



Celebrating
100
YEARS of the

FACULTY OF LAW, UNIVERSITY OF DELHI
&
75 YEARS OF THE CONSTITUTION OF INDIA



At the National Conference on
**IMPLEMENTATION OF INDIAN KNOWLEDGE SYSTEM (IKS)
IN CONTEMPORARY LEGAL EDUCATION**

Organized by
The Faculty of Law, University of Delhi
in Association with the Bhartiya Bhasha Abhiyaan

19 – 20 April, 2024
Faculty of Law, University of Delhi,
Chhatra Marg, Delhi 110007

INTRODUCTION

On the occasion of the 100th year of the Faculty of Law, the University of Delhi and the 75th anniversary of the Constitution of India, we invite you to join the two-day National Conference on 'Implementation of Indian Knowledge System (IKS) in Contemporary Legal Education' at the Faculty of Law, University of Delhi scheduled to be held on 19th and 20th April, 2024.

The Centennial celebration of the Faculty of Law, University of Delhi is indeed a matter of national celebration. The institution has nurtured leading lawyers, judges, educationists and civil society workers who over the course of time have contributed significantly towards upholding the spirit of the Indian Constitution. As we commemorate a century of relentless dedication of the Faculty of Law, University of Delhi towards legal excellence, we pledge to continue our contribution to India's national growth by committing ourselves to the goal of 'VIKSIT BHARAT 2047'.

In the present times, the traditional Indian principle of '*Vasudhaiva Kutumbakam*' is enriching the international community. Indian legal scholars unequivocally express that the time is ripe to mainstream our Bhartiya traditional values, principles of ethics, morality and the concept of 'Dharma' into the current structure of legal education. Visionaries believe that a legal system which finds its basis in ethics and morality deeply rooted in Indian tradition shall provide a strong foundation for the success of future generations of the nation. It shall enable them to make ethically sound decisions both in their personal and professional lives.

In this context, the Faculty of Law, University of Delhi in association with Bhartiya Bhasha Abhiyaan is organizing a national conference on the topic 'Implementation of Indigenous Knowledge System in Contemporary Legal Education' on 19th-20th April, 2024 with the aim of rebuilding Indian Legal Education on the foundation of traditional Indian values and principles.

ABOUT FACULTY OF LAW, UNIVERSITY OF DELHI



Faculty of Law, University of Delhi is a centre of legal research and learning par excellence. Since its inception in 1924, the Department has produced countless legal luminaries and leaders including Supreme Court and High Court judges, advocates, political leaders and policy makers. The hallmark of Faculty of Law is that it provides legal education at a nominal cost, making it accessible to individuals from all strata of the society. With the unparalleled expertise of faculty members, multicultural environment and its seat at the heart of national capital, the Faculty of Law attracts exceptional students not only from India but also from other countries. It constitutes of three law centres i.e., Campus Law Centre, Law Centre – I, Law Centre – II and has more than 10,000 students pursuing LL.B., LL.M., and Ph.D. in Law. Beginning from academic year 2023-24, the Five-years Integrated Law Course has been introduced in the Faculty of Law, University of Delhi, to further enrich legal education in India.

ABOUT THE BHARTIYA BHASHA ABHIYAAN

Bhartiya Bhasha Abhiyan, since its formation in 2015, has been working towards mainstreaming Indian languages in the current governance structure of the nation. In furtherance of which, it has been running awareness campaigns in several parts of the country by organizing conferences and seminars.

CONCEPT NOTE

In exploring the annals of Indian legal history, one uncovers a treasure trove of constitutional philosophies deeply entrenched in the traditional Indian Vedic tradition. The Rigveda, the oldest of the Vedas, provides insights into the ancient concepts of justice, morality, and governance, all encapsulated within the overarching principle of Dharma. Traditional Indian texts further elucidate on legal principles, delineating codes of conduct, punishments for offenses, and mechanisms for dispute resolution. Concepts like Nyaya (justice) and Niti (ethics) serve as guiding lights for the administration of justice, fostering harmony and social cohesion. Moreover, the theories of Law of Crimes, Criminology, and Penology in India are deeply influenced by the holistic approach advocated by Vedic jurisprudence.

Vedic jurisprudence, rooted in *Dharma* and *Nyaya*, emphasizes on not just punishment but also rehabilitation of wrongdoers. This holistic perspective acknowledges the link between societal harmony and individual well-being, guiding modern legal systems towards fairness and compassion. As modern India faces crucial legal challenges, its rich traditions offer valuable guidance towards a more enlightened and equitable society. We must recognize the enduring relevance of these principles in shaping contemporary legal discourse, providing insights into justice, equity, and ethical governance.

The contemporary Indian legal system is inherently an amalgamation of multiple texts, most importantly, *the Vedas, Smritis, Dharmasutras, commentaries, digests of the Dharmashastra, and Puranas*. These texts articulate fundamental Indian values of *dharma, karma, and ahimsa*. Vedic emphasis on peaceful dispute resolution aligns with contemporary Alternative Dispute Resolution mechanisms. Principles of equality and social justice from Vedic literature have influenced modern legal provisions of fundamental rights enshrined in our Constitution. Despite not being directly incorporated into legal codes, this legacy continues to inspire the ethical fabric of the Indian legal system, reflecting a timeless resonance between ancient wisdom and contemporary jurisprudence. Undoubtedly, the present legal structure finds its roots in the principles enunciated in our ancient texts.

Thus, the Faculty of Law, University of Delhi in association with Bhartiya Bhasha Abhiyaan is organising a 'National Conference on Implementation of Indian Knowledge System (IKS) in Contemporary Legal Education' with the aim to examine the connect between Ancient Indian Jurisprudence and contemporary legal system.

Objectives of the Conference:

1. To explore the opportunities for mainstreaming the Indian knowledge system in contemporary legal education.
2. To contribute towards decolonisation of Indian legal education by embracing the Indian Knowledge System.
3. To examine pedagogical changes required other integration of the traditional Indian legal principles into contemporary legal education.
4. To find effective ways for inclusion of the Indian knowledge system into course curriculums of legal institutions.
5. To explore traditional Indian values expressed in texts of different Indian languages and initiate a discussion on their inclusion in legal education.
6. To inspire the next generation of legal professionals to engage with India's rich legal heritage.

Scheme of the Conference:

Sub-themes

- *IKS and Constitutional law*
- *IKS and Jurisprudence*
- *IKS and Environmental Law*
- *IKS and Jurisprudence*
- *IKS and Constitutional Law*
- *IKS and Property Law*
- *IKS and Dispute Settlement /Procedure/Evidence*
- *IKS and Criminal Laws-Evidence, Procedures*

The above-mentioned sub-themes are suggestive and not exhaustive. We welcome papers relating to other topics on the inter-relationship between Law, Vedas, and Dharma for the purpose of discussion in the conference.

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A Comparative Analysis of Ancient Indian Law and European International Law Traditions

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ABSTRACT

This paper delves into a comparative analysis of ancient Indian law and European international law traditions, exploring their approaches to governing relations between sovereign entities. While the concept of codified international law is often attributed to the West, this study examines the rich legal knowledge system of ancient India, revealing its contributions to ideas of diplomacy, just war, and peaceful coexistence.

The paper begins by outlining the historical context of each legal tradition. It examines the development of dharma in ancient India, focusing on key texts like the Arthashastra and the Manusmriti, which laid down principles for inter-kingdom relations. In contrast, the European tradition's evolution is traced, highlighting the influence of Roman law and the emergence of concepts like jus gentium (law of nations) during the medieval period.

The analysis dissects the justifications for war in each tradition. It explores the conditions considered legitimate for initiating hostilities, the treatment of civilians and non-combatants, and the ethical principles governing warfare. Similarities and divergences will be highlighted, revealing how each legal system balanced the pursuit of security with concerns for justice and proportionality.

By bringing these contrasting perspectives to light, the paper aims to enrich the understanding of "just war" theory. It argues that the ancient Indian legal framework offers valuable insights often missing in the Western discourse on the subject. The paper concludes by emphasizing the importance of recognizing diverse legal traditions in constructing a more comprehensive framework for just war theory in the modern world.

Keywords: *International Law, Just war, Peaceful Coexistence, jus gentium, non-combatants*



Women's Rights Advocacy: Bridging Indigenous Knowledge and Contemporary Legal Activism in India

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ABSTRACT

In the vibrant tapestry of India's cultural landscape, the quest for women's rights unfolds as a compelling narrative, where tradition meets the demands of the modern era. Imagine a symphony where the ancient melodies of indigenous wisdom harmonize with the contemporary cadence of legal activism, creating a unique and resonant chord in the fight for gender equality.

This research explores the intersection of women's rights advocacy in India by examining the dynamic interplay between indigenous knowledge and contemporary legal activism. Focusing on the unique context of India, where diverse cultures and traditions coexist, and the study investigates how indigenous perspectives on women's rights are integrated into and sometimes diverge from the modern legal framework.

By employing a multidisciplinary approach, the research analyses the historical roots, cultural nuances, and socio-legal dynamics that shape the landscape of women's rights activism in India. Through a thorough examination of case studies, community narratives, and legal developments, the study seeks to identify points of convergence and tension between indigenous knowledge systems and formal legal structures.

The findings aim to contribute to the ongoing discourse on the global pursuit of gender equality by providing insights into the complexities of aligning traditional wisdom with contemporary legal strategies in the context of women's rights advocacy in India.

Key Words:- *Women's Rights Advocacy, Indigenous Knowledge, Cultural Diversity, Multidisciplinary Approach, Socio-Legal Dynamics, Community Narratives, Inclusivity.*

◆◆

Conservation of Sacred Groves : Integrating the Traditional Beliefs with Environmental Legislations in India

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ABSTRACT

Sacred groves in India are revered as sanctuaries of nature and spirituality, vital hubs of unique wildlife and plants, blending nature preservation with cultural customs that stretch back generations. These groves serve as spaces for spiritual gatherings and rites, connecting people to both land and tradition, revered as sanctuaries of nature and spirituality. Through their protection, communities safeguard not just biodiversity but also their rich heritage and time-honoured wisdom, standing as beacons of resilience, adapting to climate shifts while fostering unity among people. The varied names of sacred groves across different states of India can be attributed to the country's rich cultural tapestry and diverse heritage. As it is believed that 'India is a mosaic of different cultures, climates, languages, customs, and religions,' this diversity manifests in the multitude of names bestowed upon sacred groves, reflecting the unique cultural, linguistic, and historical contexts of each region. Indian legislation plays a pivotal role in upholding the sanctity of sacred groves by providing a legal foundation for their protection and conservation. Laws such as the Forest Conservation Act, 1980, the Biological Diversity Act, 2002, and the Wildlife (Protection) Act, 1972 and other legislations ensure the sustainable management of biodiversity within these sacred spaces. By recognizing traditional rights, preserving cultural heritage, and fostering community engagement, Indian legislations promote the holistic preservation of sacred groves, safeguarding their ecological, cultural, and spiritual significance for present and future generations. However, sacred groves face challenges like encroachment, habitat degradation, lack of legal recognition, climate change impact, erosion of traditional knowledge, limited community engagement, and resource extraction pressures. These issues transcend ecological concerns, intertwining with cultural, social, and economic factors. Without proper safeguards and holistic approaches that blend traditional wisdom with modern conservation strategies, sacred groves risk losing their unique biodiversity, cultural heritage, and spiritual significance. This paper aims to address these multifaceted issues, fostering community engagement, empowering local custodians, and promoting ecosystem resilience. By proposing policy recommendations that bridge the gap between tradition and modernity, advocating for strengthened legal safeguards, community-led conservation efforts, and the integration of traditional wisdom into environmental

governance, it envisions a sustainable future where sacred groves thrive as symbols of cultural heritage and ecological vitality. Through a comprehensive approach that honours tradition and sustainability, this paper charts a path forward towards the preservation and flourishing of sacred groves in India with proper alignment and strict implementation of existing environmental legislations.

Keywords: *Cultural heritage, Indigenous Knowledge, Legal safeguards, Sustainable Development, Environmental Justice.*



Mediating Wisdom : Tracing the Roots of Indian Knowledge Systems in Dispute Resolution

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ABSTRACT

India's unique knowledge system, evolved over millennia, offers invaluable insights into dispute resolution mechanisms. This knowledge system not only encompasses traditional practices but also incorporates modern methodologies, making it a significant contributor to the country's approach to dispute resolution. This paper explores the interplay between India's indigenous knowledge systems and their application in contemporary dispute resolution practices. Drawing upon ancient texts, historical practices, and modern legal frameworks, it delves into the multifaceted dimensions of India's wisdom in resolving conflicts.

The paper examines how principles from Dharma, Nyaya, and Vedanta have influenced India's legal and judicial processes. It investigates the efficacy of integrating these knowledge systems into dispute resolution mechanisms across civil, criminal, commercial, and community disputes. The Mahabharata and Ramayana serve as repositories of profound wisdom, while Kautilyas' Arthashastra provides insights into conflict resolution through narratives that exemplify diplomacy, mediation, and reconciliation.

Through an analysis of select episodes from these epics, the paper explores the application of principles such as dharma, karma, and ahimsa in resolving disputes. It draws parallels between the ethical dilemmas faced by characters and real-world challenges, examining the relevance of these ancient teachings in contemporary legal

systems.

The paper will also delve into the Mediation Act, 2023, evaluating its alignment with India's traditional knowledge systems. It will offer suggestions for enhancing dispute resolution practices by incorporating the essence of these knowledge systems, fostering a more holistic and culturally-rooted approach to conflict resolution.

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Settlement of dispute under Indian knowledge System: An ancient approach

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ABSTRACT

Indian culture from time immemorial has evolved through many phases of peaceful and amicable settlement of dispute. It has been observed through ancient religious and sacred literature that dispute settlement has been based on the current notion of natural justice though forms of justice varied in different phases of ancient India. We must go the original texts to get a true and correct picture of the legal system of ancient India. Indian jurisprudence was found on the rule of law where king was subject of law. Arbitrary power was unknown to Indian political theory and jurisprudence. Ancient rural population has been devoted to the local hierarchy of person in their authority to resolve the dispute. King is supreme authority assisted by the Brahmans and ministers to administer the justice. The judges were independent and subject only to the law; that ancient India had the highest standard of any nation of antiquity as regards the ability, learning, integrity, impartiality, and independence of the judiciary. There was a hierarchy of courts in Ancient India beginning with the family Courts and ending with the King with aim and objective to eradicate social or economic justice to the people. Dispute settlement and rendering of justice had different notions in early life of human civilisation which carried some common natural principles reflected ideology of Indian knowledge system. Author attempts to analyse different notions of dispute settle through ancient approach and their standing into the prospective legal system with certain suggestions.

Keywords:- *Kings rule, Family court, Sacred Text, Vedic Literature, Natural Justice, Human civilisation etc.*



Indigenous Knowledge System in Sustainable Water Conservation and its Contemporary Relevance

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ABSTRACT

Water is a vital component of sustaining life on earth. It is essential for supporting numerous activities like hydration, agriculture and sanitation. It's availability and quality directly impact human health, ecosystems and economic development. However, water scarcity, pollution, inadequate infrastructure and climate change poses significant global challenges. Growing population, urbanization, industrialization accentuate these issues and pose a threat to clean drinking water and sanitation.

Indigenous communities have long served as a foreman of their environment and have developed effective water conservation practices passed down through generations. By examining case studies from diverse geographical and cultural contexts, this paper aims to highlight the intricate web of traditional practices, beliefs, social structures that underpin indigenous water conservation strategies.

This paper would attempt to examine the relevance of indigenous knowledge systems in the realm of sustainable water conservation amidst modern challenges. Subsequently, it would also study the various bottlenecks and issues adversely impacting water management. This study seeks to elucidate the adaptability and richness of indigenous water conservation techniques through a blend of ethnographic inquiry, interdisciplinary analysis and community engagement.

Moreover, this paper will explore how these time-tested approaches can complement and enhance contemporary water conservation efforts particularly in the times of climate change, urbanization and resource scarcity. This research underscores the importance of recognizing and respecting indigenous knowledge systems as invaluable reservoir of wisdom and innovation in the pursuit of sustainable water stewardship.



