Committee on Draft National Policy on Criminal Justice headed by Dr. N.R. Madhava Menon (2007) has framed recent efforts towards criminal justice reform in India. Despite the introduction of fast track courts in 2000 (following the recommendation of the Eleventh Finance Commission) and plea bargaining (Criminal Law Amendment Act, 2005) in recent years the problems of delay, cost and inequity persist in the criminal justice system. Moreover, the debate around criminal justice reform has failed to develop a criminological understanding of crime in India and its relationship with other social, economic and political factors. This has reduced the problems of the criminal justice system to a problem of managing the exploding case docket. This panel will attempt to bring new insights to case pendency in the criminal justice system by analyzing the pendency data and by trying to situate the criminal justice reform debate in India within a social, political and economic understanding of Indian society.
Session 4: Alternative Dispute Resolution

The most significant effort at reducing pendency and speeding up justice delivery in the judicial system in the recent past is the attempt to divert cases to alternate dispute resolution mechanisms. The introduction of Section 89 to the Code of Civil Procedure by the Code of Civil Procedure Amendment Act, 1999 (which was brought into effect on July 1, 2002) has resulted in the mushrooming of mediation centres under the auspices of various High Courts. Unlike other efforts at legal systems reform, mediation centres have been very successful at settling a large number of cases in quick time and may well be the most promising effort at legal system reform in India (LGDI draft Working Paper 2012, Does Mediation Work? Reviewing Evidence from the Bangalore Mediation Center). Simultaneously, arbitration has become commonplace for resolving domestic and international commercial disputes but most foreign parties avoid India as an arbitration venue and significant problems remain with the enforcement of foreign arbitral awards. Recent research into the functioning of Lok Adalats raises serious questions about the perils of informal dispute resolution (M. Galanter and J. Krishnan, 2003, Bread for the Poor: Access to Justice and the Rights of the Needy in India). The establishment of Gram Nyayalayas is motivated both by the need to expand the dispute resolution system by the creation of a new tier of courts as well as to avoid the hidebound formality of court system (V. Kumaraswamy, 2007, Courting Trouble). However, the Bills in Parliament have been subject to severe criticism for failing to meet these objectives in a meaningful fashion. (M. Guruswamy and A. Singh 2011, Village Courts in India: Unconstitutional Forums with Unjust Outcomes). This panel will explore the promises and the threats of alternative dispute resolution as viable reform of the formal legal system.

Session 5: Reforming the Appellate Courts

The challenges faced by the appellate courts in India are quantitatively and qualitatively different from the challenges faced by the lower tiers of the court system. The Supreme Court and the High Courts have succeeded in keeping problems of delay and pendency within manageable proportions.
However, this has been achieved at the level of High Courts not by efficient court management or through specialized benching arrangements but by the diversion of a significant number of cases to specialized tribunals. While the early debates on tribunals were anchored on the creation of central and State administrative tribunals (I.P. Massey 2008, Administrative Law), more quantitative research is available on the performance of the Debt Recovery Tribunals which were established in 1993. (S. Visaria 2009, Legal Reform and Loan Repayment: The Microeconomic Impact of Debt Recovery Tribunals in India). The pace at which tribunals have been constituted has accelerated in the last decade and the consequences and the effect of this strategy deserve serious analysis. The Bill to create a Commercial Division of the High Courts is a belated recognition of the need to resolve issues of expertise and delay in the appellate court system through a reorganization of the High Court. At the level of the Supreme Court, the Indian legal system displays the lowest levels of pendency and arrears. However, the Indian Supreme Court combines the functions of a constitutional court and a court of appeal and has among the highest caseloads of any Supreme Court in the world (K.K. Venugopal 2010, R.K. Jain Memorial Lecture, Towards a Holistic Restructuring of the Supreme Court of India). The court’s failure to adhere to rigorous rules in administering its appellate jurisdiction has resulted in a flood of cases into the highest court in the country (N. Robinson 2010, Too Many Cases). This panel explores pending proposals for reform of the appellate court system and identifies the key challenges that academic and policy actors must respond to.

