

Report of Two-day National SEMINAR titled " Ancient Indian Jurisprudence and its Relevance in Contemporary Society" & the INCEPTION CEREMONY of Justice (Late) A.M. Bhattacharjee Memorial Lecture Series organized by Sikkim Government Law College.

On 29th & 30th April, 2022, Sikkim Government Law College organized a two-day National Seminar titled " *Ancient Indian Jurisprudence and its Relevance in Contemporary Society*" & the *INCEPTION CEREMONY of Justice (Late) A.M. Bhattacharjee Memorial Lecture Series* at Sikkim Judicial Auditorium, Sokeythang. The Seminar was sponsored by Rastriya Uchcharat Shiksha Abhiyan (RUSA). The seminar aimed to create an important platform for transdisciplinary discourse around the dynamics and contemporary relevance of Ancient Indian jurisprudence as seen in society, trade, commerce, globalisation, idea of justice and legal norms as developed by famous Indian personalities as there is an urgency to decolonise the acquired laws.



DAY 1

The inaugural session on 29th April, 2022, was graced by Hon'ble Member of Parliament (Lok Sabha) Shri Indra Hang Subba as the Chief Guest. The event also witnessed the gracious presence of Prof. (Dr.) Gangotri Chakraborty, HoD, Department of Law, North Bengal University (NBU), Prof. (Dr.) Ch. Satish Kumar, Vice Chancellor SRM University, Ms. Yishey D. Yongda, Director, Higher and Technical Education, Government of Sikkim, Dr. Tshewang D. Lama, Principal, Sikkim Government Law College, Dr. Dilip Pandey, Dean of Students' Affairs, Sikkim Government Law College, Teaching and Non-Teaching Faculty, paper presenters and students of Sikkim Government Law College. The programme was also attended by Prof. Dr. S.S. Mahapatra HoD Department of Commerce Sikkim University, Dr. Krishna Subba Principal Vocational College, Mr. Karma Sonam, Registrar, Kanchendzonga University, Dr. Pravin Mishra, Associate Department of Law, Sikkim University, Ms Bibhuti Pradhan Director Technical Education, Education Department, Government of Sikkim, Dr. Yodida Bhutia, Associate Prof. HoD Department of Education, Sikkim University, Advocate High Court of Sikkim Mr. Zangpo Sherpa, panel Lawyer of Sikkim State Legal Services Authority, Principals and faculty members of different colleges, resource scholars, participants and students of Law College.



The Day 1 commenced with the registration of participants and arrival of the Chief Guest and performance of Guard of Honour by the NCC Cadets, Sikkim Government Law College, followed by offering of Khadas and presentation of Souvenirs to the dignitaries followed by the performance of College Anthem by the Students of Sikkim Government Law College. The Welcome Address was delivered by: Dr. Tshewang D. Lama, Principal, Sikkim Government Law College, whereby he enlightened the audience about the history of the college. Dr. Lama, also discussed about the potential and achievements of Sikkim Government Law College. He also shared the idea behind the Seminar and threw light on the life, achievements and contributions of Late Justice. A.M. Bhattacharjee and his Memorial Lectures Series which is to be held online was also inaugurated during the event. The Memorial Lecture Series will be an annual event where Legal Luminaries of National and International stature will be invited to share their thoughts on contemporary legal developments together with a quarterly exercise where regional eminence will be invited to dwell on neighbouring issues.



The Welcome Address was followed by the Keynote Address by Prof. (Dr.) Gangotri Chakraborty, Professor and Head North Bengal University, on “*Indian Concept of Law of Rita and Dharma*”. Prof. Chakraborty expressed that she is extremely privileged and proud to be standing speaking on the subject that is close to her heart and she congratulated Dr. Tshewang Dorjee Lama for taking up the topic of ‘*Ancient Indian Jurisprudence and its Relevance in Contemporary Society*’ which is the need of the present hour. Dr.