Harnessing Traditional Indian Knowledge Systems for Mediation: Bridging the Gap between Indigenous Wisdom and Contemporary Legal Issues

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ABSTRACT

This research article will explore the potential integration of traditional Indian knowledge systems into contemporary mediation practices, aiming to bridge the gap between indigenous wisdom and the resolution of modern legal issues. Drawing upon the rich philosophical foundations and cultural nuances of traditional Indian societies, this study will investigate how ancient principles, values, and dispute resolution methods can inform and enhance the mediation process. The article will delve into philosophical underpinnings, cultural sensitivity, the role of community, spirituality, legal recognition, and practical considerations to present a holistic perspective on the intersection of traditional wisdom and modern mediation.

Mediation has emerged as a widely accepted alternative dispute resolution mechanism in the contemporary legal landscape. However, the cultural and philosophical roots of traditional Indian knowledge systems hold untapped potential to enrich and deepen the mediation process. This Research article will explore the synergies between indigenous wisdom and mediation, aiming to contribute to a more inclusive and culturally sensitive approach to resolving legal disputes.

Thus Indian Knowledge System advocates for a holistic and culturally sensitive approach that can contribute to a more inclusive and transformative mediation process, enriching the field with the wisdom of centuries-old traditions. As mediation continues to evolve, the integration of indigenous wisdom stands as a promising avenue for promoting justice, understanding, and sustainable resolution of legal disputes.

Keywords:-*Indian Knowledge System, Mediation, Alternative Dispute Resolution , Traditional Wisdom.*

Indian Legal Education and the '*IUS-AND-LEX*' in Law

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ABSTRACT

My first affection with jurisprudence was caused by admiration for the school of 'Analytical-Positivism'. For me, it clarified the intricate web of complex jurisprudential theories, each of which contested amongst them over the definition of 'law', and still does. Analytical-Positivism appeared to be rational and precise, in so far as it helps to identify 'the laws' 'as it is', based on clear characteristics. However, while studying advance jurisprudence, it becomes clear that society precedes the 'law'. That is, in every society, we come across certain normative directions of human behaviour which may be akin to 'the laws', but is not technically 'the laws' as we understood in analytical positivism. Csaba Varga writes that the fundamental change in legal history occurred when 'law' became objectified as a text being embodied by a written-form as reduced from *iusto lex*. While both the terms *ius* and *lex* can be taken to mean 'law', the latter specifically highlights the written or textual-law, 'the laws', while the former highlights the ideal law or justice, 'the law', respectively. Roscoe Pound states that *ius* is immune to the contingent statutes or *lex* and this is the difference between the terms 'justice' and 'legislation'. Thus, it is *ius* which is at the root of social contract theories, human rights, due-process-of-law, etc. Interestingly, defining the term 'language' usually includes the segregation of 'speech' and 'speech-with-script'. The Indian term *Bhasha* is more inclusive in this respect. In the western tradition, language was used for 'naming' communities, which were identified through the language it used and identity was later romanticised as based on 'mother-tongue'. However, in ancient India, languages were used for 'doing' things, and not merely for 'naming'. The Vedas elaborated on seven categories of science including *vyakaran* (grammar) and in the Vedic tradition, *vak* (speech) emanated from *Brahman* (Ultimate), thus emphasizing the intrinsic role of education. Pedagogy consisted oral transmissions of knowledge from the *guru* (teacher) to the *shishya* (disciple), based on the principle of trust-and-utility. With the imposition of the text-based western education over speech-based Indian education, a sea-change was brought in. The State now prescribed standard syllabus, imposed pedagogies, and made academic-certificates valuable. This increased the instrumental role of education and the State-mandated language (English) became a status symbol and Indian *Bhashas* were stigmatized. Today, Indian community identities are conceptualised and signified through languages (Hindi, Bengali, Tamil, etc.), yet, we never had a concept of *matr-bhasha*, and had the more inclusive and anti-hierarchical terms *desi-bhasha* and *dev-bhasha* respectively. *Matr-bhasha* is just the Indian translation (and transplantation) of the western concept of mother-tongue.

This transition is strangely reflected in the transition of *iusto lex* and can be studied using the theories developed by Hart, Kelsen, Savigny, etc. The use of the word 'Indian Languages' instead of 'Indian Bhashas' captures our deep-rooted subconscious preference for colonial lexical and conceptual categories. In this essay, I use the *ius*-and-*lex* categories to reflect on my personal doctrinal and field-work based researches on Language Rights in India. I attempt this analysis based on my research-experience in LL.M., and my field-research across four different linguistic communities in Ph.D. My years of research has led me to various questions involving hierarchy-of-languages, Eighth Schedule, Articles 29 and 30, mother-tongue, translation-as-a-cultural-tool, transplantation-of-laws, etc. without which, I argue that the potential of Indian bhashas for legal education cannot be tapped into. Hence, based on an *ius*-and-*lex* categorization, I argue for a limited transition from *lex* to *ius*, if the Indian bhashas are to be preserved, and mass education has to be achieved.

Keywords: - *Indian-bhashas, ius-and-lex, matr-bhasha, English, Indian-legal-education.*



Adaptability and Challenges in the Evolutionary Trajectory of Dispute Settlement: Examining India's Knowledge System

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ABSTRACT

Every human relationship will inevitably involve conflict. Conflict exists at all social levels, including intrapsychic, personal, intragroup, intergroup, intranational, and international. India is home to people from many ethnic groups, racial backgrounds, cultural backgrounds, religious traditions, social structures, etc. Each of these groups has its own distinct indigenous knowledge system that has been passed down through the generations with the intention of using the environment sustainably while considering its implications for the future. With its millennium of history, the Indian knowledge system provides a unique framework for resolving disputes, in contrast to the Western concept of judicial precedence. An integral aspect of indigenous communities' cultures is the practice of settling conflicts in a reliable and culturally appropriate way. For that purpose, this paper will address different indigenous conflict settlement procedures as well as the significance of customs and traditional leaders in dispute resolution among indigenous communities. This paper delves deeper into the reasons why Indigenous communities are avoiding the litigation procedure. It also explores the efforts of Indigenous peoples and their representatives in initiating and pursuing Indigenous dispute resolution and Alternative Dispute Resolution, such as mediation and negotiation, against those who

purportedly exploit their traditional knowledge, customs, and cultural expressions. In today's scientific development world, protecting Indian knowledge systems for indigenous populations is critical. To that end, this paper provides suggestions for improving Indigenous conflict resolution mechanisms.

Keyword:-*Indian Knowledge System, Indigenous Knowledge, Dispute Settlement, Alternative Dispute Resolution, Mediation, Negotiation.*

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Aspiring Environmental Protection Through Implementation of the IKS

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ABSTRACT

The traditional Indian Knowledge System is sourced in the rich cultural heritage and age old practices of our country. India has been known for its diverse social, cultural, and environmental set-ups; however with all the industrial and technological advancements taking place, the traditional knowledge and practices have often been overlooked. The spirit of environmental conservation and protection was embedded in the Indian societal orientation, 'nature' was deemed to be 'the mother nature', and rivers, trees, animals all were celebrated and respected. Traditionally, the environment served as the pivotal foundation for any human settlement, but gradually people shifted their focus on the progress and development rather than on sustainable development and coexistence; the consequences of such lopsided movement has adversely affected the ecosystems, and environment. The article explores through various ways in which environment was considered of cardinal importance and how the judicial exposition of the environmental principles can by incorporating the principles of traditional knowledge of the Indian society prove to be instrumental in ensuring safer, wiser and better environmental practices.

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Aligning Corporate Social Responsibility Initiatives with Sustainable Development Goals (SDGS) in the Indian Context : Challenges and Opportunities

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ABSTRACT

As corporations increasingly recognize their role in advancing societal and environmental sustainability, the alignment of CSR efforts with the globally recognized SDGs has emerged as a strategic imperative. In India, a country characterized by diverse socio-economic challenges and burgeoning corporate presence, this alignment presents both unique challenges and promising opportunities. Key challenges include navigating the complex regulatory environment governing CSR activities, ensuring meaningful integration of SDGs into corporate strategies, and addressing the divergence between short-term business objectives and long-term sustainable development goals.

Amidst these challenges, significant opportunities arise for corporations to leverage CSR initiatives as catalysts for sustainable development while simultaneously enhancing their corporate reputation and competitiveness. By aligning CSR activities with relevant SDGs, companies can contribute meaningfully to addressing pressing societal issues such as poverty alleviation, gender equality, and environmental sustainability, thereby fostering inclusive growth and resilience.

This paper underscores the importance of adopting a holistic and integrated approach to CSR-SDG alignment, emphasizing the need for collaboration among stakeholders, including government bodies, civil society organizations, and corporate entities. Furthermore, it highlights the potential for innovative financing mechanisms, partnerships, and technology-driven solutions to enhance the effectiveness and impact of CSR initiatives in driving sustainable development outcomes.

Keywords:- *Corporate Social Responsibility, Sustainable Development Goals, India, Challenges, Opportunities.*

◆◆

Analyzing the Status of Women from Ancient Bhartiya Perspective

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ABSTRACT

In the ancient Bharatiya tradition, women were treated equally with men in the socio-political spheres of life. A woman's function and power have evolved over time. This research study focuses on the historical and philosophical perspectives based on Vedic literature, the Upanishads, Smriti's, and Purana, which contain not only profound insights into gender equality, women's empowerment, and social justice but also depict women in a higher and dignified position in Bharatiya society. This paper discusses the status of women in the Vedic period through the shlokas mentioned in the Vedic literature. The paper also analyzes the rights conferred on women in ancient Vedantic society, including a deeper understanding of their educational rights, economic liberty, proprietary rights, matrimonial rights, family rights, and gender equality. With the Muslim invasion and colonization, the condition of women worsened, and through their writings, it was portrayed that women have been subjected to patriarchy in India since the beginning. Writers intentionally misinterpreted the Vedic texts to refute the claims given in the ancient Bharatiya texts. A narrative was set that the Vedic texts validate the inferior position of women. By shedding light on the significance of Vedic knowledge of traditions, this paper will contribute to refuting the claims made by Western thinkers & writers. This paper signifies the dignified position of women by embracing diverse viewpoints from the Bhartiya perspective. In conclusion, the paper explores the question of how much Vedic provision for women is relevant in the contemporary Bharat and whether those provisions can be applied in the current socio-legal scenario for the betterment of women in the society.

Keywords: - *Women, Vedas, Bharatiya, Shakti, Empowerment, Gender equality*



Ancient Indian Tradition and Dharma: Practices for the Conservation of Nature and Current Concerns

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ABSTRACT

Human beings and their society are inherently integrated within the fabric of nature, originating from it, but not inversely. Ancient Indian wisdom recognized the paramount importance of nature, with their lives and sense of Dharma, intricately intertwined with natural elements. India is the birthplace of numerous religious sects, which coexist in perfect sociocultural harmony. Nearly all Indian faiths and Cultures share the ethical principle of reverence for nature and all of its creatures. They all still place nature before man, ancestors learned to coexist with the five elements of nature—earth water, air, light,

and cosmos—and both literally and figuratively worshipped them. The texts in the ancient Indian treaties and literature, the Vedas, and the Upanishads are all major faiths practiced in India, providing us with a wealth of knowledge about the interactions between humans and nature as well as human behaviors and our debt to nature. But currently, technology, mechanization, and globalization have changed and undermined the traditions and beliefs. The industrial revolution that took place in the 1990s altered the entire situation and increased economic opportunity, particularly for developing nations, causing economies to flourish at the expense of natural resources. In their efforts to achieve the highest possible economic growth, even the administrators, policymakers, and economists have disregarded environmental considerations in turn, this has led to a larger-scale depletion of natural resources and a reduction in the positive interactions between human society and natural environments.

This paper endeavors to delve into the profound concepts of Ancient Tradition and Dharma as they relate to nature conservation and environmental ethics. The author endeavors to explore how Dharma (Law), as it evolved into tradition and culture, seamlessly integrated into societal norms and human behaviors and habits. Conversely, modern legal frameworks often lack the transformative capacity to instigate behavioral change among populations, this paper aims to contribute to the ongoing discourse surrounding environmental ethics and conservation efforts by exploring the Knowledge of Dharma and Ancient tradition through a rigorous examination of religious, philosophical, and cultural texts, as well as contemporary applications and challenges, it endeavors to shed light on the enduring relevance of these age-old principles in addressing pressing environmental concerns.

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Harmonizing Tradition and Modernity: Integrating the Indian Knowledge System into Contemporary Legal Education through Jurisprudential Perspectives

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ABSTRACT

This paper explores the integration of the Indian knowledge system into modern legal education, primarily focusing on jurisprudence. The paper at first explores the foundational aspects of Indian knowledge systems, deeply ingrained in ancient texts and

philosophical traditions. At the core of this inquiry is the analysis of dharma, an essential principle that guides both individual behavior and the governance of society within Indian jurisprudence.

The paper delves into the purpose of law, particularly exploring the concept of justice within the Indian context, illustrating how the Indian understanding of justice transcends mere legal formalism, encompassing broader notions of social equity and welfare. Following this, the paper offers an extensive examination of jurisprudence, encompassing its definition, historical development, and significance in legal theory. It surveys different schools of jurisprudence, such as natural law, legal positivism, and critical legal studies, to present varied perspectives on legal interpretation and analysis. Expanding on this groundwork, the paper explores how ancient Indian jurisprudence intersects with modern jurisprudential theories. It analyzes texts like the Manusmriti, Arthashastra, and Dharmashastra, which outline detailed legal frameworks governing societal order in ancient India.

Additionally, the paper attempts to evaluate the obstacles and potential benefits of incorporating the Indian knowledge system into modern legal education. It addresses issues such as cultural adaptation, historical understanding, and the necessity for critical examination of various philosophical traditions to maintain relevance and inclusivity in legal teaching. The paper underscores the significance of developing an Indian jurisprudential theory as a cornerstone, offering a critical perspective for examining other legal branches, such as constitutional law, civil law, and criminal law, and promoting a more comprehensive and culturally aware approach to legal instruction.

In conclusion, the paper makes an attempt to emphasise the importance of integrating the Indian knowledge system into contemporary legal education, particularly from a jurisprudential perspective. By embracing India's rich jurisprudential heritage and utilizing it to construct a comprehensive theoretical framework, legal education can evolve to accurately represent the diverse cultural and philosophical traditions that form the basis of the Indian legal system.

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Dharmashastras and Proof: A Historical Analysis of Evidence Law in Ancient Bharata

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ABSTRACT

This paper conducts a granular historical analysis of evidence law in ancient Bharata, focusing on the Dharmashastras – a collection of influential legal treatises. It argues that the Dharmashastras, beyond simply prescribing legal norms, offer a sophisticated framework for determining the admissibility and weight of evidence in legal proceedings.

The research employs a multi-pronged approach. First, it meticulously examines the various categories of evidence recognized by the Dharmashastras, including *sākṣi* (witness testimony), *lekhyā* (documentary evidence), *arthapatti* (inference), and *divya* (ordeals). The analysis delves into the specific criteria employed to assess witness credibility, such as *varṇa* (social class), *jāti* (birth), and *stri* (gender). Additionally, the paper explores the role of oaths (*sapatha*) and rituals (*kriyā*) in establishing the veracity of claims, investigating their potential effectiveness and limitations within the legal system.

Furthermore, the paper critically examines the interplay between *dharma* (religious principles) and *nyāya* (legal reasoning) in the context of evidence law. It analyzes how these principles might have influenced the construction of legal arguments and the decision-making process within the court system. The analysis extends to the examination of circumstantial evidence (*anumāna*) and its role in constructing legal arguments.

Acknowledging the potential contribution of Dharmashastra to the modern day legal practice, the research utilizes available historical records and epigraphic evidence to reconstruct the presentation and evaluation of evidence in modern day court proceedings. By employing a nuanced approach, this paper offers a fresh perspective on evidence law in ancient Bharata. It contributes to a deeper understanding of the historical development of legal systems and the unique epistemological framework employed by the Dharmashastras. The research also provides valuable insights into the ongoing evolution of evidence law and its continuing relevance in contemporary legal discourse.