Session 6: Institutions for Legal System Reform

The institutional responsibility for legal system reform is divided between various branches of the government. The Law Ministry and the Law Commission initiate policy reform while State legislatures and Parliament develop the legislative framework. At the national and State level the judiciary and Judicial Academies lead internal management reform and tackle problems of quality and staffing. While this institutional framework promises continuous engagement with the Indian legal system, there is a lack of empirical and analytical rigour in the processes of reform initiated by such institutions. The Supreme Court and the High Courts do not produce periodic empirical reports of the cases entering and leaving the system (R. Dhavan 2011, Judiciary Must Chew on its Ills This Recess). This panel will examine the role of these institutions in the recent past and the conditions necessary for them to carry out their mandates effectively.
SCHEDULE

May 18, 2012

Welcome Address
9:30 am

Panel 1: Introduction: Themes in Legal System Reform:
9:45 am – 11:30 am
Sitaram Kakarala - Moderator
Jiangyu Wang
Pratap Bhanu Mehta
Sudhir Krishnaswamy

Tea: 11:30 am – 11:45 am

Panel 2: Criminal Justice Reforms:
11:30 am – 1:30 pm
Marcello Dibello - Moderator
Tasneem Deo
Jayna Kothari
Nanda Kishore
Mrinal Satish

Lunch: 1:30 pm – 2:30 pm

Panel 3: Civil Justice Reforms
2:30 pm – 4:30 pm
Arun Thiruvengadam - Moderator
Osama Siddique
Sital Kalantry
Vikas Kumar

Public Lecture by Mr. Pratap Bhanu Mehta
6:30 – 8:00 pm
Venue: National Gallery of Modern Art, Bengaluru
Introduced by: Chandan Gowda
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May 19, 2012

Panel 4: Alternate Dispute Resolution
9:00 am – 11:00 am
Justice Muralidhar - Moderator
Simon Chapman
Manavi Belgaumkar
Menaka Guruswamy

Tea: 11:00 am – 11:15 am

Panel 5: Reforming the Appellate Courts
11:15 am - 1:15 pm
Justice Sanjib Banerjee - Moderator
Nick Robinson
Sidharth Chauhan
Arun Kumar Thiruvengadam

Lunch : 1:15 pm – 2:00 pm

Panel 6: Institutions for Legal System Reform
2:00 pm – 4:00 pm
Justice Ravindra Bhat - Moderator
G. Mohan Gopal
M. P. Singh
Justice P. V. Reddi
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SPEAKER PROFILES

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Sitaram Kakarala - Moderator
Jiangyu Wang
Pratap Bhanu Mehta
Sudhir Krishnaswamy

PANEL 2
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SPEAKER PROFILES

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Justice Sanjib Bannerjee - Moderator
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PANEL 6
Justice Ravindra Bhat - Moderator
G. Mohan Gopal
M.P. Singh
Justice P. V. Reddi
PANEL 1 – Themes in Legal System Reforms

Sitharamam Kakarala

Sitharamam Kakarala has been a Senior Fellow at CSCS from October 2003 to February 2007, and its Director from March 2007 to March 2010. He is the Lead Researcher of the Law, Society and Culture programme. Before joining CSCS, he had taught at the NLSIU. He has a Ph.D from the Centre for Social Studies, Surat, and an LLM from the University of Nottingham.

Jiangyu Wang

Dr. Wang Jiangyu (SJD & LLM, University of Pennsylvania; MJur, Oxford; LLM, Peking University; LLB, China University of Political Science and Law) is an Associate Professor at the Faculty of Law of the National University of Singapore. He was on secondment as an Associate Professor at the Faculty of Law of The Chinese University of Hong Kong from August 2006 to July 2009. His teaching and research interests include international economic law, corporate and securities law, law and development, and Chinese legal system. He practiced law in the Legal Department of Bank of China and Chinese and American law firms. He is a member of the Chinese Bar Association and the New York Bar Association. He is also an Executive Member on the Governing Council of the WTO Institute of the China Law Society, a Senior Fellow at the Law and Development Institute (LDI), and a fellow of the Asian Institute of International Financial Law (Hong Kong). Dr. Wang has published extensively in Chinese and international journals and newspapers on a variety of law and politics related topics.
Pratap Bhanu Mehta is President, Center for Policy Research, New Delhi. He was previously Visiting Professor of Government at Harvard University; Associate Professor of Government and of Social Studies at Harvard. He was also Professor of Philosophy and of Law and Governance at Jawaharlal Nehru University. He was also been a Visiting Professor at NYU Law School. His areas of research include political theory, constitutional law, society and politics in India, governance and political economy and international affairs. Mehta has a B.A. First Class in Philosophy, Politics and Economics from Oxford University (St. John’s College); and a Ph.D in Politics from Princeton University. He is the recipient of the Malcom S. Adishehshiah Award for 2010 and of the 2011 Infosys Prize for Social Sciences - Political Science. He has also done extensive public policy work. He is member of the National Security Advisory Board, Government of India.