Chakraborty further stated that Jurisprudence is one of the most important, fundamental and complicated subjects of law. India is one of the countries which has very scientific, very broad, very flexible jurisprudence to govern and very unlike what the westerners thought of. She spoke about Dharma which is the bundle of rights, obligations, duties, privileges, all rolled into one but dominated by the sense of duty of right and righteousness. Further, she elaborated about the origin of jurisprudence and how the law contributed towards society as it has a lot of applications in civil life. Lastly, she urged the students to learn and dwell into the ocean of Ancient Jurisprudence as the knowledge of law helps them to face every necessity related to human affairs boldly and courageously.

The Keynote address was followed by the address of Chief Guest Shri Indra Hang Subba



who in his address highlighted the need for educational seminars in the society in order to motivate and educate students by providing a platform for deliberations on various ongoing topics to polish students on the right narrative facts. He stated that institutions like law are an effective medium or agency, instrumental in bringing about social change in the country or in any region in particular and therefore, we must rejuvenate our belief that law has been pivotal in introducing changes in the societal structure. He further mentioned that law is a

system that regulates rules and guidelines and it is the institution which acts as a social mediator for enlightening the students to bring about change at different levels. He expressed that the importance of seminars and workshops for students is an innovative and welcomed step towards modern education to assemble the intellectuals, professionals to trade ideas, thoughts and views related to specific topics. He hoped that the seminar organized by Sikkim Government Law College will be fruitful one ensuring a proper flow of knowledge in passionate interaction and an active participation, boosting the skills and expertise of students and participants. He also spoke on the relationship and responsibilities between the law makers and the institutions. He also stressed on the platform of discussing the education sector of the state and requested the head of the institutions to devote some time for the same. He emphasized on the awareness about Public Opinion and right narrative based on correct facts. He also spoke on the lack of deliberations and discussion and asked the students to participate with full enthusiasm.

Ms. Yishey D. Yongda, Director of Technical Education, Government of Sikkim, the Special Guest expressed her gratitude to be present at the occasion organised by the second oldest higher educational institute in the state. She spoke about Late Justice A.M Bhattacharjee who was the legal advisor of Sikkim during pre-merger, later on became the Judge of Sikkim High Court. Ms. Yongda highlighted that he had significantly contributed towards enactments and acts when Sikkim Code was being penned down. Further, she congratulated Principal, faculties, students for their outstanding performance ranking Sikkim Law College at 30th position in the list of Law Institutions in the Country by none other than National Institutional Ranking Framework (NIRF). While concluding she expressed that under the dynamic leadership of the principal, the entire team with the aid and support of the education department the Sikkim Law College has potential to be one of the front runners in imparting and promoting contemporary Legal education in India.

Prof. (Dr.) Ch. Satish Kumar, Vice Chancellor, SRM, Sikkim, expressed his happiness of being a part of the event and thanked the Principal of Law College for inviting him and he expressed his desire to organise seminars and workshops further in collaboration with Sikkim Government Law College on multidisciplinary subjects.

The inaugural session concluded with the Vote of Thanks delivered by Dr. Dilip Pandey, Dean of Student Affairs, Sikkim Government Law College followed by the National Anthem.

After lunch break the technical session commenced which was chaired by Dr. Pravin Mishra, Associate Professor, HoD, Sikkim University. The seminar had paper presentation focused on women, Buddhism, Hindu and Islamic influence on Jurisprudence, along with Uniform Civil Code and Labour Law.

Ms. Tripti Yonzon, LL.M. Student, Jalpaiguri Law College, University of North Bengal, presented her paper titled '*A Study of the influence of Buddhism on Human Rights Jurisprudence*' whereby she discussed about the origin of Buddhism in India and she further laid emphasis on how the ideas of Buddha was incorporated the virtues even before the evolution of human rights jurisprudence. The speaker further highlighted the concepts of Equality, fraternity, justice not to lie or steal which were already existent in ancient Indian jurisprudence and can be seen in today's jurisprudence as well. Ms. Yonzon also laid emphasis on the concept of Natural Rights and the influence of Buddhism on human jurisprudence.