Keywords: -*Dharmashastra*, *evidence*, *sākṣi* (witness testimony), *lekhyā* (documentary evidence), *circumstantial evidence* (*anumāna*)



Embracing the Past: The Enduring Legacy of Indian Jurisprudence and Knowledge System

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ABSTRACT

The Indian legal landscape is deeply intertwined with its rich cultural and philosophical heritage, as evidenced by the intricate relationship between the Indian knowledge system and jurisprudence. Dating back to ancient times, this symbiotic connection has shaped legal thought and practice, offering profound insights into the nature of law and justice.

At the core of the Indian knowledge system lies the concept of Rta, the cosmic order, and Dharma, the rule of law and life. Rta, often described as the law of nature, emphasizes the inherent order and harmony in the universe, while Dharma underscores the importance of moral conduct and societal welfare. The enduring relevance of ancient Bharatiya jurisprudence is exemplified by key texts such as Manusmriti and Yagnavalkya Smriti. These texts continue to inform legal discourse and practice, serving as timeless repositories of legal wisdom. Their adaptability across centuries underscores their universal appeal and enduring significance in guiding legal thought.

Eminent jurists and scholars, including Justice S. Abdul Nazeer, have underscored the importance of integrating indigenous knowledge systems into contemporary legal education and practice. By acknowledging the profound insights of ancient Bharatiya jurisprudence, a more inclusive and equitable legal system can be fostered, one that reflects the diverse cultural heritage of India.

As India's legal landscape continues to evolve, the enduring legacy of the Indian knowledge system and jurisprudence serves as a guiding light, illuminating the path towards a deeper understanding of law's societal and moral dimensions. By embracing the wisdom of the past, India can forge a brighter future for its legal system, rooted in the timeless principles of justice and righteousness.

Keywords:- *Indian Knowledge System, Jurisprudence, Rta, Dharma, Adaptation, Bharatiya Jurisprudence*



Conservation of Traditional Medicinal Knowledge: A case study of Implementation under the Biological Diversity Legislation in India

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ABSTRACT

Analysis of the implementation measures by various authorities under the Biodiversity Act, 2002 provides the information on the extent of conservation and protection of TMK

and the status of traditional medicine healers. The identification of issues and challenges of implementation at each level i.e., three tier level of NBA, SBB and BMC helps in understanding of how distinct and varied are the measures undertaken. This article provides the analysis of these aspects based on the interviews undertaken during the field visit and the questionnaire analysis. It also examines the formal and informal measures of protection and conservation of Traditional Medicine. Analysis of the various modules of the questionnaire reveals varied implementation and certain unique aspects related to the TMK implementation under the Act.

Keywords:- *Biodiversity Boards, Communities, Field Study, Challenges, Implementation*



Indian Knowledge System : Revitalizing India

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ABSTRACT

Throughout history, India's prosperity was evident in its comprehensive human development, including material and spiritual aspects. The country attracted students and travelers from around the world who sought knowledge and skills. Indian culture and social life set a unique example globally, rooted in the belief that the world is one family. India's generosity and inclusiveness welcomed people from all corners of the world. This cultural ethos, combined with ancient knowledge, literature, and traditions, has shaped India's identity and contributed to its prosperity.

One of the key pillars of India's ancient knowledge systems is the Vedic literature. The Vedic texts, comprising the Rigveda, Samaveda, Yajurveda, and Atharvaveda, hold immense importance in Indian culture and spirituality. These texts contain a vast repository of knowledge, encompassing various disciplines such as philosophy, science, mathematics, linguistics, astronomy, and more.

The Indian knowledge tradition, described as the 14 Vidya and 64 Kala, encompasses philosophy, practical education, arts, skills, craftsmanship, agriculture, health, and science. These traditions will be studied, adapted, and integrated into modern life, heralding transformative changes in every sphere.

The implementation of Indian Knowledge System will not only revolutionize education but also rejuvenate the Indian psyche and way of life. By infusing fundamental Indian thought, knowledge, tradition, art, skills, craftsmanship, and management into various sectors, India will undergo a profound transformation. The IKS sector is expected to

generate over 5 million jobs in the coming decades, boosting India's self-esteem and self-respect.

Keywords:- Indian Knowledge, Indian Culture, Vedic literature, Philosophy, self-esteem

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Indian Knowledge System and Its Impact on Criminal Laws

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ABSTRACT

The Indian subcontinent boasts a rich tapestry of ancient knowledge systems deeply interwoven with its cultural, social, and legal fabric. These indigenous systems, rooted in diverse philosophies such as Vedanta, Jainism, Buddhism, and various schools of Hindu thought, have significantly influenced the development of laws, including criminal jurisprudence, throughout history.

This abstract examines the profound impact of the Indian knowledge system on the evolution of criminal laws within the country. It delves into the philosophical underpinnings that have shaped legal principles and norms, fostering a holistic approach towards justice administration.

Key areas of focus include the Dharmashastras, ancient legal treatises that elucidate moral and ethical codes governing societal conduct. These texts, encompassing principles of dharma (righteousness) and karma (action), not only delineate legal statutes but also prescribe guidelines for individual conduct, emphasizing the interconnectedness of personal morality and social order.

Furthermore, the influence of classical Indian philosophical schools, such as Nyaya and Mimamsa, is explored in their contributions to legal reasoning and interpretation. These systems, characterized by rigorous logical analysis and hermeneutical methodologies, have informed judicial deliberations, ensuring consistency and coherence in legal adjudication.

Moreover, the abstract highlights the enduring relevance of indigenous knowledge systems in contemporary legal discourse. Despite the advent of modern legal frameworks, elements of traditional wisdom continue to resonate within the judiciary, influencing judicial reasoning and decision-making processes.

In conclusion, the abstract underscores the symbiotic relationship between the Indian knowledge system and criminal laws, illustrating how ancient philosophies have provided

a foundational framework for legal thought and practice. By recognizing and integrating these indigenous perspectives, the Indian legal system endeavors to uphold justice that is not only equitable but also reflective of the cultural heritage and wisdom of its people.

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IKS- Language a Medium and Tool for Dissemination of Socio-cultural and Ethical Information

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ABSTRACT

The language and Indian knowledge system is the theme for the Vikshit Bharat @ 2047. The Language works as a medium used to transmit the message from sender to receiver. The medium and transmission of the knowledge is the need for the sensitization and awareness of the law through the means and mechanism. The globalization, liberalization and privatization have open the door of multiple approach and dynamics in law and culture. The manifestation derived under the knowledge (Gyana) and Vigyan (Science) and Vyavahar (Tradition) Sanskriti (culture) are the main focus point in modern India. The instrument of Law and knowledge can pursue the richness of Indianization at all. Laws and rules are coded in language, and the processes of the law are mediated through other language. The long heritage and culture equipped with modern tool of ethics and morality can envisioned the Indian Philosophy particularly. The Constitution gives a liberty to the citizen to promote and preserve the culture and mandate the standard of the society as large. The Schedule VII guaranteed the right to choice of languages mentioned under the Constitution. Recently the Delhi high Court has directed the Police Department to ensure the use of popular words in common sense, which are easily understood and known to common people. India is one of unique countries in the world that has the legacy of diversity of languages. The Constitution of India has recognised 22 official languages under schedule VII. Multilingualism is the way of life in India as people in different parts of the country speak more than one language from their birth and learns additional languages during their life time. The administration of criminal justice system that information collected by the police officer must not technically pursued in the court dairy and must reflect the real sense but I think that every step taken for the action is justified, technically good but practically not wise. The paper discuss the role of language and law in administration of justice to all and highlighted the issues persist with the language. The IKS- systemensure the bilingual and multiple approach of Bharat Vikshit@2047 under the new code and conduct of ancient culture. Indeed a need for the change and manifestation of India in future. Truly understood for the right direction of the

nation, we have endorsed in developed world. This was a new vista of knowledge and law open the door to the litigant and offender or parties of the suits and petition but a real question arise that the officer and court or advocate are not equipped with all transition of the system, that is the need to synchronized it in future.

Keywords:- *the Constitution, Knowledge System, Language, Law and Justice, Communication.*



Indian Knowledge System and Violence Against Women

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ABSTRACT

Indian Knowledge system is not a new, it's has very ancient roots with glorious Indian heritage of gyan vigyan, philosophy, law and justice. Indian Knowledge System is not just based on scientific principles, but also deals with ethics. There is an Indian way of law and life for the sustainable and strive the welfare of the entire world (Basudhaiv kutmabakam). But Indian Knowledge System has been overshadowed by western ways of thinking. Therefore, there is a need to rejuvenate and mainstream Indian knowledge systems. The history of the mankind reveals that, the females are the foundation stone of civilization. If the foundation stone is not accurately constructed, the entire building of the human life is found to bind. Over the Centuries, violence against women has come to be understood as a method of discrimination and a violation of women's human rights. During ancient period in India cases of violence against women were deal through the customary or religious law. The paramount aim of this article to explore the Indian knowledge system to mitigate the violence against women. Violence against women isn't unknown to India. Women don't seem to be safe anywhere, whether it's in their houses, public places or at the workplace. The violence against women remains on increasing trend not only in urban areas, but also in rural areas. Violence against women in India poses holistic challenge to law and society. Violence is increasing at an alarming rate. Women face violence not only from her husband but also from other members of the family as well as strangers. Criminal law consists of substantive law and procedural law. Substantive law defines the offence and lays punishment for that offence whereas procedural law lays down the procedure to analyze and trial of the criminal case. This article taking into consideration that whether the Indian Knowledge system are sufficient to deals the violence against the women in India and there is a large gap between the

Indian Knowledge system and mind-set of the modern society. Whether the judiciary and legal functionaries have implemented Indian Knowledge system towards violence against the women in India.

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Over –View of Legislative Framework Towards Food Security and Right to Nutritious Food

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ABSTRACT

“Food and nutrition security exists when all people at all times have physical, social and economic access to food, which is safe and consumed in sufficient quantity and quality to meet their dietary needs and food preferences, and is supported by an environment of adequate sanitation, health services and care, allowing for a healthy and active life.” (Committee on World Food Security, 2012)

The challenges pertaining to Food Security are availability, access, utilization and stability. The three main determinants of nutrition security are: access to adequate food, adequate care and feeding practice, and access to appropriate health and sanitation environment. Malnutrition occurs when the intake of essential macroand micro-nutrients does not meet or exceeds the metabolic demands for those nutrients. These metabolic demands vary with age, gender and other physiological conditions and are also affected by environmental conditions including poor hygiene and sanitation that lead to food as well as waterborne diarrhoea (WHO, 2013). Ensuring sustainable healthy diets for all necessitates special consideration of food systems in low- and middle - income countries.

LMICs face persistent undernutrition and micronutrient deficiencies and increasing prevalence of overweight, obesity, and diet-related non-communicable disease (UNICEF, 2019). This multiple burden of malnutrition has short- and long-term health and economic consequences (Murray et al., 2020; UNICEF, 2019).

The aim and objectives of the paper are:

1. The issue and challenges of low and middle income countries for attainment of food security and availability of nutritious food to the citizens.
2. The international and regional framework for meeting the challenges of food security.

3. Creating awareness for cultivation of indigenous crop millets for meeting issues of hunger and nutrition.

In this paper the researcher has adopted doctrinal method of research

The researcher has referred books, journals and various e resources for collecting the data. The nature of research design is exploratory in nature. The researcher will be discussing the role of India's initiative in promoting indigenous crops of millets super rich food.

Key words: - *Food, nutrition Health, Food Security, indigenous super crop millets.*



Diminishing filial duty towards the elderly in India: A systematic shift in the inter generational relationships

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ABSTRACT

Elderly in India constitute one of the fastest growing age groups in the population. It is estimated that by the year 2050, around 20 percent of the Indians will be elderly. The prime reasons for the increase can be attributed to the growing life expectancy and the declining fertility. While greater life expectancy is a cause of celebration but at the same time it raises several crucial issues, namely, pertaining to their well-being, maintenance, care, infrastructure etc. One of the prime amongst them pertains to the filial responsibility of the children towards their parents.

The Indian traditional knowledge system is deeply rooted in the close-knit family systems and ties of brotherhood. The feeling of togetherness lies at the core of the Indian systems. The sacrosanct notions of 'reverence for the elderly' and placing them at the highest pedestal are central to the Indian ideology. However, in the contemporary times these foundational notions have gone for a toss. The filial responsibility is becoming fragile and elderly care reaching obliviousness. This signifies that 'family' as a safe and stable base for the elderly has been transformed and is no longer available with certainty. This goes against the very ethos of the Indian knowledge system. To address this impending concern various legislative (namely the personal laws, Code of Criminal Procedure (Cr.P.C), 1973 and the Maintenance and Welfare of Parents and Senior Citizens Act (MWPSA), 2007) and policy initiatives (namely the Indira Gandhi National Old Age Pension Scheme, National Policy on Older Persons, 1999 etc) have been undertaken. Recently there have also been deliberations to incorporate certain amendments in the

MWPSC Act. However, it is worth pondering upon as to whether a land which is known for its cohesive family units and affectionate filial duty can aptly fulfil its responsibility towards the elderly populace through State backed endeavours?

With this backdrop in mind, the present research aims to highlight the current population trends in India, the issues confronting the elderly and their correlation with the Indian knowledge system and the legislative and the policy initiatives in place for their benefit. Additionally, the ethical and the structural challenges in enforcing the State-sponsored measures will also be deliberated. Lastly some feasible measures which can be incorporated in the Indian set-up to bring back the diminishing filial responsibility in tune with the contemporary scenario will also be suggested.

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Bhartiya Knowledge System : A Need for Building National Character

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ABSTRACT

In the Bhartiya tradition, education and knowledge held a pivotal role, serving as integral components of life. Its societal role was distinctly different, emphasizing character building and the cultivation of individuals capable of thoughtful reflection on themselves and society. Rooted in the principle of 'सर्वे भवन्तु सुखिनः,' the Bhartiya Knowledge System focused on holistic development and contributing to the well-being of all. Knowledge, as per the teachings of Shree Krishna in the Bhagavad Gita, was considered a purifier. Contrastingly, the knowledge system introduced by the Britishers in Bharat primarily centred around information memorization, neglecting the importance of critical thinking for innovation. Post-independence, while Bharat has produced a significant number of engineers, the level of innovation hasn't matched expectations. Moreover, the Western education system has contributed to the degradation of youth character, steering them away from self-awareness and fostering a materialistic mind set. The incorporation of the Western education system, focused on acquiring skills for financial gains and luxuries, disregards essential values, responsibilities, and duties towards life, environment, and people. The constitutional inclusion of the Right to Education in India primarily aimed at basic literacy, lacking emphasis on cultural values and holistic development.

This calls for the establishment of a Bharat-centric knowledge system, aligned with cultural values, aiming for the comprehensive development of individuals and contributing to the betterment of both the nation and the world.

Keywords- *Bhartiya, Education, article21, constitution, culture*

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**The Peaceful Moon and Glittery Stars revolving celestial bodies around
shining Infinite and Beyond : Robusting Legal Implications and
impacting Space Environment**

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ABSTRACT

The origination of space Law commenced in the year 1957 by the US President named Dwight D. Eisenhower's . Eventually, Sputnik I was the First International Satellite that was Launched in 1957 by the Soviet Union. International Space stations has been travelled every now and then since 1969 by various Astronauts who had shared different perspectives about Space Environment. The new venture in International space would be settling on these celestial bodies and indulging into space miming. The Nations have been competing for the 'space' in the 'space' those days are no far when these nations can be a part of next space war. The countries like UK Russia, china, India have been launching space satellites in the space. The Tremendous launch of satellite is disturbing the space environment. Though it leaves the scope of space exploration. The outer space Treaty 1967 and The Rescue Agreement for rescuing the celestial bodies and Astronauts. Whereas, the Liability Convention 1972 has put up the liability on the states that if they damage the area of space environment they must bear the costs.

In India, the space environment commence with launching of the satellite Aryabhata. The Country has a very remarkable space contribution that has been seen since post Independence we have seen the very recent launch of satellite by ISRO i.e INSAT-3DS. India has always been the firm believer of Sustainable Development.