Sudhir is a Professor at Azim Premji University. Prior to this, he was a Professor of Law at the West Bengal National University of Juridical Sciences, Kolkata, India where he taught Constitutional Law and Jurisprudence. He studied law at the National Law School of India University, Bangalore (BA LLB 1998) and the University of Oxford (BCL 2000 and DPhil 2008). Before NUJS he taught at the National Law School of India University, Bangalore and Pembroke College, University of Oxford. He has engaged with the Government at various levels including the Prime Minister’s Committee on Infrastructure and the Kasturirangan Committee on Bangalore’s Governance. He has published widely in various academic and non-academic journals and newspapers. His book titled ‘Democracy and Constitutionalism in India’ was published by OUP in 2009. His research interests include constitutional law, administrative law, intellectual property law and reform of the legal system, legal profession and legal education in India.
Tasneem Deo

Tasneem obtained her B.A., LL.B. (Hons.) degree in 2011 from the National Law School of India University, Bangalore where she was a Gold Medalist. While at Law School, Tasneem served as Convenor of the Law and Society Committee and as Chief Editor of the Indian Journal of International Economic Law. She was appointed as a Teaching Assistant in the subject of Criminal Law. She is currently working as a Law Clerk in the Supreme Court of India. She is also involved with the Law Governance and Development Initiative at the Azim Premji University as a Graduate Fellow. Her research interest lies mainly in the field of Criminal Justice and Human Rights.

Jayna Kothari

Jayna Kothari is a partner at Ashira Law, a law firm based in Bangalore and the Founder of the Centre for Law and Policy Research, a non-profit research organization. She completed her B.A.LL.B from University Law College, Bangalore, and has received a Master's Degree in Law from the University of Oxford, UK. In 2008 she was awarded the Wrangler D.C. Pavate Fellowship to read as a Visiting Fellow at Sidney Sussex College and the Centre of International Studies, University of Cambridge. As a Counsel, Jayna has an active presence in the Supreme Court, the Karnataka High Court, the Bangalore City Civil Courts, the Family Court and other special tribunals. Her areas of specialization are constitutional and administrative law, family law, disability rights and property law. Recently her book on disability law titled “The Future of Disability Law in India” has been published by Oxford University Press, India.
Mrinal Satish graduated from the National Law School of India University, Bangalore (NLSIU) in 2001 with a B.A.,LL.B (Hons.) degree. He has a LL.M. degree from the same University, for which he wrote a dissertation on the jurisdictional powers of International Criminal tribunals. In March 2002, he was awarded the M.K.Gandhi National Law Teaching Fellowship by NLSIU and was appointed as Assistant Lecturer. He was appointed Lecturer in the same University in 2004. He taught courses on Criminal Law (Indian Penal Code, Criminal Procedure and International Criminal Law) at NLSIU till August 2006. He obtained another LL.M degree from Yale Law School, U.S.A in 2007. At Yale, his focus was on issues pertaining to sentencing. He was awarded the prestigious Inlaks Scholarship in law, for the year 2006-07. Mr. Satish is currently a doctoral candidate at Yale.