Mr. Karma Norbu Bhutia, Assistant Professor, Government College, Rhenock, presented his paper on '*Women and Environment Preservation; Issues, Challenges and Law*' discussed about the important role played by women in daily economic activities and various movements like Chipko Movement. The speaker further highlighted that in order to achieve sustainable development women are to be given equal rights in terms of land and only male's perspective is not sufficient to promote sustainable development.

Ms. Suparna Bandhopadhyay, Teaching Assistant, Department of Law, North Bengal University presented her paper on the topic '*Influence of Buddhist Jurisprudence on the Constitution of India*' whereby she discussed about the spirit of the Indian constitution reflects the philosophy of *Bahujan Hitaya Bahuan Sukhaya i.e.*, the welfare of many, happiness of many ensured through the form of Directive Principles of the state policy. Directive Principles of the state policy which are often termed as Instrument of Instructions vested in Part IV of the Constitution from Articles 36-51. The speaker further laid emphasis

on the idea of 'secularism' in the preamble as added later by the 42nd Constitutional Amendment Act, 1976 which are akin to the Vedic concept of 'Dharma Nirapekshata' *i.e.* the impartiality of the state to religion, which also resembles the teachings of Buddhism as it teaches tolerance as a way of life. The speaker concluded on the note that Buddhism indeed has a deep influence upon the Constitution of India.

Ms. Purna Lepcha, Assistant Professor and Ph.D. Scholar at Department of Law, University of North Bengal, presented her paper on '***Relevance of Islamic Jurisprudence in Contemporary Times***' whereby she highlighted the secular feature of India and further discussed about the Islamic jurisprudence which is distinct to other religious legal systems. Ms. Purna also highlighted the relevance of Islamic jurisprudence in contemporary times in the light of various cases and acts like *Mohd. Ahmed Khan v. Shah Bano Begum*, Muslim Women (Protection of Rights on Divorce) Act, 1966, *Shabnam Hashmi v. Union of India and Ors* and Juvenile Justice (Care and Protection of Children) Act, 2015 etc. The speaker concluded on the note that Islamic jurisprudence is rigid, static and due to such reasons, it is facing problems in meeting the needs of changing times and circumstances and providing answers for new legal issues. Islamic jurisprudence is still developing to face modern challenges.

Ms. Anjali Raj, LL.M. Student, Chanakya National Law University, Patna, Bihar, presented on the topic "***Uniform Civil Code***" whereby the presenter discussed about Article 44 of Indian Constitution which deals with Uniform Civil Code and highlighted how our constitutional makers wanted Uniform Civil Code in place of different Personal laws for different communities. The speaker further laid emphasis on the meaning of Uniform Civil Code and the role it can play to bring formal equality among all the citizens of the country, as having different personal laws goes against the right to equality enshrined under Article 14 of the Constitution. Ms. Anjali further mentioned that Uniform Civil Code has become the need of the present hour as it can act as a tool to discard communal riots formulated by fundamentalists, however, emphasis was also laid on the fact that there is a need for improvement in the level of education and other socio-economic factors in order to make the society suitable for the implementation of Uniform Civil Code.

Ms. Rumeep Lepcha, Assistant Professor, Department of Law, Kazi Nazrul University, presented her paper on the topic '*Critical Analysis on Protective Discrimination towards Women with Special Reference to Indian Constitution*' whereby she analysed the concept of Protective discrimination and described it as special treatment and privileges given to those sections of the society who have been prejudiced in the past. The speaker also discussed about Article 15(3) of the Indian Constitution which provides for positive discrimination to uplift the status of women and to bring them at par with their counterpart by eliminating socio economic backwardness of women. Ms. Rumeep also discussed about few case laws in support of protective discrimination.