Keywords - *Space, Agreement, Satellite, Exploration.*

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**Harmony of Earth and Women : Exploring Traditional Eco-Feminist
Wisdom and Ways in Forest Conservation of Uttarakhand in Light of
the Feminist Movement in Post-Independence Legal Era**

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ABSTRACT

The forests of Uttarakhand have continuously served a crucial part in the people's livelihood. Historically, most households relied on economic pursuits through forest resources, although migration and agroforestry were the two most important tenets in intimidating people. Self-sustaining forest communities are considered the highest expression of societal and civilizational growth, a vision that powerfully contradicts the idea of a polluted, violent, and profligate modern world. Economic forest management, introduced by colonisers and promoted by the Indian state, was considered an ideal instance of reductionist methods, and such systems also colonised local men of the state of Uttarakhand conceptually, financially, and politically. However, peasant women have deeply and concretely experienced forest devastation and have thus risen to fight the reductionist values of the manufacturing sector and the market by rediscovering the old Indian conception and traditional methods of forest culture. In Uttarakhand, as in other parts of India, women have traditionally been in charge of indigenous forest management, both in terms of labour division and experience. Women and nature are inextricably interwoven, as a result, the feminist and environmental movements are inextricably linked and serve as primary countertrends to the patriarchal set-up. Movements such as the Chipko movement, the Maitai movement, and Raksha Sutra are certain illustrations of women's involvement in the preservation of forest resources. Chipko is portrayed as an essentially ecological and feminist movement in which the women of the hills aspired to restore a 'traditional' harmonious relationship with nature. The term "Maitai" translates to "Mother Earth" in the local Garhwali language, reflecting the movement's deep-rooted connection to the land and environment. Certain activists and locals argued that the construction of dams would not only disrupt the natural flow of the river but also threaten the fragile Himalayan ecosystem, endanger biodiversity, and displace numerous communities living in the area. The Maitai Movement utilized various strategies, including protests, hunger strikes, and legal challenges, to raise awareness and resist the implementation of projects and garnered significant support from environmentalists, policymakers, and concerned citizens across India and internationally. The Raksha Sutra movement was based on promise, similar to how a Raksha sutra means to tie a piece of thread for the promise of protection. It began in Tehri's Riyala forest, which led the initiative by tying the sacred thread, Rakhi, around trees, influenced by the sentiments of the Raksha Bandhan celebration wherein around 300 women gathered to tie threads around trees, swear to protect them and drive away tree-fellers. Its movement helped safeguard the indigenous tree species such as Mauro, Kail, Buransh, and Muranda. The above-mentioned eco-feminist way of managing and preserving traditional resources can lead to effective management of the forest. The paper will delve into the women-led movements in the state of Uttarakhand for forest preservation which will entail the role of women empowerment in the history of our culture for preservation of resources. The

paper will also highlight the importance of traditional knowledge systems and methods used by such women. The paper will conclude with suitable suggestions for implementation in the current state of the environmental set-up as well as advancing the feminist school of thought in legal development.

Keywords:- *Traditional ways, Eco-feminism, Movements, Forest conservation, Uttarakhand.*

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From Manu to Mandates : Resurrecting Ancient Wisdom in Legal Practice

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ABSTRACT

In exploring the intersection of Indian knowledge systems (IKS) and jurisprudence, one encounters a rich tapestry of philosophical, ethical, and legal principles that have guided governance and social order in India for centuries. Rooted in ancient texts, scriptures, and philosophical treatises, IKS encompasses diverse schools of thought such as Vedanta, Mimamsa, Nyaya, and Dharmasastra, each offering unique perspectives on law, justice, and governance. At the heart of IKS lies the concept of dharma, which transcends mere legality to encompass moral and ethical principles governing human conduct and societal harmony. Dharma, often translated as "righteousness" or "duty," forms the cornerstone of Indian jurisprudence, shaping legal frameworks and guiding judicial decision-making.

The principles of dharma emphasize the interconnectedness of individuals, communities, and nature, underscoring the importance of social cohesion, equity, and justice. This holistic worldview informs not only legal codes but also dispute resolution mechanisms, emphasizing mediation, reconciliation, and restoration of harmony over adversarial litigation.

Moreover, IKS recognizes the dynamic and evolving nature of law, adapting to changing social, cultural, and environmental contexts over time. This flexibility is reflected in the concept of "smriti" (remembered texts), which complement "shruti" (revealed texts) and allow for interpretation and adaptation of legal norms to suit contemporary challenges.

In contemporary India, there is a growing recognition of the relevance of IKS in legal education, research, and practice. Efforts are underway to integrate traditional wisdom

with modern legal systems, fostering dialogue between ancient philosophies and contemporary jurisprudence.

By embracing the insights of IKS, legal scholars and practitioners can enrich their understanding of law and justice, moving beyond formalistic approaches to promote principles of equity, sustainability, and social welfare. In this way, the synergy between Indian knowledge systems and jurisprudence offers a pathway towards a more inclusive, ethical, and harmonious legal framework, grounded in the timeless wisdom of the past and responsive to the needs of the present.

Key Words:-*Dharma, jurisprudence, Indian knowledge systems, legal frameworks, ancient wisdom.* ◆◆

Tamil Literature: A Pillar of Influence in Indian Legal Thought

*** T. Rohinth**

ABSTRACT

The concept of "Indian Knowledge System" pertains to the wealth of knowledge originating from India. Indian society places a high value on knowledge and boasts a rich collection of intellectual works, writings, and educational institutions spanning various fields, with Tamil literature (Sangam literature) playing a crucial role. Tamil literature has been an integral component of the Indian knowledge system for over two millennia, significantly enriching traditional Indian knowledge. This study delves into the contributions of distinguished scholars during the Sangam period to the development of Bharatiya jurisprudence. It also investigates how rulers governed their kingdoms based on the principles and regulations outlined in Sangam literature, emphasizing justice and equality, which remain relevant in today's political landscape. The research underscores the importance of integrating these timeless principles, passed down from our forebears, into the legal education system to not only enhance our knowledge but also cultivate our moral compass.

Key words:-*Jurisprudence, Justice, Knowledge, Politics, Tamil literature.* ◆◆

Indian Knowledge System and Constitution

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ABSTRACT

"Sarva Dharma Sambhavana" is a fundamental precept of Dharma. It is also the predominant thread that runs through several Supreme Court decisions. The Indian Constitution actually imbibes and mirror the principles of Dharma. The relation between Dharma and the Indian Constitution is relevant. As the Constitution is framed based on the principles of Dharma and not merely inspired by the western cultures. Dharma, as per popular notion, is not a singular construct of the Hindu way of life, but is common to all religions. Dharma and religion are two separate entities and are often confused to be one and the same. Through the evolution of this concept and its subsequent connects with the constitution that govern us. The root of the paper lies in the fact that Constitution and dharma are strongly interwoven and there is no way the two can be separated.

Ashoka asserts that ,Dharma is cultivated in all religions and sects and he seeks to advance Dharma in all persons whatever their religious affiliations. In fact, the Indian Constitution has adopted secularism from the concept of Dhamma or Dharma. Secularism means that the state respects all religion and does not adopt or give to itself any one religion. A generalized form of Dhamma, helped Ashoka to control his state and propagate himself into something big. But this also resulted in the appointment of the "controllers" and the "provincial governor "at different levels, showing the existence of an effective administration then and the concept of separation of powers now.

However after independence, It was felt that the concept of Dharma in the ancient times should be modified in a way that suits the needs of the present situations and still has same effect as it had in earlier times. Thus, post-independence, the framing of the Constitution of India was on the basis of the supreme law i.e. Dharma, the rule of law. Article 13 of the Indian Constitution is thus worded as "Laws inconsistent with or in derogation of the Fundamental Rights.

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Indian Knowledge System and Intellectual Property Rights: A Comparative Analysis

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ABSTRACT

Intellectual property rights are a bundle of rights. They are granted for creations of the intellect. The IPR system in existence today is a modern concept which significantly evolved over the last fifty years in accordance with the needs of primarily the developed countries.

Indian Knowledge System (IKS) is the body of knowledge accumulated and embodied in the traditional milieu of India over thousands of years. It is myriad and rich and covers diversity of disciplines from astronomy to astrology and from fundamental sciences to arts. The closest modern concept which mirrors the IKS is “Traditional Knowledge”.

This paper attempts to explore and examines the differences between IPR and IKS. IPR has a market, commercial and exploitative aspect as compared to the humane, welfare and needs based approach of IKS. IPR system is predicated on “private rights” as compared to “community rights” in IKS. The paper utilizes the template of closed and open systems to examine the two and finds that for creation, dissemination and consumption of “knowledge”, IKS presents a better model for societal development scoring in parameters such as human rights, fairness and equity.

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Indian Knowledge System (IKS) and Property Law

[Copyright: Protecting Indian Traditional Knowledge and the Indian Knowledge System as Intellectual Property]

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ABSTRACT

Indian Knowledge System integrates extra-curricular activities, athletics and arts into the curriculum. Emphasis on overall development. Through this combination, students are sure to develop a skillset that goes beyond academic talent. The system's emphasis on innovative thinking and imagination provides students with the skills necessary to overcome various obstacles and inculcate a mindset that goes beyond memorization. Whereas the Copyright is essential because it allows the creator of a work to prevent unapproved or uncredited use, preserving the value of the contributions of writers, academics and researchers.

In this paper, the topic has been discussed in detail whether copyright law will be sufficient to protect knowledge. If copyright law is helpful in preserving knowledge, then how is it helping in enriching the Indian knowledge system? If we talk about NEP, 2020, then this policy will bring this vast heritage of ancient and eternal Indian knowledge and thinking into a Giver's respect as a guiding principle. India's knowledge, science and life

philosophy knowledge systems have evolved from experience, observation, experimentation and deep analysis. Our education, arts, administration, law, justice, health, manufacturing and commerce have all been influenced by this legacy to be validated and put into practice.

After reviewing, a conclusion was also developed that it is necessary to preserve traditional knowledge in the Indian Knowledge System, and permanent protection is better than temporary protection. Definite form: Under Indian copyright law, for any work to be protected by copyright, it is necessary that the work exist in physical form. Definite forms of traditional knowledge are difficult to ascertain. Traditional knowledge is typically transmitted across generations in a community through stories. These stories are rarely found in published form. According to Indian copyright law, customary knowledge ignores the essential conditions for copyright protection. Since traditional knowledge does not meet the necessary conditions for copyright protection, it is easy to deny it protection. Indian copyright protection is granted for a fixed 60-year term, making it time-limited.



Indian Knowledge Systems and Criminal Law : Analysis and Current Relevance

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ABSTRACT

Indian knowledge systems have a long and rich history dating back to ancient times. These systems encompass a wide range of disciplines including philosophy, science, medicine, astronomy, and law. Among these, the Indian legal system has been particularly influential in shaping the principles of justice and law enforcement in society. One of the oldest texts that deal with the concept of law and justice in ancient India is the Manusmriti. Believed to have been composed between 200 BCE and 200 CE, this text lays down various rules and regulations governing social conduct, including criminal behaviour. The Manusmriti delineates different types of crimes and prescribes appropriate punishments for each, based on the principles of dharma and karma. Another significant text that sheds light on Indian knowledge systems and criminal law is the Mahabharata. This epic narrative not only delves into the complexities of human nature and morality but also highlights the importance of upholding justice in society. The Mahabharata is replete with instances where characters are faced with moral dilemmas and must navigate through legal and ethical quandaries. The Vedas, ancient sacred texts of Hinduism, also contain references to legal principles and concepts of justice. These

texts emphasize the importance of truth, honesty, and righteousness in upholding the social order and dispensing justice. The relevance of Indian knowledge systems and criminal law in contemporary times cannot be overstated. The principles enshrined in these ancient texts continue to hold value and offer insights into the complexities of legal and justice systems. In a rapidly changing world, where issues of ethics, morality, and legality are constantly under scrutiny, the lessons from these ancient texts can provide guidance and wisdom in navigating the complexities of modern-day criminal law. In conclusion, Indian knowledge systems, as reflected in texts like the Vedas, Mahabharata, and Manusmriti, offer invaluable insights into the principles of justice and law enforcement in society. These texts continue to be relevant today, providing a foundational framework for understanding and interpreting criminal law in a contemporary context.



Jurisprudence and the Tapestry of Indian Knowledge System

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ABSTRACT

India, with its rich tapestry of culture, history, and philosophy, has nurtured a diverse and profound knowledge system for millennia. At the heart of this system lies a unique blend of traditional wisdom, philosophical insights, and practical jurisprudence, which have shaped not only the societal fabric but also influenced global thought.

Indian knowledge systems, deeply rooted in ancient texts such as the Vedas, Upanishads, and the epics like the Mahabharata and Ramayana, encompass a holistic understanding of life, encompassing metaphysics, ethics, science, and governance. These texts serve as repositories of profound philosophical inquiry and ethical guidelines, providing a framework for moral conduct and social harmony.

Central to Indian jurisprudence is the concept of Dharma, which denotes righteousness, duty, and law. Dharma serves as the foundation for a system of justice that emphasizes equity, fairness, and the harmonious resolution of conflicts. Traditional legal texts such as the Manusmriti and Arthashastra elucidate principles of governance, administration, and jurisprudence, reflecting the intricate interplay between law, ethics, and societal norms.

The Indian legal tradition is marked by its adaptability and inclusivity, incorporating diverse legal philosophies and practices. From the ancient concept of Nyaya, emphasizing logical reasoning and argumentation, to the Gandhian principles of non-violence and Satyagraha, Indian jurisprudence reflects a dynamic evolution shaped by historical, cultural, and philosophical currents.

Contemporary India grapples with the challenge of reconciling traditional wisdom with modern legal frameworks and global norms. While the Indian Constitution embodies principles of justice, liberty, and equality, it also draws inspiration from ancient texts and traditions, seeking to forge a synthesis between the old and the new.

In an increasingly interconnected world, understanding the Indian knowledge system and jurisprudence offers valuable insights into alternative models of governance, ethics, and justice. As India navigates the complexities of modernity while preserving its cultural heritage, the study of its ancient wisdom and legal traditions remains essential for fostering dialogue, mutual understanding, and the pursuit of a more just and harmonious society.

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Bridging Past Wisdom with Present Challenges: Environmental Justice in India and the Role of the National Green Tribunal

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ABSTRACT

The concept of environmental justice has roots in ancient Indian philosophy, where the principles of harmony with nature and the interconnectedness of all life forms were deeply ingrained. Ancient texts such as the Vedas, Upanishads, and other religious scriptures emphasized the importance of environmental protection and conservation. From the recognition of the ozone layer to rituals promoting environmental purity, these texts showcased a holistic understanding of humanity's relationship with the environment. Despite this rich heritage, modern-day India faces significant environmental challenges, with pollution levels ranking among the highest globally. Industrialization and unchecked development have strained the delicate balance between humans and nature, leading to ecological degradation and loss of biodiversity. In response, global initiatives like the Sustainable Development Goals have emphasized the importance of environmental justice and sustainable development. Recognizing the link between environmental protection and human rights, India has enacted a series of legislations and established the National Green Tribunal (NGT) to address environmental issues. The NGT, founded in 2010, serves as a specialized quasi-judicial body to adjudicate

environmental disputes promptly. Guided by principles like inter-generational equity and the Polluter Pays Principle, the NGT has played a crucial role in ensuring a balance between development and environmental conservation.

Through an analysis of the historical context and contemporary challenges, this article explores the evolution of environmental justice in India and the role of institutions like the NGT in promoting sustainable development. It highlights the need for a harmonious relationship between humans and nature, echoing the timeless wisdom of ancient Indian philosophies in addressing present-day environmental crises.

