

The Role of the Judiciary in Plural Societies

Tiruchelvam, Neelan

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Role Of The Judiciary In Plural Societies

**Radhika Coomaraswamy, Neelan
Tiruchelvam**



Role Of The Judiciary In Plural Societies:

Role of the Judiciary in Plural Societies, 1983 *The Role of the Judiciary in the Protection of Human Rights* Eugene Cotran, Adel Omar Sherif, 2023-10-16 This volume contains papers presented at the conference The Role of the Judiciary in the Protection of Human Rights held in Cairo December 1996 under the auspices of the Supreme Constitutional Court of Egypt and the British Council *The Culture of Judicial Independence* Shimon Shetreet, Christopher Forsyth, 2011-11-11 The creation of a culture of Judicial Independence is of a central significance both in national domestic legal systems as well as for the international courts and tribunals The main aim of this volume is to analyze the development of a culture of Judicial Independence in comparative perspectives to offer an examination of the conceptual foundations of the principle of judicial independence and to discuss in detail the practical challenges facing judiciaries in different jurisdictions The proposed volume is based on the papers presented at the five conferences held in the framework of The International Project on Judicial independence The editors of this volume and the contributors to it are leading scholars and distinguished experts on judicial independence and judiciaries **The Role of the Judiciary in Plural Societies** Radhika Coomaraswamy, Neelan Tiruchelvam, 1987 **Redesigning Justice for Plural Societies** Katayoun Alidadi, Marie-Claire Foblets, Dominik Müller, 2022-09-30 This volume examines cases of accommodation and recognition of minority practices cultural religious ethnic linguistic or otherwise under state law The collection presents selected situations and experiences from a variety of regions and from different legal traditions around the world in which diverse societal stakeholders and political actors have engaged in processes leading to the elaboration of creative innovative and to a certain extent sustainable solutions via accommodative laws or practices Representing multiple disciplines and methodologies and written by esteemed scholars the work analyses the pitfalls and successes of such accommodative practices presenting insights into how solutions could or could not be achieved The chapters address the sustainability and transferability of such solutions in order to further the dialogue in both scholarly and policy spheres The book will be essential reading for academics researchers and policy makers in the areas of minority rights legal anthropology law and religion legal philosophy and law and migration *Bibliography on Law and Developing Countries* Brian Z. Tamanaha, 2023-11-27 The citations listed in this bibliography were published between 1975 and mid 1993 Substantial legal developments have occurred since 1975 and the vast bulk of materials on the subject has been produced since that time The citations are grouped under 53 different subject headings Some subjects are further divided into subcategories Audience Lawyers legal scholars social scientists and civil servants involved in development issues *Minority Groups and Judicial Discourse in International Law* Gaetano Pentassuglia, 2009-07-15 Set against previous stages of minority protection under international law this book discusses the role of courts and court like bodies particularly in the Americas Africa and Europe in articulating and accommodating the interests and needs of ethno cultural minority groups as part of the human rights discourse Conceptually it exposes different moments of intervention by

such bodies involving the recognition of group existence or identity the adjustment of human rights norms to accommodate the group's perspectives the establishment of processes designed to address the complexities resulting from competing claims and the expansion of procedural avenues within litigation The result is a fresh comparative practical and theoretical perspective on international jurisprudence as an emerging distinctive component in the complex history of the field

Separation of Powers, the Judiciary and the Politics of Constitutional Adjudication Sanele Sibanda, 2022-12-26

Over the last 25 years the doctrine of separation of powers has been established as both a foundational value and a structural principle applied by the courts in interpreting the relationship between South Africa's constitutional structures

Jurisprudentially the practicalities and contours of how when and by whom the separation of powers should be determined has proven to be controversial Therefore the past decade has been characterised by heightened political contestation often resulting in extensive litigation posing thorny political issues This has had profound implications for the judiciary and raised difficult questions on the very nature of South African constitutionalism These political contestations gathered even greater momentum and urgency during the early days of COVID 19 in 2020 when the first iteration of this book was produced as a special issue of the South African Journal on Human Rights This timely volume brings together critical reflections on developments in South Africa's separation of powers jurisprudence and theory the role and function of the judiciary through its judgments in shaping the landscape of constitutional politics as well the implications of this for the consolidation of South Africa's democratic constitutional project It makes an important contribution to the debate on the politics of constitutional adjudication in light of the doctrine of separation of powers This book will be of interest to researchers and advanced students of politics history law and legal theory human rights and African studies *How Colonialism Preempted Modernity in Africa* Olúfémi Táíwò, 2010-01-11