Nanda Kishore studied for his LLB and LLM in Legal Theory at the London School of Economics. After his return, he practiced for several years in the High Court of Karnataka before moving to Delhi where he is currently an Advocate-on-Record at the Supreme Court of India. He presently runs a firm with bases in Bangalore and Delhi. In addition to his courtroom work, he engages actively in academic work on the side. He was Assistant Professor at NLSIU. He obtained an MPhil degree from the NLSIU on “Fact-Finding Techniques in Indian Trials” and is currently a Doctoral Researcher there, working on the Right to a Speedy Trial. His research interests include Procedural Law, Human Rights and Legal Theory.
PANEL 3 – Civil Justice Reforms

Osama Siddique

Dr. Osama Siddique is a graduate of Government College, Lahore; Lahore University of Management Sciences (LUMS); University of Oxford and Harvard Law School. A Rhodes Scholar at Oxford, he subsequently practiced law for eight years in the U.S. and in Pakistan. Since 2001, he has taught several law courses at LUMS; led the initiative to launch a new Department of Law and Policy at LUMS and served as its founding chair. A full-time academic since 2005, he is an Associate Professor of Law & Policy at LUMS. In 2008 he took study leave and pursued a Doctorate in Law at Harvard Law School (the S.J.D) which he finished in 2011. While at Harvard he worked in the areas of legal theory, development policy, sociology of law, and colonial and post-colonial legal history of India. in order to understand the growing alienation of the Pakistani people with the formal legal system. He is the author of the book: “The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies under the Pakistani Constitution and its Discontents” (2008), and his research articles have appeared in various U.S. and Australian academic law journals.
Sital Kalantry is an Associate Clinical Professor at Cornell Law School where she directs the International Human Rights Clinic and is the co-founder and Faculty Director of the Avon Global Center for Women and Justice at Cornell Law School. She has extensive experience working on and supervising projects that utilize litigation and non-litigation strategies to promote international human rights, particularly women’s rights and the right to education. Professor Kalantry’s research focuses on using quantitative and qualitative approaches to understand and promote international human rights law. She has received a Fulbright-Nehru grant to conduct research in India on the use and impact of public interest litigation. Her works have been published in, among other places, the Human Rights Quarterly, the National Law Journal, and the Stanford Journal of International Law. Prior to joining Cornell Law School, she was a visiting clinical lecturer at Yale Law School where she co-taught a clinic focusing on national security and civil liberties. She also practiced private international law at two major international law firms.

Vikas is an Assistant Professor at Azim Premji University. He was an Assistant Professor of Economics at the Centre for Study of Social Exclusion and Inclusive Policy, National Law School of India University, Bangalore. He studied metallurgy at the Indian Institute of Technology, Kanpur (B. Tech., 2001) and economics at the Indira Gandhi Institute of Development Studies, Mumbai (Ph.D. 2010) and the University of Hamburg (Doctoral fellow, 2007-08). After completing his engineering degree, he worked with Bharat Heavy Electricals Limited, New Delhi and Trichy. His research interests are in the areas of Applied Game Theory, Political Economy, Law and Economics, and the Economics of Religion. Besides academic publications, he has written for newspapers, magazines, and policy discussion fora.
Justice Muralidhar secured the first rank in the University of Madras in the final law exams in June 1984 and was awarded the Lakshminarasa Reddi and the L.C. Miller Medals, 1984 and the Carmichael and Innes Prizes, 1984. He represented India as a law student at the Philip C. Jessup International Law Moot Court Competition held in Washington DC in April, 1984. He enrolled as an Advocate on September 12, 1984 and commenced law practice in the civil courts and the High Court in Chennai. He has been a lawyer on the panel of the Supreme Court Legal Aid Committee and has been appointed amicus curiae to assist the Supreme Court in several criminal and PIL cases. He was appointed a part-time Member of the Law Commission of India in December 2002 and re-appointed as such for a three-year term in August 2003. He was appointed as Additional Judge of the High Court of Delhi with effect from May 29, 2006.