Keywords:- *Environmental Justice; Ancient Scriptures; National Green Tribunal; Human Rights; Sustainable Development.*



Exploring Dharma in Indian Knowledge Systems and Jurisprudential Inquiry: Understanding Legal Doctrine in Dharmasāstric Texts

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ABSTRACT

The Dharmasāstras (DS), rendering a substantive component of ancient Bharatian legal and moral text, provide an ample source of counsel to societal governance and individual conduct. These texts encompass a comprehensive set of social, ethical, and legal directives influencing principles of social justice, ethics, equality, and governance. Throughout history, the DS has played a significant role in shaping legal doctrine and governance structures, influencing the development of legal systems and societal norms in ancient Bharat. The concept of Dharma permeated both civil (dharmasthīya) and criminal (kaṇṭakaśodhana) cases, influencing procedures, proceedings, and decisions in profound ways. Civil disputes and family matters were adjudicated based on Dharma injunctions outlined in the DS, whereas in criminal cases involving offences such as theft, assault, and adultery, legal procedures were designed to uphold Dharma and maintain social harmony, often involving mediation, arbitration, punishment and rehabilitation. This paper mines the intricate correlation between legal doctrine and Indian Knowledge Systems (IKS) within the context of jurisprudential inquiry, intention to clarify the foundational principles of Dharma such as non-violence (ahiṃsā), truthfulness (satya),

and compassion (karūṇā). It delves into contemporary applications of Dharma in the Indian legal system, scrutinizing its impact on judicial decision-making, governance structures, administrative practices, legislative processes (daṇḍavyavasthā) and legal reform undertakings based on worldly (ihalaukika) and out worldly (pāralaukika) punishments and repentances (prāyaścita). Additionally, it explores the challenges and prospects of integrating Dharma-based principles into modern legal frameworks, considering factors such as cultural sensitivity, pluralism, and constitutionalism. By offering a nuanced comprehension of the convergence between legal doctrine, Dharma, and IKS, it contributes to ongoing discussions in jurisprudence and legal theory. It underscores the pertinence of ancient Indian wisdom in shaping contemporary legal discourse and emphasizes the potential for enhancing legal systems through cross-cultural dialogue and engagement with diverse philosophical traditions.

Keywords:-*Dharmaśāstric Law, Ancient Indian Legal System, Ancient Indian Jurisprudence, Dharma, Dharma-based Law in Ancient Bharat.*

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Legal Education and Research in Indian Language

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ABSTRACT

Indian knowledge system aims to support and facilitate further research to solve contemporary societal issues. IKS is based on Vedic literature, the Vedas and the Upanishads. Existing IKS courses may be synced to digital learning platforms. Modules for training and orientation of educators may be designed to improve quality of classroom delivery on IKS courses. Specialised teacher training centres will be set up to train teachers on specific topics related to the Indian Knowledge Systems. There will be encouragement for innovation in IKS through Grand National Challenges, National Competitions, Hackathons, and incentivizing innovation. Institutions may access global collaborations through institutions such as Indian Council of Historical Research (ICHR) for conducting India-centric research. Initial seed funding will be provided for the establishment of IKS Centers in various HEIs. There will be a approach to public through various mechanisms to disseminate and popularize authentic IKS knowledge to develop informed and confident citizenry. People will be involved in various IKS initiatives through Jan Bhagidari programs similar to citizen science initiatives. Employment opportunities for youth through skill-based programs will be created. IKS will promote heritage technology by bringing technology solutions to showcase the Indian heritage to Indians and the world. Its aim is to capture 10% of the world tourism and provide

massive employment opportunities to our youth. The Indian Knowledge System (IKS) is the systematic transmission of knowledge from one generation to next generation.

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Legal Education in Regional Languages : Trends in the Present and Scope for the Future

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ABSTRACT

The ability of a lawyer to communicate in standard legal language is beyond measure. The journey to understand legal thinking and writing like a lawyer starts the very day a person decides to pursue legal education as a career. The value of language in the life of a law student cannot be ignored. A student of legal studies is often exposed to legal jargon, legal texts, judgment readings and various other texts from the beginning of the legal education. Law students also participate in research, which is often considered a significant feature of law school from the beginning. Law students must understand legal terminologies to interpret the meaning and conduct productive research. Understanding the legal provisions is the prerequisite for equality, justice, liberty and dignity for any citizen of a democratic State like India. however, it cannot be ignored that legal language is a complex language, and it is difficult for ordinary citizens to comprehend the profound meaning of the legislative enactments or statutes, due to which specialised language in the legal profession becomes increasingly crucial.

In India, English is the language of legal education. However, it is not the mother tongue of most Indians, which creates a roadblock to better understanding the legal terms and terminologies used in the field of law.

This paper attempts to understand the English used in imparting legal education and investigates significant challenges the students of law face when they begin studying legal programmes in India. The paper further deals with the merits and demerits of a regional language-based legal education. It provides the present scenario as well as the future perspectives of regional languages in legal education. The paper also aims to provide plausible solutions to deal with the complexity of the English language in practice.

Keywords:-*Lawyers, Legal studies, Legal provisions, Legal language, Regional Language, Democratic State.*

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Lokayata Philosophy and Law

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ABSTRACT

To enrich and refine knowledge, it is necessary to have a critical approach. Within the Indian knowledge tradition, Lokayata philosophy is seen as the antithesis of the idealistic philosophy prevalent in ancient Indian society because it takes a critical approach towards idealistic philosophy. However, Lokayata philosophy has often been ignored within the Indian knowledge tradition. Whereas in many ways Lokayata philosophy shows some similarity with modern western philosophy. While the concept of dharma is included under the title of Indian Jurisprudence in the curriculum of jurisprudence under contemporary legal education, its counterpart which is based on Lokayata philosophy is not found. Just as within Western legal theories the viewpoint of the Sophists is seen against the teleological view of Plato and Aristotle and the Marxist theory is seen against the modern Western liberal legal theories, in the same way Lokayata philosophy may be seen against prevalent legal philosophy in ancient Indian society. In the present research paper, light has been thrown on Lokayata philosophy in the above contexts.

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Examining the Influence of Ancient Indian Texts, Such as the Arthashastra and Manusmriti, on Modern Concepts of Humanitarian Law and Conflict Resolution

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ABSTRACT

Arthashastra and Manusmriti, on contemporary concepts of humanitarian law and conflict resolution. Drawing upon interdisciplinary approaches encompassing legal studies, historical analysis, and philosophical inquiry, this study aims to elucidate the enduring relevance and applicability of principles delineated in these ancient texts to modern-day challenges in conflict management, humanitarian protection, and the pursuit of peace. The Arthashastra, attributed to the ancient Indian scholar Chanakya, offers a comprehensive treatise on statecraft, governance, and diplomacy. Within its intricate verses lie insights into the pragmatic strategies employed by ancient Indian rulers to navigate complex geopolitical landscapes, maintain order, and mitigate conflicts. By examining the Arthashastra's prescriptions for diplomatic negotiations, military tactics, and the administration of justice, this research seeks to discern parallels with contemporary principles of humanitarian law, including the protection of non-combatants, the regulation of armed conflict, and the pursuit of just and lasting peace. Similarly, the Manusmriti, a seminal text in Hindu jurisprudence and social ethics, provides a repository of moral and ethical precepts governing individual conduct, social relations, and the administration of justice. Despite its historical context, the Manusmriti offers valuable insights into notions of justice, equity, and the treatment of adversaries, which resonate with modern discourses on human rights, reconciliation, and conflict resolution. Through a comparative analysis of these ancient texts with contemporary frameworks of humanitarian law and conflict resolution, this research seeks to illuminate shared ethical principles, enduring norms, and innovative strategies that can enrich our understanding and practice of conflict management in the modern world. By recognizing the intellectual heritage of ancient Indian civilization and its contributions to the global discourse on peace and justice, this study aims to foster cross-cultural dialogue and interdisciplinary collaboration in addressing the pressing challenges of armed conflict, humanitarian crises, and the quest for a more harmonious world order.

Keywords:- *Arthashastra and Manusmriti, Chanakya, Humanitarian law, Conflict, Resolution.*



“ त्वंज्ञानमयोविज्ञानमयोऽसि ”

The Indigenous Value based Legal Education System

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ॐ असतो मा सद्गमय । तमसो मा ज्योतिर्गमय ।
मृत्योर्मा अमृतं गमय । ॐ शान्तिः शान्तिः शान्तिः ॥

ABSTRACT

Education is the light of the Knowledge to lead us from the unreal to the real, from darkness to light, from death to immortality ultimately makes peace, peace and peace! *Vidya* – knowledge conceals *avidya* and when later is removed former manifests itself. From ignorance to knowledge to wisdom and ultimately to self-manifestation is the journey of one's education – *Shiksha*. The objective of education is to lead to the full development of the human personality. In *Vedic* era the emphasis on the vital importance of education gets reflected from *Rugved* specifying various rituals and *sanskars* for the very beginning to accomplishment of formal education.

In the free and sovereign India role of education has been fundamentally to fulfil the moral aspiration of the people. Today India's vision of education is twofold, one to participate and progress in development and establish a just and equitable society. The Indic Philosophy of education has a long history, it reflects holistic and interdisciplinary education.

The Vedic education of the ancient times has emphasized on five core objectives and values like formation of character, building a generation of learned and skilled professionals, development of holistic personality with the virtues of self-confidence, self-restraint. Self-respect, self-reliance, Free education with social support, preservation of ancient heritage and culture and inculcating on social and civic duties and responsibilities.

This Indian legal thought is unexplored area of values and needs a research. The long decades' history of ethnic and legal structure reflects value based education and practice. The Indic principles and jurisprudence are important for ethical legal education. India's gigantic transformation as geo-economic power needs a strong institutional framework, the legal institution and the Indian Legal education system must promote and profess the true constitutional values, ethical basis, rules of law and reinstating indigenous idea of welfare state. The Problems of academic ineffectiveness, the growing culture and commercialization and corporation of justice has raised an alarm for core legal principles, rule of law and professional ethics.

India's legal education needs the study of law beyond schools through the liberation of self and realization of Vedic eternal principles. The probable answer to the current Indian legal system is found in the Indian Vedic literature and the golden system of education. The learning of the values of education and research forms the core of this study.

The research paper explores the fair understanding of the eternal principles and objectives of education as stated in indigenous Vedic education philosophy. Review of the present

legal education system in light of Vedic principles suggests the needed inclusions and infusion of Indian eternal Vedic legal principles for igniting Indian Legal Minds.

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Primal Property Right of Indian Women: An Analysis of Streedhan through Ancient Scriptures

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ABSTRACT

This paper examine in-depth understanding of property rights accorded to women in ancient India, with a specific focus on the concept of 'Streedhan' as elucidated in ancient scriptures. Streedhan, literally translating to 'woman's wealth', represents the wealth endowed upon a woman at the time of her marriage, which she possesses independently from her husband. Through an analysis of ancient texts such as the Rigveda, Manusmriti, and various Dharmashastras, this study seeks to explore the evolution of property rights for women in Indian society.

The comprehensive study of the concept and practice of streedhan led to the discovery that streedhan not only acted as a property right of women. But, also served as an instrument to furnish women with financial security and independence without breaking the normative patriarchal system of ancient Indian society. However, the kinds and norms of streedhan kept changing over the times, depending upon the socio-economic determinants and prevalent conventions of that particular time period.

Apart from the analysis of influence of streedhan on the woman's status and empowerment in her family and society in Ancient India, the study also focus on the intricate interplay between gender, property entitlements, and societal norms in ancient India.

The study of the concept of Streedhan through the ancient scriptures helps to understand the historical foundation of women's property rights in India and also assist in better understanding of evolution of women's property rights and contemporary legal position on the same.

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Adherence to Environmental Norms by the Indian Corporate Sector : An Overview and Analysis

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ABSTRACT

The environment is a vital component of human well-being, and essential for holistic development. It provides air, water, food, and other natural resources crucial for survival. However, the commercial exploitation of these resources in India poses challenges to maintaining a healthy environment. Activities such as deforestation, poaching, and pollution of land, water, and air are common issues. These activities also adversely affect indigenous and tribal communities by destroying habitats and exploiting them economically.

To address these challenges, various legislations such as the Environmental Protection Act, 1986 have been enacted. However, the effective implementation of these laws remains a significant challenge. The corporate sector often evades responsibilities and liabilities imposed by these laws due to existing loopholes in legislation or the administrative system. There exists insufficient coordination among government agencies, restricted access to information, corruption, and limited civic participation, allowing companies to evade compliance by exploiting legal gaps. Additionally, government agencies struggle to enforce court-ordered fines and penalties on companies, primarily because they are unaware of relevant cases and recovery procedures.

This paper examines the challenges faced in ensuring adherence to environmental laws by the Indian corporate sector. It also discusses the effects of non-compliance and suggests possible solutions to address these issues. The aim is to highlight the importance of environmental protection and conservation and promote sustainable practices within the corporate sector.

Keywords:- *Indian Corporate Sector, Environment, Tribal Communities, Environmental Laws etc.*

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Changing Contours of Right to Marriage : A Judico-Legal Analysis

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ABSTRACT

In Shastric Hindu Law, marriage is considered as the most pious among the 16th sanskars of Hindu customs. The right to marry is sacrosanct in Indian society. In India before the codification of Hindu Law, there was no limit to having many wives a man can have, but after the codification of Hindu Law, monogamy has been recognised via section 5(1) read with sections 11 and 17 of the Hindu Marriage Act 1955. Now the time is taking a shift and the society is observing the love marriages, inter-caste marriages, inter-religion marriages, etc, as in legal terms the marriage with one's own choice of the person and in *Lata Singh v. State of Uttar Pradesh*, this question has been also been a debatable topic in various cases and later on in *Hadiya* case the Honourable Supreme Court has recognised the right to marry the person with own choice. Then, the recent trend that is in practice unlike in western countries the live-in relationships, in 2010 in *Veluswamy's* case the right to maintenance has been given to such partners. Recently the Uttarakhand Government has passed the legislation to control this practice in society. The right to marriage has recently been in debate because of the *Supriyo Chakraborty v. Union of India, 2023* case, where the petitioner has challenged Section 4(c) of the Special Marriage Act, 1954, in which the Honourable Supreme Court has denied the right to marriage to the same-sex couples by 3:2 ratio saying that right to marriage is a statutory right not a Constitutional Right. In *NALSA v. Union of India*, the Apex Court recognised the Third Gender in 2014 and in the famous *Naaz Foundation case* to *Navtej Singh Johar v. Union of India* case the Supreme Court of India has taken the progressive approach to grant LGBTQ community by decriminalizing the same sex consensual relations (Section 377 of Indian Penal Code), but in recent verdict the majority has denied the right to marriage as a fundamental right to this community under Article 21 of the Constitution of India. So this paper is an attempt to trace out the journey of the right to marriage throughout the various decades. It will also focus on the issue of whether the Indian society and legal system is ready and susceptible to embrace these changes. It will also highlight the need to change the legislative framework according to the pace of time and need.

Keywords:- *Right to marry, Hindu Law, same-sex marriage, live-in relationship, Fundamental Right, LGBTQ.*

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Protecting Traditional Knowledge in India through the Patent System: Legal Aspects and Challenges

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ABSTRACT

This research paper delves into the intricacies of safeguarding traditional knowledge within the ambit of India's patent system, a matter that has long been a subject of academic discourse and legal contention. Traditional knowledge, which encompasses the collective wisdom, innovations, and practices of indigenous and local communities, has often been relegated to the periphery of formal intellectual property protection regimes. This paper aims to illuminate the paramount significance of traditional knowledge, particularly in light of India's abundant biodiversity and its untapped potential for commercial utilization. The study undertakes a critical analysis of the current legal framework's shortcomings in effectively addressing the protection of traditional knowledge, shedding light on the pervasive issue of biopiracy and the challenges posed by the extant patent laws. It further scrutinizes various international endeavors and legal instruments that seek to safeguard traditional knowledge, such as the UN Draft Declaration on Rights of Indigenous Peoples and the Convention on Biological Diversity.

Moreover, the paper examines the proactive measures initiated by the Indian government to shield traditional knowledge from misappropriation, including the establishment of the Traditional Knowledge Digital Library (TKDL) and the enactment of the Geographical Indication of Goods (Registration and Protection) Act, 1999. It also critically appraises pertinent judicial pronouncements and their bearing on the protection of traditional knowledge within the Indian legal landscape.

The research culminates in a set of recommendations for fortifying the Indian Patent Act to better accommodate and safeguard traditional knowledge. These propositions encompass the meticulous documentation of traditional knowledge, the institution of a sui generis system, and the creation of comprehensive databases accessible to patent authorities on a global scale. The paper underscores the exigency for a nuanced approach that upholds the rights of indigenous communities while concurrently fostering innovation and equitable benefit-sharing.