Based on the idea that Africa was already becoming modern before being derailed by colonialism the author insists that Africa can get back on track and advocates a renewed engagement with modernity Tools toward shaping a positive future for Africa are immigration capitalism democracy and globalization **Courts, Law, and**

Politics in Comparative Perspective Herbert Jacob, Erhard Blankenburg, Herbert M. Kritzer, Doris Marie Provine, Joseph Sanders, 1996-01-01 This comprehensive book compares the intersection of political forces and legal practices in five industrial nations the United States England France Germany and Japan The authors eminent political scientists and legal scholars investigate how constitutional courts function in each country how the adjudication of criminal justice and the processing of civil disputes connect legal systems to politics and how both ordinary citizens and large corporations use the courts For each of the five countries the authors discuss the structure of courts and access to them the manner in which politics and law are differentiated or amalgamated whether judicial posts are political prizes or bureaucratic positions the ways in which courts are perceived as legitimate forms for addressing political conflicts the degree of legal consciousness among citizens the kinds of work lawyers do and the manner in which law and courts are used as social control mechanisms

The authors find that although the extent to which courts participate in policymaking varies dramatically from country to country judicial responsiveness to perceived public problems is not a uniquely American phenomenon **Judicial**

Independence in Transitional Democracies Nauman Reayat, Rhona K. M. Smith, Moohyung Cho, 2024-12-31 This book presents interdisciplinary and comparative analyses of judicial independence in transitional democracies across Asia Latin America Eastern Europe the Middle East and Africa Although judicial empowerment and independence in transitional democracies have gained both academic and real world prominence in recent decades an ongoing debate persists regarding the nature scope and determinants of judicial independence in transitional settings Some transitional democracies successfully develop democracy and the rule of law with the sustained growth of judicial independence whereas others grapple with substantial challenges and move more towards authoritarianism This book examines factors that drive de jure and de facto judicial independence in transitional democracies and evaluates their relationship In doing so it identifies challenges and opportunities associated with developing judicial independence in transitional democracies At the intersection of political science and law the work will be a valuable resource for academics researchers and policymakers in constitutional law constitutional politics and human rights law **Inclusive Governance in South Asia** Nizam

Ahmed, 2017-10-04 This edited volume explores the state of inclusive governance in South Asia It particularly examines the nature and scope of inclusiveness noticed in the parliament and civil service in Bangladesh India and Nepal and the judiciary in Bangladesh Where previous literature has stressed the need for the inclusion of external stakeholders this volume highlights the importance of the involvement of internal stakeholders This includes insiders such as opposition members and government backbenchers in parliament and specialists in the civil service The main emphasis is on identifying the extent to which insiders in different institutions have the scope to participate in the governing process Furthermore this volume also seeks to assess the implications of inclusiveness exclusiveness for democratic governance By exploring the link between inclusiveness and accountability its contributors are able to draw out the strengths and weaknesses of the existing mechanisms of accountability particularly social accountability This innovative collection will appeal to students and scholars of gender and development studies public policy and administration international relations law and political science

Judicial Review of Administrative Action Across the Common Law World Swati Jhaveri, Michael Ramsden, 2021-03-18 Research on comparative administrative law in contrast to comparative constitutional law remains largely underdeveloped This book plugs that gap It considers how a wide range of common law systems have received and adapted English common law to the needs of their own socio political context Readers will be given complex insights into a wide range of common law systems of administrative law which they may not otherwise have access to given how difficult it would be to research all of the systems covered in the volume single handedly The book covers Scotland Ireland the USA Canada Israel South Africa Kenya Malaysia Singapore Hong Kong SAR India Bangladesh Australia and New Zealand

Comparative public lawyers will have a much greater range of common law models of administrative law either to pursue conversations about their own common law system or to sophisticate their comparison of their system civil law or otherwise with common law systems *Judges of the Supreme Court of India* George H. Gadbois, Jr, 2011-05-02 Despite the critical role played by the Supreme Court of India the lives of the judges have never been studied before This seminal book presents biographical essays for each of the first ninety three judges who served on the Court from 1950 through mid 1989 The essays in the book are based on interviews the author conducted with sixty four of the sixty eight judges who were alive in the 1980s and on meetings and correspondence with family members or relatives friends and associates of the deceased judges An attempt is made to account for why certain judges rather than others were chosen the selection criteria employed and to the extent possible in a secretive selection environment to identify those who selected them It concludes with a collective portrait of these judges paying particular attention to changes in their background characteristics fathers occupation education pre SCI career caste religion state of birth and region over four decades The essays also embrace their post retirement activities