Simon is a Senior Associate with the international Law firm Herbert Smith LLP. Simon has specialist expertise in international arbitration and advises clients across a number of different industries, with particular experience in the field of oil and gas. Having spent a number of years working in Herbert Smith’s offices in London and Paris, Simon relocated to Hong Kong in 2011. In addition to his experience at Herbert Smith, Simon spent six months on secondment to the international disputes team of a global energy company in London, working on a range of disputes concerning various projects around the world. Simon was admitted as a Solicitor of the Senior Courts of England and Wales in 2006 and obtained higher rights of audience in 2011. He has a law degree from Oxford University and speaks English and French.
PANEL 4 – Alternative Dispute Resolution

Manavi Belgaumkar

Manavi has her Bachelor’s degree in Law (Honours) from the West Bengal University of Juridical Sciences, Kolkata where she was a Gold Medalist, and was awarded the highest number of medals at the Convocation. She pursued her Master’s Degree from the University of Oxford, and was awarded the prestigious INLAKS scholarship to support her work. She is currently a Faculty Fellow with Azim Premji University. She worked for a year with AZB & Partners, Advocates and Solicitors, Mumbai where she was involved in Corporate and Commercial law transactions and advisory work. She has experience in various aspects of Corporate law practices. Her research interest lies mainly in the field of Public law which includes Constitutional law, Labour law and Human Rights law.

Menaka Guruswamy

Menaka Guruswamy practices law at the Supreme Court of India. Amongst other cases, she litigated against state-sponsored vigilante groups such as the Salwa Judum in Chhattisgarh, argued a large constitutional case that seeks reform of public administration and the bureaucracy in the country, defended federal legislation that mandates that all private schools admit disadvantaged children and has challenged the constitutionality of laws that punish same-sex relations. Menaka was a Rhodes Scholar at Oxford University, a Gammon Fellow at Harvard Law School, and a gold medalist from the National Law School of India. She has law degrees from all three schools. Her doctoral research from Oxford University is on Constitution- Making in India, Pakistan and Nepal. Her most recent publications, include, a piece on regulation of India’s intelligence agencies titled ‘Regulating the Gentleman’s Game’, and on Integration of Combatants and New Constitutionalism in Nepal. Menaka is on the Executive Committee of the International Association of Constitutional Law.
PANEL 5 – Reforming the Appellate Courts

Justice Sanjib Banerjee

Justice Sanjib Banerjee passed B.Sc. with Honours in Economics in the year 1983 and LL.B. in the year 1986-87, both from the University of Calcutta. He was enrolled as an Advocate on November 21, 1990. He has practised mainly in the High Courts of Calcutta, Delhi, Bombay, Allahabad, Patna, Ranchi, Orissa, Karnataka, Madhya Pradesh and the High Court of Punjab & Haryana as well as in the Supreme Court of India. He has specialised in Corporate and Intellectual Property Laws matters. He was elevated to the Bench of the High Court at Calcutta as a permanent Judge on June 22, 2006.

Nicholas Robinson

Nick Robinson is a Visiting Fellow at the Centre for Policy Research, New Delhi. His current research focuses on grievance redress and the history of the administrative state in India, judicial backlog, the structure of the legal profession in India, and the Supreme Court as an institution. Nick Robinson has previously been visiting faculty at National Law School, Bangalore, and Lahore University of Management Sciences, Pakistan. He was an Assistant Professor at Jindal Global Law School. Before teaching, he was a judicial clerk for the Indian Supreme Court and a Yale Law School Bernstein Fellow at Human Rights Law Network, New Delhi. He holds a JD from Yale Law School and a BA from the University of Chicago.
Sidharth Chauhan holds a B.A., LL.B. (Hons.) degree from NLSIU Bangalore (2008) and a LL.M. degree from the University of Pennsylvania Law School in Philadelphia, U.S.A (2010-11). He worked as a Law Clerk under the Chief Justice of India at the Supreme Court in New Delhi between July 2008 - May 2010. During his undergraduate years at NLSIU he had been the convenor of the Literary and Debating Society (2005-06) and Vice-President of the Student Bar Association (2006-07). He continues to be involved in judging and organising debate tournaments all over the country. His main fields of interest are political and legal theory, comparative constitutional law and the Indian judicial system.