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Protection of Traditional Knowledge: Examining India's Traditional Knowledge Digital Library in Domestic and International Contexts

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ABSTRACT

The protection of traditional knowledge is crucial to safeguard the rights and interests of indigenous and local communities, who have developed and maintained this knowledge over generations. However, the interplay of local, national, and international interests in the protection of traditional knowledge is complex and often contentious. This article investigates India's efforts to address these challenges through the creation of the Traditional Knowledge Digital Library (TKDL), comparing its domestic policy context with its presentation to the World Intellectual Property Organization (WIPO). The study finds that WIPO's endorsement of protective databases as a non-controversial tool has provided India with a platform to promote itself and the TKDL globally. However, within India's domestic sphere, the library serves additional purposes, such as asserting national ownership over traditional knowledge and positioning it as a potential source of scientific innovation for the country's economic and social benefit. The TKDL thus represents a confluence of competing interests, where the original goal of protecting indigenous and local communities' traditional knowledge from misappropriation may be overshadowed by national priorities. The article emphasizes the need for a more nuanced understanding of the power dynamics and political implications inherent in the development and promotion of traditional knowledge databases, arguing that the rights and interests of indigenous and local communities must remain at the forefront of such initiatives to ensure that the protection of traditional knowledge achieves its intended purpose.

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Sacred Wombs and Sovereign Choices: Integrating Indian Knowledge Systems into Reproductive Rights Discourse

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ABSTRACT

In this scholarly inquiry, we embark on a rigorous exploration of Reproductive Rights within the intricate framework of Indian Knowledge Systems (IKS). Our focus is on the

timeless wisdom that underpins traditional Indian perspectives regarding reproductive health and rights—topics that resonate across generations and cultures.

Central to this study are the questions: How do traditional Indian perspectives inform contemporary legal debates and policies on reproductive rights? And what is the impact of these perspectives on reproductive decision-making and healthcare access for women in India?

To address these questions, the research employs a mixed-methods approach, combining qualitative analysis of seminal works such as the Kama Sutra, the Arthashastra, and ancient medical treatises like the Charaka Samhita with ethnographic studies of contemporary indigenous practices. Ethnographic studies of contemporary indigenous practices provide a bridge between antiquity and the present, allowing us to weave together threads of understanding. This methodology enables a nuanced understanding of the historical and cultural contexts that shape reproductive issues within Indian traditions.

Consider the delicate balance: bodily autonomy, familial responsibilities, and the well-being of communities. These threads intersect with the robust legal frameworks of contemporary era.

The right to access contraception and safe abortion services is a battleground where tradition meets progress. We tread carefully, acknowledging the weight of cultural norms and the aspirations of individual women. The convergence of IKS with international human rights standards adds layers of complexity. How do we honour ancient wisdom while safeguarding the rights of all? It sheds light on how cultural norms and societal expectations influence reproductive decision-making and healthcare service access for women across India's socio-cultural spectrum.

Our journey takes us to the margins—the places where stigmatization thrives and gender-based violence lurks within reproductive healthcare settings. We confront the differential impact of policies on marginalized communities, amplifying their voices in the discourse.

In this scholarly odyssey, we illuminate the shadows—the unspoken truths that shape reproductive decision-making. We challenge taboos, advocate for justice, and honour the legacy of those who came before us. By highlighting issues such as abortion stigmatization, gender-based violence in healthcare settings, and the disparate impact of reproductive policies on marginalized communities, this study contributes to a deeper understanding of reproductive rights within the rich context of IKS. For within these pages lies not just knowledge, but the heartbeat of humanity's ongoing struggle for reproductive autonomy and dignity.

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Harmonizing Legal Education: Integrating the Indian Knowledge System into International Law for Inclusive and Sustainable Future

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ABSTRACT

The Indian knowledge system, rooted in ancient texts such as the Vedas, Upanishads, and other classical works, offers a unique perspective on law and governance. This system, encompassing principles of dharma, justice, and ethical conduct, has influenced various aspects of Indian society, including its legal traditions. In contemporary legal education, there is a growing recognition of the value of integrating elements of the Indian knowledge system into the curriculum to provide a more holistic understanding of law and justice. This paper explores the relevance of the Indian knowledge system in the context of international law and its potential implementation in contemporary legal education. It examines how the principles of the Indian knowledge system align with key concepts of international law, such as sovereignty, human rights, and environmental protection. It elucidates how concepts such as dharma (duty/righteousness), ahimsa (non-violence), and sarvodaya (universal welfare) shape India's approach to international relations and law. Furthermore, it discusses the challenges and opportunities associated with incorporating the Indian knowledge system into legal education, including curriculum design, pedagogy, and institutional frameworks. Through a comprehensive analysis, this paper argues that integrating the Indian knowledge system into legal education can enrich students' understanding of law, foster a deeper appreciation of cultural diversity, and contribute to the development of a more inclusive and sustainable legal framework.

Keywords:-*Indian Knowledge System, International law, Contemporary Legal education, Ancient Principles, Modern Practice.*

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Teachings of 'Kabir' and Constitutional Law in India

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ABSTRACT

Bharat has blessed with opulent knowledge on Jnana, Vigyan and JeevanDarshan from Vedic period. This knowledge was evolved with life experiences, meticulous observations and deep analysis of various 'Rishis', Sadhus and saints on the land of Bharat. Teachings of these revered souls guided society in different ways. These scholar persons were born in different time period and spread light of knowledge on the humanity. One of such saint was Kabir, who born in mid-15th century in Kashi. Kabir was born from his unmarried mother who later abandoned him due to societal pressure. Then, he was brought up by a Muslim woman Nima. This led to many bitter experiences to him that turned in to his teachings. His teachings were written in three books namely 'Sakhi', 'Shabda', and 'Ramayni'. His teachings were in local languages viz Brij and Khariboli, easily understood by common man of his time.

One of his verse is "साईइतनादीजिए, जामेकुटुंबसमारमैभीभूखानरहूं, साधुनभूखाजाए।" This verse very well reflect the idea enshrined in Article 39 (b) and (c) of the Constitution, where state is direct to operate in the manner that serve community and not result in the concentration of wealth.

Another verse says "जातिन पूछो साध की, पूछ लीजिए जान। मोल करो तरवार का, पड़ा रहन दो म्यान॥" This emphasized on non-discrimination on the basis of caste rather giving priority to someone who is having capabilities. Article 14 and 15 of our constitution has same principles. Another verse of 'kabir' "जो मुह आवे सो कहे बोले नहीं विचार, हते पराई आत्मा जीभ- बांधितर वार" put limitation on the freedom of speech and expression as set in article 19 (2) of the Constitution.

There are many other verses that may have different teaching that may have foundation of various other constitutional provisions and norms. Therefore, authors want to delve into the teachings of Kabir to explore and relate them to present constitutional norms.

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IKS and International Law

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ABSTRACT

This research paper presents a dual exploration of India's engagement with international law, spanning from ancient times to the contemporary legal landscape. It begins by challenging the notion perpetuated by Western writers that ancient India lacked a sophisticated legal system prior to British colonization. Drawing upon textual evidence from ancient Indian epics such as the Ramayana and Mahabharata, as well as classical treatises like Kautilya's Arthashastra and Manu's Manusmriti, the paper demonstrates the existence of a well-developed legal framework, including principles of International Law.

Through an analysis of diplomatic relations, trade practices, and the treatment of ambassadors in ancient India, the paper highlights the advanced legal norms governing interactions between Indian sovereigns and foreign states. It emphasizes the reverence for ambassadors and their diplomatic immunity, underscoring the sophisticated understanding of international relations and conflict resolution.

Transitioning to the modern era, the paper explores India's current stance on international law and its implementation within the domestic legal system. It argues that while India has been a significant contributor to the field of international law, there remains reluctance to draft treaties that limit autonomy or accord domestic courts a judicial enforcement role. The paper critically examines the dichotomy in approaches at the domestic constitutional level and the role of the judiciary in enforcing international legal norms.

By bridging the past and present, this research paper provides a nuanced understanding of India's legal tradition, challenging colonial narratives and highlighting the enduring relevance of ancient legal principles in contemporary legal frameworks. It contributes to a broader discourse on the development of legal norms and institutions, emphasizing the sophistication and complexity of India's legal heritage across millennia.



Understanding Indian Knowledge System in Dispute Settlement with Special Reference to Procedure of Arbitration

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ABSTRACT

The Indian Knowledge System pertaining to dispute resolution is vast and voluminous. Of the several methods of settling a dispute without getting into the complexities of court is arbitration. This article highlights arbitration under The Arbitration and Conciliation Act 1996 adopted UNCITRAL Model of UN which minimizes court interference and provides finality to the Arbitral Awards which is binding on the parties like the decision of the court. Following doctrinal and empirical methodologies, the researchers attempt to provide an overview of the legal principles and precedents that guide the interpretation of arbitration process by Indian legal system, and identify key factors that influence the effectiveness of this mechanism.

Despite India's massive pendency of cases which is a barrier to a large section of litigants, litigation has been primary option for most. The study shows that the number of litigations in India massively outnumbers arbitral settlements. The article also discusses certain limitations and challenges during the arbitration proceedings. Subsequently, the

results of this analysis highlight the importance of a simplified arbitration agreement in ensuring the effective implementation of arbitration process and arbitral awards and provide insights to policy- makers and practitioners seeking to strengthen arbitration process in India.

Key words:- *Arbitration, Arbitral Awards, challenges of arbitration, arbitration agreement*

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Indian Knowledge System, Diplomatic Endeavors, and Sociological Constructs: A Comprehensive Analysis of their Impacts on International law

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ABSTRACT

This paper undertakes a comprehensive inquiry into the ramifications of Indian knowledge system on international law, alongside an examination of India's historical eminence as a "golden bird" and its strategic allure as the custodian of the "black diamond." Moreover, it delves into India's enduring legacy of transnational diplomacy, incorporating sociological perspectives to provide a nuanced and holistic understanding of these intricate dynamics.

Employing an interdisciplinary framework, this study scrutinizes the foundational values such as dharma (ethical duty), Ahimsa (non-violence), and vasudhaiva kutumbakam (the world as one family), analyzing their implications for international legal constructs through a sociological prism. It critically assesses historical junctures where Indian philosophical underpinnings have influenced global conceptions and norms, bolstering India's renown as a "golden bird" celebrated for its intellectual wealth and cultural heritage.

Furthermore, the paper elucidates the allegorical import of the "black diamond," emblematic of India's geopolitical significance and allure across epochs, captivating the attention of external powers and commercial interests. It contemplates sociological dynamics such as intercultural exchanges, commercial networks, and demographic migrations, shedding light on the socio-economic fabric that has shaped India's global engagements.

Additionally, this research delves into India's enduring tradition of transnational diplomacy, dissecting the sociological dimensions of these diplomatic endeavors and their ramifications on global governance and legal frameworks. It evaluates the role of Indian diplomatic missions, bilateral agreements, and cultural dialogues in fostering mutual understanding and cooperative frameworks on an international scale.

By amalgamating discussions on Indian knowledge system, historical eminence, diplomatic enterprises, and sociological constructs, this paper offers a nuanced and scholarly analysis of India's multifaceted contributions to global governance and its enduring influence on contemporary international legal architectures.

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Kautilyan Perspective on National and International Law: Navigating Power, Sovereignty, and Diplomacy

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ABSTRACT

This paper examines the enduring relevance of Kautilya's philosophy in comprehending the complexities of national and international law, focusing on power dynamics, sovereignty, and diplomacy. It delves into Kautilya's pragmatic approach to statecraft, emphasising the significance of legal frameworks in both domestic governance and global relations, rooted in the concepts of "dharma" and ethical governance. Exploring India's historical engagement with international law and its traditional legal systems, the paper highlights how ancient Indian principles influenced early conceptions of international law, emphasising justice and fairness.

Furthermore, it juxtaposes Kautilyan principles with Machiavelli's perspectives, contrasting ethical governance with pragmatic realpolitik. The tension between sovereignty and international cooperation is analysed through Kautilyan lenses, addressing contemporary issues such as human rights and environmental protection. The paper also explores Indian legal pluralism and its potential contributions to multiculturalism within international law.

Drawing on Indian philosophical traditions and ancient texts like the "Arthashastra," the paper underscores their influence on modern legal thought and India's global engagement in shaping international legal norms. Despite lacking recognition, India's legal contributions enrich contemporary understandings of governance and law. Through ongoing dialogue, Indian perspectives offer valuable insights into the evolution and

application of international legal principles in the 21st century, fostering mutual enrichment between diverse legal traditions.

Keywords:-*International Law, Kautilya, India's legal contributions*



Legal Education and Research in Indian Languages: Fostering Inclusion and Justice

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ABSTRACT

India's legal system, dominated by English, presents a significant barrier for a large portion of the population. This paper argues for the need to prioritize legal education and research in Indian languages to ensure a more inclusive and accessible justice system.

Limited Access, Unequal Justice:

The current reliance on English restricts access to legal resources and education for those who lack fluency. This creates a knowledge gap, hindering public understanding of legal rights and procedures. The exclusion of diverse perspectives from legal scholarship further weakens the system's representativeness.

Empowering Through Language:

Promoting legal education and research in Indian languages holds immense potential:

- **Empowering Citizens:** Individuals can navigate the legal system with greater confidence, fostering a sense of ownership over their rights.
- **Enriching Legal Discourse:** A wider range of voices can contribute to legal scholarship, leading to a more nuanced and comprehensive understanding of the law.
- **Building Trust and Legitimacy:** Increased accessibility fosters public trust in the legal system and its ability to deliver justice for all.

Challenges and Solutions:

This paper acknowledges the challenges associated with this transition, such as resource limitations and standardization of legal terminology across languages. However, it proposes solutions like:

- **Development of comprehensive legal resources and educational materials in various Indian languages.**

- Encouragement of legal scholarship conducted in Indian languages.
- Exploration of multilingual court proceedings to enhance access to justice.

A More Inclusive Future:

By prioritizing legal education and research in Indian languages, we can bridge the gap between the law and the people it serves. This fosters a more inclusive legal system that upholds the principles of equal access to justice and reflects the rich diversity of India's population.

Keywords:- *Legal education, legal research, Indian languages, access to justice, legal pluralism, inclusive legal system*



Indian Knowledge System in Dispute Settlement: A Bridge Between Traditional and Modern Legal System

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ABSTRACT

India's legal landscape is deeply rooted in a diversity of ancient traditions, cultural practices, and historical legacies. From the Vedic period to the Mughal era, traditional dispute resolution mechanisms have played a vital role in maintaining social harmony, fostering community cohesion, and administering justice. Institutions such as Panchayats, tribal councils, and religious bodies have historically served as forums for resolving conflicts through consensus building and mediation.

Mediation and arbitration, longstanding features of Indian dispute resolution traditions resolving conflicts outside of formal court settings. These methods prioritize dialogue, negotiation, and compromise, leads to reduce legal costs, faster and more satisfactory outcomes for all parties involved. Traditional legal systems have historically accommodated diverse cultural, religious, and linguistic identities, recognizing the importance of cultural sensitivity and respect for pluralism. Embracing this diversity in the modern legal system can ensure that justice is accessible to all citizens, regardless of their background or beliefs. By drawing upon customary laws, religious principles, and local traditions, the legal system can bridge cultural divides and promote a more inclusive and equitable approach to dispute resolution. Indian govt. is also promoting Indian Knowledge System through educational reforms.

So this paper discus the learning from historical practices of dispute resolution offers valuable insights for addressing contemporary challenges in the legal system. Studying

successful models of community-based justice, ethical governance, and social welfare can inform policy reforms and institutional innovations. By embracing the rich heritage of India's legal traditions while embracing the imperatives of modernity, the Indian legal system can evolve to better serve the needs of its diverse populations in the 21st century and beyond. In addition, it also discusses about the hurdles while adopting the traditional knowledge system in legal system.