Ms. Sangrika Das, Research Assistant & Ph.D. Scholar, Department of Law, North Bengal University, presented her paper on '*Ancient Hindu Jurisprudence relating to Human Rights and its relevance in modern legal regime*' whereby the speaker discussed the concept of modern Human Rights has emerged post World War jurisprudential regime and highlighted that it is as ancient as the doctrine of 'Natural Rights' and its core connection is closely attached to the ancient Hindu Philosophy. The Speaker further discussed about the Ancient Hindu Philosophy and human rights tracing it back to Indus Valley Civilization [3300-1300 BCE]. Ms. Sangrika further discussed about the chief difference between ancient Indian culture and other cultures, which lies in the continuity of the history, rituals and customs and further highlighted how the icons discovered at Mohenjodaro of gods and goddesses are still worshipped under Hindu practices and customs with the same inner values attached to it with the same Vedic hymns which used to be uttered by the ancient sages nearly four thousand years ago and the core principle attached to it is that of coexistence of all in the nature together under one umbrella in harmony and peace, where everybody shares same status according to their duties and functions into the society.

Ms. Dikila Sherpa, Assistant Professor (Law), Kazi Nazrul University, West Bengal, presented her paper titled '*Labour Law: The history and the present*' whereby she discussed about Labour laws and how it acts as a medium between workers, organizations, and the collectivity of workers in the form of trade unions. The speaker further traced the history of labour laws and its development highlighted that although labour laws were

brought in the 18th century, but in the true sense, it received acceptance only from 20th century onwards.

After the presentation of all the speakers, Dr. Pravin Mishra, Associate Department of Law, Sikkim University, chairperson, gave his feedback on every paper which was followed by the interactive session whereby students asked various questions to the presenters.

The interactive session was followed by High Tea marking the end of Day 1 of the Two Day Seminar.

DAY 2

The Day 2 commenced around 10:30 a.m. on 30th April, 2022 with the arrival of guests and participants. The Welcome Address was delivered by Dr. Tshewang D. Lama, Principal, Sikkim Government Law College followed by special lecture of Prof. Dr. Gangotri Chakraborty, on the topic '*Shruti: The "a priori" and the Contemporary Jurisprudence*'. Prof. Chakraborty, commenced her lecture by sharing the moments that she had spent with Justice A.M. Bhattacharjee, thereafter, the speaker threw light upon the concept of Ritta and Dhi and also drew parallels between the principles of Buddhism and Sanatana Dharma. While discussing about the emergence of Natural School of Law, the speaker emphasized on the Westerners lack of comprehending the texts on Ancient Indian Jurisprudential Philosophy and further discussed the concept of 'a priori'. The speaker concluded her address on the note that Shruti is 'a priori' and is found dominant in the contemporary era.





Location

Lingding Road, Deorali Bazar, Gangtok, East Sikkim, 737102, India

More details

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Orientation: 0

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Maker: vivo

Model: vivo 1920

Flash: No flash

Focal Length: 29 mm (35 mm equivalent focal length)

Aperture: 1.8

Exposure time: 1/50

ISO: 295

The keynote speech of Prof. (Dr.) Gangotri Chakraborty was followed by the brief address by Dr. T.D. Lama whereby it was highlighted as to how the address of Prof. Chakraborty has ignited the minds of the audience and Dr. Lama opened the house for interactive session. In the interactive session various questions were asked by the paper presenters, faculty members and students of Sikkim Government Law College which were answered precisely by the keynote speaker Prof. (Dr.) Gangotri Chakraborty.



After the interactive session, Prof. (Dr.) Arup Poddar, gave a presentation via pre-recorded video on the topic '*An Introduction on Ancient Indian Jurisprudence*'. Dr. Poddar discussed about various case laws pertaining to the issues such as possession of property, law of crimes and environmental laws. Further, he highlighted the interpretation of Ancient Indian Laws as done by the Courts while pronouncing the judgments.