Rights in Divided Societies Colin Harvey, Alex Schwartz, 2012-07-20 This collection examines the role and value of rights in divided and post conflict societies approaching the subject from a comparative and theoretical perspective Societies emerging from violent conflict often opt for a bill of rights as part of a wider package of constitutional reform Where conflict is fuelled by longstanding ethno national divisions these divisions are often addressed through group differentiated rights Recent constitutional settlements have highlighted the difficulties in drafting a bill of rights in divided post conflict societies where the aim of promoting unity is frequently in tension with the need to accommodate difference In such cases a bill of rights might be a rallying point around which both minorities and the majority can articulate a common vision for a shared society Conversely a bill of rights might provide merely another venue in which to play out familiar conflicts further dividing an already divided society The central questions that animate the collection are 1 Can constitutional rights provide a basis for unity and a common human rights culture in divided societies If so how 2 To what extent should divided societies opt for a universalistic package of rights protections or should the rights be tailored to the specific circumstances of a divided society providing for special group sensitive protections for minorities 3 Is a divided society more or less likely to adopt a bill of rights 4 How does the judiciary figure in the management or resolution of ethno national conflict 5 What are the general theoretical and philosophical issues at stake in a rights based approach to the management or resolution of ethno national divisions or other conflicts The Use of Foreign Precedents by Constitutional Judges Tania Groppi, Marie-Claire

Ponthoreau, 2013-03-28 In 2007 the International Association of Constitutional Law established an Interest Group on The Use of Foreign Precedents by Constitutional Judges to conduct a survey of the use of foreign precedents by Supreme and Constitutional Courts in deciding constitutional cases Its purpose was to determine through empirical analysis employing both quantitative and qualitative indicators the extent to which foreign case law is cited The survey aimed to test the

reliability of studies describing and reporting instances of transjudicial communication between Courts The research also provides useful insights into the extent to which a progressive constitutional convergence may be taking place between common law and civil law traditions The present work includes studies by scholars from African American Asian European Latin American and Oceania countries representing jurisdictions belonging to both common law and civil law traditions and countries employing both centralised and decentralised systems of judicial review The results published here for the first time give us the best evidence yet of the existence and limits of a transnational constitutional communication between courts

Building the Constitution James Fowkes, 2016-12-15 A revisionary account of the South African Constitutional Court its working method and the neglected political underpinnings of its success *Beyond Regimes* Duara Prasenjit, Elizabeth J. Perry, 2020-10-26 For many years China and India have been powerfully shaped by both transnational and subnational circulatory forces This edited volume explores these local and global influences as they play out in the contemporary era The analysis focuses on four intersecting topics labor relations legal reform and rights protest public goods provision and transnational migration and investment The eight substantive chapters and introduction share a common perspective in arguing that distinctions in regime type democracy versus dictatorship alone offer little insight into critical differences and similarities between these Asian giants in terms of either policies or performance A wide variety of subnational and transnational actors from municipal governments to international organizations and from local NGO activists to a far flung diaspora have been and will continue to be decisive The authors approach China and India through a strategy of convergent comparison in which they investigate temporal and spatial parallels at various critical junctures at various levels of the political system and both inside and outside the territorial confines of the nation state The intensified globalization of recent decades only heightens the need to view state initiatives against such a wider canvas **Directory of Social Scientists in Sri Lanka**, 1994 *Law and Social Policy in the Global South* Ulrike Davy, Albert H.Y. Chen, 2022-12-13 The book is an in depth study of the origins and the trajectories of the law governing social policies in Brazil China India and South Africa four middle income countries in the global South with a history in social policy making that starts in the 1920s The policies of these countries affect almost half of the world's population The book takes the legal framework of the policies as a starting point but the main interest lies behind the letter of the law What were the objectives and goals of social policy over the course of the last 100 years What were the ideas ideologies and values pursued by relevant actors The book comprises four country studies and a comparative study The country studies concentrate on the political and social context of social policy making in Brazil China India and South Africa as well as on the ideas ideologies and values underpinning the constitution statutory laws and case law that frame and shape social policy at the national level The country studies are complemented by a comparative study exploring and describing the commonalities and differences in the ideational approaches to social policies across the four countries nationally and in the formative decades internationally The comparative study also

identifies the characteristics that make Brazilian Chinese Indian and South African social policies distinct from European social policies With its emphasis on law and drawing on legal scholarship the book adds a new dimension to the existing accounts on welfare state building which so far are dominated by European narratives and by scholars with a background in sociology political science and development studies This book is relevant to specialists and peers and will be invaluable to those individuals interested in the fields of comparative and international social security law human rights law comparative constitutional law constitutional history law and development studies comparative social policies global social policies social work and welfare state theory The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4.0 license

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