Keywords:- *Indian legal knowledge, embracing mediation, accessible justice, contemporary challenges etc.*

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Incorporating Mimansa Rules of Interpretation in Statutory Interpretation in India

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ABSTRACT

Mimansa Rules of interpretation are important indigenous principles which hold potential in resolving statutory ambiguities. Despite, its recognition by several legal scholars, the usage of the principles both in the study of law as well as in the constitutional courts have been limited. The present work makes an exploratory study of the usage of Mimansa rules of interpretation in courts of law. The paper begins by studying the important primary rules of interpretation under Mimansa rules of interpretation. The second part of the paper studies the key differences, highlighting the superiority of Mimansa rules over Maxwell's rules of interpretation. The last part of the paper makes an empirical study of the usage of Mimansa rules in the supreme court over the years. The paper concludes by suggesting that Mimansa rules are an indigenous knowledge system that has received lesser exploration in comparison to its western counterpart and therefore, requires more recognition in both the study of law as well as the court of law.

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Embracing Mediation : An Affordable Conflict Resolution for All

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ABSTRACT

Disputes and dispute resolution is, has been and always will remain an inherent part of nature and human society. Mediation too, as a form of dispute resolution, has always been prevalent across the world. Not just at a society level, but even at a family level. A mother chooses to use mediation as a tool to make peace between her quarrelling children. Even the family head(s)/Karta(s) mediate disputes among household members in India, as Mediation, not litigation, is seen as the path to peace. The great Gautama Buddha has said that "Better than a thousand useless words is one useful word, hearing which one attains peace."

The key to an efficient Mediation process lies in the 'trust' that the disputing parties have in the Mediator. This can be seen from the village panchayat systems that have existed in our society. Any word, be it favorable or otherwise, spoken by the head of the Panchayat/Sarpanch is often accepted by the parties as final and binding merely because of the trust the parties place in them.

Even in the Indian business communities, we see how the merchants' resort to quick and informal methods of settling disputes rather than approaching the courts. For instance, the Palanpuris, a Gujarati community which dominates the Indian and global diamond market, settle their disputes by enlisting a distinguished member of the community to resolve disputes amongst themselves. Similarly, the Indian cotton traders in various cities enlist merchant associations to resolve disputes between traders inter se and between traders and customers.² Likewise, several other business communities across the country including the Film Chamber of Commerce, have their own local dispute redressal mechanisms, which enable them to resolve disputes effectively and in a timely manner.

The Need For Recognition Of Mediation At Grassroot Levels:

The diversification of mediation institutions at the grassroots level should be acknowledged and promoted to facilitate the efficient resolution of lower-value disputes, thereby circumventing the need for court intervention and conserving both time and resources.

This article aims and focuses on using Mediation as an effective tool to resolve smaller value disputes and make justice accessible and viable for the public at large. The eminent jurist and Senior Advocate, Mr. Fali S. Nariman in one of messages in an Arbitration hand book said that "A mediator or conciliator must lead parties into the gray shaded areas of a problem where a variable range of outcomes becomes available to achieve a mediated consensual resolution." Therefore, creative methods of dispute resolution can be achieved through Mediation, fostering a win-win scenario for all parties involved.

The Hon'ble Supreme Court in the case of M.R. Krishna Murthi v. New India Assurance Co. Ltd, (2019) 15 SCC 493, while dealing with the issue of awarding compensation to road accident victims highlighted on the dire need for implementation of the Mediation Act. An extract of the judgement is as follows:

*“...Whatever steps are taken by the authorities for reducing road accidents, harsh reality is that accidents would keep on happening. There may be a possibility of reducing the number of road accidents, but occurrence thereof cannot be totally eliminated. Such accidents, particularly fatal accidents, would always lead to filing of claims by the victims and/or kith and kin of victims, for compensation. Fatal accidents also trigger prosecution of the driver who was negligent and rash in driving which caused the accident. Insofar as disputes regarding claims are concerned, there is a need to resolve the same at the earliest inasmuch as compensation money may be badly needed by the claimants for so many reasons and delay may bring insurmountable sufferings of various kind. Having regard to the fact that large number of accidents are giving rise to phenomenal quantum jump in such cases, methods need to be adopted for quick resolution. Here, mediation as a concept of dispute resolution, even before dispute becomes part of adversarial adjudicatory process, would be of great significance. Advantages of mediation are manifold. This stand recognised by the Legislature as well as policy makers and need no elaboration. Mediation is here to stay. It is here to evolve. It is because of the advantages of mediation as a method here to find new grounds. It is here to prosper, as its time has come. It is now finding statutory recognition and has been introduced in few Statutes as well. Examples are the Companies Act, Insolvency and Bankruptcy Code, Commercial Courts Act etc. In these enactments provisions are made even for pre- litigation mediation by making this process mandatory. There is, in any case, umbrella provisions in the form of Section 89 of the Code of Civil Procedure which, inter alia, provides for court annexed mediation as well. Time is ripe now to have similar mechanism for settling accident claims as well. Therefore, the suggestion of establishing MAMA is laudable. We recommend to the Government to examine the feasibility of setting up MAMA by making necessary amendments in the Motor Vehicles Act itself. In fact, the way mediation movement is catching up in this country, there is a **dire need to enact Indian Mediation Act** as well.” emphasis supplied*

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Revisiting Natural Justice through the Lens of Silapathikaram: Enhancing Legal Education in India

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ABSTRACT

This paper explores the intersection of the Principle of Natural Justice and the ancient Tamil epic, Silapathikaram, within the context of legal education in India. Natural Justice, fundamental to legal systems worldwide, embodies principles of procedural fairness, impartiality, and ethical conduct. Silapathikaram, composed by the Tamil poet Ilango Adigal, offers profound insights into justice, morality, and societal dynamics. The comparative analysis begins by outlining the principles of Natural Justice, emphasizing its role in safeguarding individual rights and ensuring fair adjudication. Silapathigaram, through its narrative of Kannagi's pursuit of justice, delves into ethical dilemmas, moral rectitude, and the consequences of injustice. Kannagi's unwavering commitment to truth and justice resonates with the foundational principles of Natural Justice. By looking into these principles, this paper advocates for the integration of indigenous knowledge into legal education. Incorporating insights from Silapathikaram enriches students' understanding of justice, fostering cultural sensitivity, ethical reasoning, and a sense of social responsibility. However, implementing such a curriculum requires overcoming challenges in design, faculty training, and institutional support. In conclusion, this paper argues that by re-evaluating Natural Justice through the lens of Silapathikaram, legal education can embrace indigenous wisdom, nurturing a more inclusive and culturally rooted approach to justice. Through this integration, legal education can cultivate empathetic and socially conscious legal professionals, fostering a more just and equitable legal system in India.

Keywords:- *Silapathikaram, Audi Alteram Partem, Principle of Natural Justice*



Gender Jurisprudence of Sulabha : India Legal Knowledge System and Its Emergence from Vaad (Debate) with King Janaka

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ABSTRACT

About the Paper (Abstract) :- The Paper brings out the debate between Sanyasini Sulabha and the King Janaka in the epic Mahabharat on Gender and the nature of gender cannot

be criteria to show a difference in the Human Being. Gender is an Important criteria followed by the government in providing benefits and other necessary amenities. The modern concept of feminism asks for much more inclusive opportunity and a treatment of equality. The modern concept of feminism cannot be equated to the concept of gender Jurisprudence of Sulabha. The philosophical Arguments put forth by Sulabha to King Janaka provides a concept of different kinds of feminism which will be elaborately discussed in this Paper. This paper also brings out various other Vaad carried out by Sanyasini Sulabah and its importance in the Present Day Legal System. Feminism and it's activism is growing day by day and it requires an understanding from one of the very first debate on Gender Discrimination or finding gender as a criteria to differentiate a human being is unwarranted. Thus, this paper will provide all the debates of Sanyasini Sulabha and its lineage with the modern legal principles. This paper tries to find out a jurist from the debates and arguments of Sanyasini Sulabha.

Key words:- *Sulabha, Janaka, Mahabharat, Gender & Feminism*

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Unveiling the Enduring Legacy: Indian Knowledge Systems and their Jurisprudential Relevance in the Contemporary World

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ABSTRACT

This paper explores the untapped potential of Indian Knowledge Systems (IKS) to revitalize contemporary Indian jurisprudence. Traditionally, legal discourse has been heavily influenced by Western thought. However, IKS, a vast repository of wisdom encompassing law, ethics, and social order, offers a unique perspective with profound relevance for the modern era. It also delves into the foundational concepts of IKS, particularly Dharma (moral law) and karma (cause and effect). It examines how these principles, as expounded in ancient texts like the Manusmriti and Kautilya's Arthashastra can inform legal theory and practice. The potential benefits include a legal system that prioritizes social harmony, ethical conduct, and the interconnectedness of living beings. Furthermore, the paper explores how IKS has historically shaped legal systems in India, including Dharmashastra and village councils (Sharma, 1983). It then analyses the applicability of these principles in the modern context, highlighting their potential to inform areas like restorative justice (van der Burgt, 2010) and environmental jurisprudence (Singh, 2014).

However, integrating IKS presents challenges. The paper acknowledges the need for cultural sensitivity (Baxi, 2011) to ensure traditional concepts are adapted to avoid perpetuating past inequalities. Additionally, it grapples with the complexities of legal

pluralism in India (Singh, 2013), advocating for strategies to navigate the coexistence of diverse legal systems.

Despite these challenges, the paper concludes with a call to action. It emphasizes the importance of critically re-engaging with IKS, not as a relic of the past, but as a vibrant source for enriching India's legal landscape. The paper advocates for integrating IKS principles into legal education and policy reforms, ultimately paving the way for a more inclusive, culturally sensitive, and just legal system.

Contents

1. Introduction, 2. Foundations of IKS and their Jurisprudential Potential, 3. IKS in Historical and Modern Legal Context, 4. Dharma and Karma, 5. Challenges and the Path Forward, 6. Conclusion: A Call to Action. Bibliography.



Indigenous Knowledge in Public Policy: Exploring Indian Knowledge System and its Role in Environmental Law

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ABSTRACT

Current state practices show that in the name of development, there have been trends of diminishing rights of citizens with respect to natural resources. On the other hand there has been an emergence of newer resources in the public forum through development of concepts like climate education, place-based knowledge systems, Eco-spirituality, etc.

Rich traditional knowledge systems create customs of intimate contact and a sense of belonging towards their habitat. Indigenous knowledge contributes to biodiversity conservation, maintenance, and restoration of ecosystems, sustainable water management, tropical ecological restoration and management of other resources. But there has been a growing trend of exploitation of traditional knowledge for the purpose of industrialization and commercial benefits and this has impacted the overall approach towards nature.

The author wishes to explore the impact of indigenous culture and practices on the economy and the role of Eco spirituality in revival of these practices. This impact can be assessed by comparing the current economic model with the traditional one and understanding the effect of negating the Indian knowledge system in the modern policy forum.

The purpose is also to challenge the freedom of the government which is allowing for the construction of buildings and structures over lands and areas traditionally protected by tribals and indigenous communities which are a reflection of their knowledge systems.

Keywords:- *equality, freedom, liberty, eco-spirituality, climate education and regeneration, natural resources*

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Indian Knowledge System and Women: A Journey Towards Access to Justice and Empowerment

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ABSTRACT

Women's access to justice is discussed against a complex backdrop provided by the Indian knowledge system, which blends modern legal systems with traditional beliefs. The journey of women's access to justice in India from ancient times to the contemporary era has been marked by a complex interplay of cultural, social, and legal developments. There are plenty of special laws like The Dowry Prohibition Act, 1961, The Protection of Women from Domestic Violence Act, 2005, The Immoral Traffic (Prevention) Act, 1956, The Commission of Sati (Prevention) Act, 1987, The Indecent Representation of Women (Prohibition) Act, 1986, The Medical Termination of Pregnancy Act, 1971 etc., constitutional mandates like article 14, 15, 16, 23, 39, 42 etc.; and International laws like Universal declaration of Human Rights, Convention On The Elimination Of All Forms Of Discrimination Against Women 1979 etc., for the protection of women against discrimination and violence. Despite so many laws, crime against women is on rise and it seems that implementation still remains a challenge for the enforcement agencies. Women's access to justice is still impacted by pervasive patriarchal beliefs and social stigmas and there are still obstacles to overcome in terms of changing societal perceptions, guaranteeing proper implementation of laws and dealings with the variety of problems that women encounter in various communities. Legislative reforms have come a long way, but in order to guarantee that women in India may really access justice, it is imperative that cultural attitudes be addressed and that implementation procedures be strengthened. Thus, this paper seeks to explore the historical trajectory of women's access to justice in India, tracing its development from ancient times to the contemporary era. Through an analysis of legal, cultural, and social contexts, the paper aims to elucidate the challenges faced by women seeking justice and the evolution of legal frameworks to address these challenges.

Keywords:- *Access to Justice, Women's Rights, Legislative Reforms, Legal Frameworks etc.*

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Implementation of Indian Knowledge System and Environmental Law

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ABSTRACT

Environmental law is an instrument meant to improve the environment and to control or prevent any act or emission polluting or likely to pollute the environment. In view of the enormous challenges thrown by the industrial revolution, the legislatures throughout the world are busy to exercise in this respect. For better living, the earth and its environment must not only be kept pollution free but also be protected from the hazards of pollution. The threat of pollution to the environment is multidimensional. It may be in the form of air pollution, noise pollution, water pollution, land pollution, heat pollution, food pollution etc. In ancient times, the knowledge, the motivation and sanction successfully regulated the environment. Today the supersonic speed has left the old values far behind. There is pollution everywhere. There is a need that every constitution of the world community must have provisions dealing with protection and improvement of the environment. If the constitution guarantees the right to carry on trade or business, such right should not include a right to exploit the nature and thereby degrade the environment. There is a demand to have a specific right to live in a clean environment. The supreme court of India has tried to carve out such a right through article 21 of the constitution of India. In this respect the Indian innovation of balancing right and duty must catch the eyes of other constitutions. The right to equality and the duty to protect and improve the environment give a clear mandate to the people to see that big polluters must not go scot free. Originally the Indian constitution of 1950 did not have explicit reference to environment protection, so there was no independent and separate provision dealing with the protection or improvement of the environment. But taking note of the Stockholm conference and growing awareness for environmental pollution and eco-imbalances, the Indian parliament passed a historic amendment- 42nd constitution amendment act, 1976. This 42nd amendment incorporated two significant articles 48-A and 51A(g) to protect and improve the environment. Further, it introduced certain changes in the seventh schedule of the constitution.

Keywords:- *National environmental laws for healthy nations in our country.*

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IKS and Constitutional Law : Ancient Indian Dharmo Prudence and Chanakya's Arthashastra and modern law-making

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ABSTRACT

Dharma, widely considered as a science of sciences and art of arts has had effects in Indian law-making since time immemorial. DharmoPrudence or the science of study of ancient Indian laws denotes law-making or legal practices that justice enhancing jurisprudence practices that inform and informed by ancient Indian wisdom (anubhava and vyavahara) and it has relevance in contemporary society.

The law-making of India has always been influenced by English/foreign and ancient Indian practices and the most important of them being the writings of Chanakya. Chanakya was a rare amalgam of statesmanship and psycho-analytic positivist. He has challenged the onslaught of the mighty Greek invasion by conceiving and implementing the idea of sovereignty, unity and integrity of the nation and a strong federation with strong units in the rest of India which are coincidentally present in our modern Constitution.

Chanakya's Arthashastra provided for rules of administration of justice which can be found in an abstract in Article 13 of the Indian Constitution. His embodiment of justice by emperor Chandragupta synthesises the rule of law which is one of the basic features of our Constitution.

Chanakya has introduced relativist philosophy like dharma with variable contents depending on time (kala), country (desha) and region (kshetra) and for him, dharma governs every sphere of activity, every profession and every avocation. For him, artha has been regarded as one of three goal of human existence apart from dharma and kama. The modern day dispute resolution is similar to what has been mentioned by Chanakya where the role of svadharma, varna, ashrama and rajadharma are decided by dharmastha (judge).

Chanakya's principles of governance and the foundation of Raja Dharma, law and governance discussed in Shanti Parva and Bhishma Parva of Mahabharata are reflected in the contemporary International Instruments emphasising social justice with human dignity and consequent imposition of obligations on the Indian State in the form of directive principles of state policy for ushering in the welfare state.

I argue in this paper about the influence of Chanakya's Arthashastra in Indian law-making and what we can learn from our ancient Indian DharmoPrudence.