Dr. Arup Poddar's presentation was followed by the National Anthem which marked the end of the first session of the Day 2 followed by Lunch Break. The second half of the technical session commenced from 2 pm onwards. The second technical session of the

event was presided by Dr. Yodida Bhutia, Assistant Professor, Head of Department of Education, Sikkim University, as the chairperson.

The first paper presenter was Ms. Tshering Choden Bhutia, Assistant Professor, Sikkim Government Law College, who presented on the topic '*Ancient Indian Rules of Interpretation and its relevance in the Contemporary Society*' focusing upon the Mimansa rules of interpretation, the speaker further highlighted the applicability of Mimansa rules of interpretation in the contemporary times in the light of various maxims and case laws. The speaker also discussed about the six axioms of interpretation like *Sarthakya, Laghava, Arthaikatva, GunaPradhana, Samanjasya* and *Vikalpa*. The speaker concluded on the note that extensive work has been done by the Ancient Indian jurists and the same has the potential to act as a mechanism in interpretation of the laws in contemporary times. India in different context, it is clear that the Mimansa Principles of Interpretation are still suitable at present context as it also contains a scientific basis for the interpretation. The Speaker further highlighted that, if the Mimansa rules of Interpretation are also used along with other rules of interpretations like Maxwell's or Craies', the legal system can find it easy in the interpretation of statutes because rich and scientific methods of interpretation are also prevalent in Mimansa which can be effective aid for interpretation of statutes as most of these principles are rational and scientific, and in some respects superior to the principles obtaining in Western Law.

Mr. Khentse Gyatso, M.A. Student (Buddhist & Tibetan Studies), Namgyal Institute of Tibetology, Gangtok presented on the topic '*Ancient Nalanda Master Arya Nagarjunas Perspective on Uniform Civil Code*'. Throughout his presentation, Mr. Khentse gave much emphasis on the fourth verse contained in the text called *Suhir Lekh* which talks about six recollections which acts as Preamble for whole text. Further, the speaker described the six recollections, inter relation between them and its relevancy as a device for the establishment of a good governance.

Dr. Sonam Diki Dolma Bhutia, Assistant Professor, Sikkim Government Law College, presented her paper titled '*Impact of Education on Evolution and awareness of Women Inheritance Right in Sikkim*' whereby emphasis was laid on the scenario of the women's right to inheritance in ancient times and the practice of prioritizing male child over female

child. The speaker further highlighted factors like poverty, social customs, parental attitude etc. as the factors for contributing to such discriminatory attitude towards female child and laid emphasis on the status of right to inheritance of Sikkimese women in the present scenario and role of education in exercising property rights of women in the light of the survey carried out by Dr. Sonam. The speaker further suggested that the Legislation of the State should take note of the changing times and adopt the benefits conferred upon women by Parliamentary Legislation by suitably amending the existing laws or bring about new laws securing equal rights of women and that customary laws are violating the basic rights of the woman which are guaranteed by the Constitution of India and educated women in Sikkim sought to get it replaced by the more beneficial laws, i.e., the laws for the protection of rights of women in Sikkim.

Dr. Binita Pradhan, Assistant Professor, Sikkim Government Law College, presented on the topic '*Women's Right in India: A Judicial Perspective*', whereby the presenter discussed about various problems that women in India are facing even today despite the existence of various rights, Articles, legislative enactments made specifically for women. Furthermore, Dr. Binita laid emphasis on various cases laws and also gave various suggestions for curbing the crimes done against women, stressing on the need for the Indian women to change their mindsets. The speaker concluded her presentation by stating that since the time immemorial, women have been the epitome of dharma through their action, valor and courage but in today's time is such that women who have been regarded as a guardian of dharma needs Apex Court as its guardian and the Hon'ble Supreme Court of India through its various judgment has stood up to the belief of Indian women and women in India will continue to look up to Indian Judiciary with great and hope and expectation.