Arun Thiruvengadam obtained his formal legal education from the National Law School, Bangalore (B.A., LL.B (Hons.), 1995: LL.M, 2001) and New York University School of Law (LL.M, 2002, J.S.D., 2007). After completing his undergraduate education in 1995, he served as a law clerk to Chief Justice A.M. Ahmadi at the Supreme Court of India for eighteen months. Between 1997 and 1999, he practiced in the fields of administrative, constitutional and commercial law before the High Court of Delhi and the Supreme Court of India. He has been a Research and Teaching Fellow at the National Law School (1999-2001), and at the Global Public Service Law Project at NYU School of Law (2003-05). He joined NUS in May 2005 as a Visiting Fellow, and was appointed an Assistant Professor in January 2007. He is currently co-editing a volume on Comparative Constitutionalism in South Asia (with Sunil Khilnani and Vikram Raghavan) which will be published by Oxford University Press India in 2011.
Justice S. Ravindra Bhat completed his schooling from Faridabad, and graduated with Honours in English Literature from Hindu College, Delhi University in 1979. He graduated with a law degree from the Campus Law Centre, of the Delhi University in 1982, and enrolled with the Delhi Bar Council. As a lawyer, Justice Bhat practised mainly in the Supreme Court, in diverse branches such as employment law, banking, property laws and indirect taxation. Justice Bhat was appointed as an Additional Judge of the Delhi High Court on 16th July, 2004, and later as permanent Judge on 20th February, 2006. He has delivered well-known judgments such as the ruling that the Right to Information Act applies to Judges of the Supreme Court of India, and the High Courts, and that they have to make disclosure of their assets to their respective Chief Justices. He was the first High Court judge in the country to preside over a paperless or e-court, their respective Chief Justices. He was the first High Court judge in the country to preside over a paperless or e-court.

Professor Mahendra Pal Singh is currently the Chairperson of Delhi Judicial Academy. Until recently he was the Vice-Chancellor, National University of Juridical Sciences, Kolkata. Earlier, he taught at the University of Delhi from 1970 to 2005, where he was also the Head and Dean Faculty of Law from 1994 to 1997. Before moving to Delhi, he taught at Meerut from 1964 to 1970. His publications include over one hundred papers in different legal journals and edited works and ten books including German Administrative Law In Common Law Perspective, Freedom of trade and commerce in India, Comparative Constitutional Law, Shukla’s Constitution of India, Legal Dimensions of Market Economy and Human Rights and Basic Needs. He has also been working on and collaborating in national and international research projects. Comparative public law including especially constitutional law, administrative law, human rights and legal systems are his major interests.
Panel 6: Institutions for Legal System Reform

G. Mohan Gopal

Prof. G. Mohan Gopal is Director of Rajiv Gandhi Institute for Contemporary Studies, New Delhi and is a member of the Judges’ Inquiry Committee, (2011) and a Member of the Committee (“Roundtable”) on Legal Education established by the Ministry of Law, Government of India, (2009). Prior to this he was Director of the National Judicial Academy, New Delhi from 2006 to 2011 and was Director of the National Law School of India University, Bangalore from 2000 to 2003. Prof. Gopal holds a masters and a doctorate degree in law from Harvard University (Harvard Law School), USA and a bachelor’s degree in law from Delhi University. He has taught law at Georgetown University Law School, Washington, DC as an adjunct professor (1991-2000) and later at the National University of Singapore. He has also served for over 18 years at the World Bank in Washington, DC where he became Chief Counsel in the Legal Department of the World Bank. Previously, he has served from 1980-83 as a legal counsel at the Asian Development Bank in Manila. Prof Gopal’s focal areas of interest include Development; Law and Justice and Education.

Justice P.V. Reddi

Mr. Justice P. V. Reddi is the Chairperson of the Law Commission of India. He enrolled as an advocate in 1962 at Hyderabad. He practised in the High Court of Andhra Pradesh on the civil side including writs. He has also specialised in taxation, service and company law matters. He worked as a Standing Counsel for Railways, Food Corporation, BHEL and other Public Sector Undertakings. He was appointed a Judge in the Andhra Pradesh High Court on 16.3.1990. He has been the president of Andhra Pradesh Judicial Academy and is associated with NALSAR University as a Member of the Executive Committee. He was appointed as Chief Justice of Karnataka High Court on 21.10.2000 and appointed as Judge of the Supreme Court of India on 17.8.2001.
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