Mr. Pallav Bhujel, Ph.D. Scholar, Sikkim University, presented on the topic '*Right to Abortion under Ancient Indian Jurisprudence and Contemporary Legal System; A Comparative Study*'. Mr. Pallav stated that abortion as a complex issue as it involves morality, the right of a women over her body and the way it is judged by religion. He further discussed about the right of abortion in context of ancient Indian jurisprudence and highlighted that there was no right of voluntary abortion in Ancient India and only involuntary miscarriage was not considered to be immoral. Moreover, the speaker also laid

emphasis on the provisions pertaining to abortion in Indian Penal Code, 1860 and Medical Termination of Pregnancy Act, 1971 which liberalized abortion on different terms. Lastly, the speaker concluded by stating that under the Right to Privacy women should be empowered with the right over her own body especially in present times where the idea of morality has undergone a huge change.

The last presenter was Ms. Yankee Bhutia, Assistant Professor, Sikkim Government Law College, who presented her paper titled '*Examining and position of women of Police Force in Sikkim*'. Ms. Yankee walked the audience through the history of Police Force in Sikkim, with emphasis being on position of women in the Police Force. Ms. Yankee also highlighted about the Ranipool Police Station being the all-women police station and one of its first kinds. Various issues faced by women police were also highlighted in the presentation by the speaker and suggestions were also put forth for overcoming the hurdles faced by women and empowering women in police force in the light of survey carried out by the presenter. The Speaker further provided suggestion like hiring more of women in police administration within the state, retaining them and promoting them will help police department succeed and also promotes the overall development of the society.

After the presentation of all the speakers, Dr. Yodida, chairperson, gave her feedback on every paper and also asked few questions to the presenters which was followed by the interactive session whereby students asked various questions to the presenters.

The Interactive Session was followed by the Valedictory Ceremony whereby the presenters were awarded with the Certificates. The two-day Seminar fruitfully concluded with the Vote of Thanks delivered by the Organizing Secretary- Dr. Shraddha Subedi, Assistant Professor, Sikkim Government Law College followed by the College Anthem of Sikkim Government Law College.



Location

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More details

Size: 3000 * 3000

Orientation: 0

File size: 2.13 MB

Maker: vivo

Model: vivo 1920

Flash: No flash

Focal Length: 25 mm (35 mm equivalent focal length)

Aperture: 1.8

Exposure time: 1/50

ISO: 342

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The M.C. for Inaugural Session was Dr. Sonam Diki D. Bhutia, Assistant Professor, Sikkim Government Law College and the M.C. for Technical Session-1 was Dr. Sushma Sharma, Assistant Professor, Sikkim Government Law College. While for Day 2 the M.C. for the first session was Ms. Palmu Kaleon, Assistant Professor, Sikkim Government Law College and the M.C. for the Technical Session was Ms. Dechen Dolkar Bhutia, Assistant Professor, Sikkim Government Law College. The Seminar Director was Dr. T.D. Lama, Principal, Sikkim Government Law College, Finance Officer was Dr. Dilip Pandey, Dean of Student Affairs, Sikkim Government Law College. The Organizing Secretaries of the Seminar were Dr. Shraddha Subedi & Mr. Jigme Dorjee Bhutia- Assistant Professors, Sikkim Government Law College.

The Two-Day National Seminar was a successful one due to the untiring efforts of Organizing Members comprising of Faculty Members under the constant support and guidance of Seminar Director-Dr. T.D. Lama, Principal, Sikkim Government Law College

& Finance Officer-Dr. Dilip Pandey, Dean of Students' Affairs, Sikkim Government Law College. The active coordination by the Student Volunteers, Sikkim Government Law College was also appreciated by the teaching and non-teaching Faculty, Sikkim Government Law College.

The Two-Day National Seminar on '***Ancient Indian Jurisprudence and its Relevance in Contemporary Society***', ignited the minds of the students and the entire Sikkim Government Law College Family is looking forward to organizing more such educational events in future.