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Modern Definition of International Trade Law

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ABSTRACT

International trade law consists of rules and regulations that are necessary to conduct commercial transactions between different jurisdictions. For example, the World Trade Organisation (WTO) covers 98% of world trade. Thus, the rules and regulations are vital impacting factors for governing international trade law around the world. The international trade law may be traced back from the termed Lex Mercatoria (laws of merchants) which was shaped by the European merchants based on their trade practices. International trade law is a 'complex and wider vicinity of law' and an impacting factor in the economic growth of a state. According to Professor J.C.T. Chuah, international trade facilitates the states to enjoy the consumption of goods via the mechanism of importing and exporting goods through transnational transactions subject to international trade law. Law Lords and legal scholars defined international trade law in different ways. From legal experts' context, international trade law means rules and regulations to perform transnational transactions of goods (e-goods) and services (e-services) among different jurisdictions including the procedures of exports and imports, and the exchange of products or services. Thus, it is necessary to emphasis on 'developed and up-to-date' definition of international trade law. My definition of international trade law may be termed as a 'modern definition of international trade law' which will boost international trade law from legal experts and philosophical thoughts' contexts.

Key Words:- *International trade law, rules and regulations, Lex Mercatoria, modern definition of international trade law, transnational transactions.*

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Rights of Indigenous Communities in India and Environmental Justice : An Analysis

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ABSTRACT

Environmental justice refers to the fair treatment and meaningful involvement of all people, regardless of race, color, nation, origin, or income in the development, implementation, and enforcement of environmental laws, regulations, and policies. It aims to address the disproportionate environmental burdens and risks faced by marginalized communities, including indigenous peoples. Indigenous communities have a profound connection with their traditional lands and natural resources. Their cultures, identities, and ways of life are intrinsically linked to the environment.

However, throughout history, indigenous peoples have faced numerous environmental injustices, including:

- Displacement from their ancestral lands due to colonization, resource extraction, and development projects
- Loss of access to traditional hunting, fishing, and gathering grounds
- Exposure to environmental degradation, pollution, and toxic contamination
- Lack of recognition and representation in decision-making processes affecting their lands and resources

Addressing environmental injustices faced by indigenous communities is crucial for upholding their rights, preserving their cultural heritage, and ensuring their long-term survival and well-being. It is also essential for promoting sustainable development, environmental protection, and the conservation of biodiversity.

In this Article the researcher would like to find out the relationship between Indigenous Communities in India and Environmental Justice and what are the challenges & Obstacles in achieving Environmental Justice in today's Context.

Key Words:- *Indigenous Communities, Environmental Justice, Colonization, Pollution, Sustainable Development.*



Synergizing Tribal Self Governance Systems with Modern Institutions of Democratic Decentralization

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ABSTRACT

India, a country renowned for its diverse cultural heritage, is also home to a diverse array of tribal communities. These indigenous groups, with their unique identities and deep connections to the land, represent the essence of our nation's heritage. Yet, behind the vibrant colors and mesmerizing folklore lies a poignant tale of marginalization and struggle. The story of tribal rights in India demands introspection and calls upon us to reevaluate our commitment to justice, equality, and inclusivity.

Tribal communities possess a treasure trove of cultural heritage, handed down through generations. The Constitution of India, in its wisdom, provides a solid foundation by enshrining fundamental rights such as equality, non-discrimination, and the protection of cultural identity. However, challenges arise when integrating these systems with the formal legal framework.

The purpose of this paper is to examine the gaps that exist between the tribal self-governance systems and the PESA Act, 1996 and identify lacunae in the said act which prevent tribals from self-governance which is the objective of the act. It also suggests policy measures needed to ensure their coexistence and synergy to uphold human rights and gender equality within Tribal self-governance systems.

Traditional justice systems are fundamental in resolving conflicts within tribal communities, as they reflect the cultural and historical context of tribal peoples. These systems are accessible, relevant, and participatory, fostering community ownership and trust. They prioritize restorative justice, aiming to repair harm and restore social harmony. Traditional justice systems also consider cultural and spiritual dimensions, aligning with community customs and values.

The true essence of tribal rights lies in ensuring genuine participation and consultation. Decision-making processes that affect tribal communities must incorporate their voices, traditional knowledge, and cultural perspectives. By recognizing their unique contributions and allowing them to shape policies, we can ensure effective coordination and cooperation between traditional and formal systems are crucial, promoting trust, dialogue, and collaboration.

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Analyzing the Relevance of Vedic Provisions of Women in Contemporary Bharat

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ABSTRACT

In the ancient Bhartiya tradition, women were treated equally with men in the socio-political spheres of life.

A woman's function and power have evolved over time.

This research study focuses on the historical and philosophical perspectives based on Vedic literature, the Upanishads, Smriti's, and Purana, which contain not only profound insights into gender equality, women's empowerment, and social justice but also depict women in a higher and dignified position in Bhartiya society.

This paper discusses the status of women in the Vedic period through the shlokas mentioned in the Vedic literature. The paper also analyzes the rights conferred on women in ancient Vedantic society, including a deeper understanding of their educational rights, economic liberty, proprietary rights, matrimonial rights, family rights, and gender equality.

With the Muslim invasion and colonization, the condition of women worsened, and through their writings, it was portrayed that women have been subjected to patriarchy in India since the beginning. Writers intentionally misinterpreted the Vedic texts to refute the claims given in the ancient Bhartiya texts. A narrative was set that the Vedic texts validate the inferior position of women.

By shedding light on the significance of Vedic knowledge of traditions, this paper will contribute to refuting the claims made by Western thinkers & writers. This paper signifies the dignified position of women by embracing diverse viewpoints from the Bhartiya perspective.

In conclusion, the paper explores the question of how much Vedic provision for women is relevant in the contemporary bharat and whether those provisions can be applied in the current socio-legal scenario for the betterment of women in the society.

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Role of IKS in efficacy of Clinical Legal Education with special Reference to Dispute Settlement

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ABSTRACT

Indian Knowledge system is playing pivotal role in preserving and disseminating increasing importance of legal education. It promotes interdisciplinary research on all aspects of “Indian Knowledge Systems.” It promotes and enables further research to address the societal challenges. Clinical Legal Education (CLE) has been a significant part of legal education in India. CLE is essentially a multi- disciplined, multipurpose education which can develop the human resources and idealism needed to strengthen the legal system learning environment where students identify research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced. Alternative Dispute resolution (ADR) in India is an attempt to achieve the constitutional goal of achieving complete justice in India. ADR uses a favourable atmosphere of a win-win situation inconsonance of the rule of law. ADR techniques has significant contribution in justice delivery system. The paper highlights that IKS play an significant role in making clinical legal education efficacious as such because of the particular pedagogical approach of CLE. Through organising workshops conferences at national and local level, IKS can make the objectives of clinical legal education in ADR realistic. The paper also looks in various opportunities that can play visionary role of clinical education in ADR.

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Stewards of the Land: Indigenous Communities and Safeguarding Traditional Knowledge and Environment in India

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ABSTRACT

India boasts a rich tapestry of indigenous communities with a deep understanding of their local ecosystems and a long history of sustainable practices. This paper examines these communities crucial role in safeguarding traditional knowledge (TK) and the environment. The analysis explores how indigenous knowledge systems, encompassing practices related to agriculture, resource management and biodiversity conservation, contribute to environmental well-being. It further highlights the threats of modernization and climate change to these knowledge systems and their associated environments. The paper emphasizes the need for collaborative efforts between indigenous communities,

policymakers and researchers to ensure TK's documentation, preservation, and revitalization. This collaboration can foster sustainable development strategies that draw upon the wisdom of indigenous communities while safeguarding the delicate balance of India's unique ecosystems.

Keywords:- *Indigenous communities, traditional knowledge, environment, India and sustainability.*

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Symbiosis of Ancient Wisdom and Modern Justice: Indian Knowledge System in Evidence Law

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ABSTRACT

Indian knowledge system into the law of evidence presents a unique opportunity to enrich legal proceedings with insights derived from India's rich cultural and philosophical heritage. Indian civilization has produced a wealth of philosophical texts, such as the Vedas, Upanishads, and Bhagavad Gita, which expound upon concepts of truth, morality, and justice. Various scholars have highlighted the relevance of these ancient texts in shaping contemporary legal principles, emphasizing the importance of contextualizing evidence within broader ethical frameworks. One area of intersection between Indian knowledge systems and evidence law lies in the concept of "pratyaksha" or direct perception. While Western legal systems primarily rely on empirical evidence and witness testimony, Indian epistemology recognizes multiple modes of perception, including direct sensory experience, inference, and testimony of trustworthy sources. Additionally, traditional Indian legal institutions, such as the "panchayat" system, offer alternative mechanisms for dispute resolution based on community consensus and principles of equity. Legal luminaries like Fali Nariman have advocated for the recognition of indigenous dispute resolution mechanisms within the formal legal framework, highlighting their potential to enhance access to justice and promote reconciliation in society. However, the integration of the Indian knowledge system into evidence law also raises complex questions regarding cultural bias, epistemic diversity,

and compatibility with modern legal norms and also cautioning against the uncritical application of cultural practices in legal proceedings. In conclusion, the integration of the Indian knowledge system into the law of evidence offers a fertile ground for interdisciplinary dialogue and legal innovation. By engaging with India's diverse intellectual traditions, legal practitioners and scholars can broaden their understanding of evidentiary principles, foster cross-cultural exchange, and ultimately contribute to the evolution of a more inclusive and equitable legal system reflective of India's pluralistic ethos.

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Towards Inclusive Legal Education: Role of Indian Knowledge Systems in Empowering Women

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ABSTRACT

The Indian knowledge system, deeply rooted in ancient traditions and philosophical frameworks, offers unique insights that continue to resonate in modern society, particularly within the field of psychology. This paper advocates for the integration of Indian knowledge systems into legal education to empower women, promote gender equality, and enhance psychological well-being. Drawing from ancient Indian philosophies and contemporary psychological insights, it proposes a holistic approach to legal education that addresses legal frameworks alongside socio-cultural and psychological factors affecting women's empowerment. Key concepts such as dharma (duty/righteousness), ahimsa (non-violence), lokasamgraha (welfare of society) and yoga are explored within legal education to deepen understanding of women's rights and responsibilities. The paper emphasizes the importance of holistic learning approaches in legal education, encompassing legal doctrines, psychological well-being, interpersonal skills, and ethical values. It also examines the challenges faced by women in contemporary Indian society, such as gender inequality, violence, and discrimination, and explores how the Indian knowledge system can offer psychological solutions to these issues, proposing strategies for integrating psychological well-being into legal advocacy and policy-making to create a more inclusive and empowering environment for women. The study elaborates that integrating IKS into contemporary legal education and women's psychology can lead to a more culturally sensitive and inclusive approach. This paper highlights the transformative potential of integrating Indian knowledge systems into legal education for women's empowerment. By adopting a holistic approach that considers legal, socio-cultural, and psychological dimensions, legal education can contribute

significantly to advancing gender equality and promoting the psychological well-being of women in society.

Keywords: *Indian Knowledge Systems, Women's Empowerment, Legal Education, Gender Equality, Holistic Learning*

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Jurisprudential Value of the Indian Knowledge System for today's Contemporary International Conflict in International law and Municipal law

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ABSTRACT

Today's globalizing world is technologically sound and dynamically evolving. The transition of trade, services and information into digital space or physical space has brought many opportunities and problems. Crime, tools, techniques, moreover lifestyle and consumption has evolved. Society, environment & politics also gets affected due to it. So today's contemporary issues are unique and more severe than ever. List of contemporary challenges are almost same be it under municipal law or under international law. But, the economic interest prevails. So today there is discussion about the environment, carbon trade, and moreover war and sustainability aspects. Every state is unique so are their requirements. But the indigenous principles are very close to natural principles. These texts can vary but tracing the datelines of several literary works in Indian history we find that today's contemporary challenges have solutions in principles which always existed in those self-sufficient economic models for sustainability laws in international perspective. As in recent centuries there were numerous international wars in the Middle East and Russia, Ukraine and other parts. The economic interest is everywhere, however at sustainability it is somewhat acceptable but at the cost of human life, dignity, order and peace should not be tolerated. There is an order in sustainable practices, even there were wars where there was discipline. It can be said as a code of conduct. Which was an existing regulation. In this paper aspect of two economic contemporary issues, i.e. 'Sustainable economic development' and 'economic aspect of warfare'. Existing principles in this regard will be compared from Indian notable literature, municipal law &

international regulation perspective. The jurisprudential value of comparison is done to highlight the value addition in law to contribute to mankind.

Keywords: *Sustainable development , International law, Economic war .*

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Tribal Administration of Justice in India

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ABSTRACT

India is known as the Homeland of Tribals. The tribals contribute more than 9 per cent of the total populations of India. Tribals of India have their own very rich and well established administration of justice systems prevailing in our country. They are distinct in itself by their separate way of living, culture, religion, language and overall their own cultural heritage. They love nature and their entire religion process is nature based. They are not idol worshipper, they worship nature. Their God and Goddess are nature only. Their highest God is Sun and Moon. Apart from that their God and Goddess are nature only, like they worship, earth, river, trees, mountain and their ancestors. Their cultural heritages are protected under the Indian Constitution and some specific local laws. The present paper aims to focus to discuss their well established administration of justice. They are regulated and ruled by their own traditional set up systems. They obeyed it and they are very much proud of it. Most of disputes which arises in their day-to-day life amongst their own community, whether it is criminal or civil except the murder cases, they are enough capable or competent to resolve their disputes themselves. They have their own administration of justice system, which is popularly known as Majhi-Parganait amongst the Santhals community and Manki-Munda system amongst the Ho communities. The present paper specifically focused on Tribal Administration of Justice System in India amongst the Santhal community of India. At the end it gives some valuable suggestions, on which the Indian Traditional Knowledge can help to enrich the Indian Administration of Justice Systems in overall.

Keywords: *Administration, Tribal, Majhi-Parganait, Manki-Munda, Justice, Santhal.*

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Indian Knowledge System & Contemporary Indian Constitutional Perspective

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ABSTRACT

The Indian knowledge system has a long and rich history dating back over 5,000 years. Ancient texts such as the Vedas and Upanishads contain philosophical teachings on topics like ethics, morality, and spirituality. The Indian Constitution was adopted in 1950 after India gained independence from British colonial rule. It is one of the world's longest constitutions and provides for a democratic government structure with three branches: the legislature, executive, and judiciary. The constitution also guarantees fundamental rights to all citizens regardless of religion or caste. This paper delves into the profound depths of the Indian knowledge system and the framework of the Indian Constitution, reflecting on their historical significance and contemporary relevance. The Indian knowledge system is a vast collection of philosophical, ethical, and spiritual teachings derived from ancient texts that span over 5,000 years. The Vedas and Upanishads are among the most prominent texts, offering insightful discourses on morality, ethics, and spirituality. This rich tapestry of ancient wisdom not only underscores the civilizational ethos of India but also continues to influence global thought and philosophy. The Indian Constitution, adopted in 1950 following India's independence from British colonial rule, stands as a monumental testament to India's commitment to democracy and the rule of law. It is one of the longest constitutions in the world, meticulously outlining a democratic governance structure divided among three branches: the legislature, the executive, and the judiciary. This document is remarkable for its inclusivity, guaranteeing fundamental rights to all citizens irrespective of their religion, caste, or social status. It enshrines the principles of justice, liberty, equality, and fraternity. Together, the Indian knowledge system and the Indian Constitution encapsulate the philosophical underpinnings and legal frameworks that have shaped India's identity. They serve not only as a testament to India's rich historical legacy but also as guiding lights for governance, societal values, and individual conduct in contemporary times.

Keywords: *Indian Knowledge, Rule of law, Democracy, Democratic Governance, Morality.*

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Ecofeminism in India: The Ancient Wisdom in Cultural Practices

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ABSTRACT

Ecofeminism emerged as a Western critical discourse in the 1970s in the West with a terse emphasis on understanding the logic of domination over women and nature. It spread to Kenya, Russia, Poland, Brazil, Germany, India, the US, and many other parts of the world, seeking an answer to the fundamental question- is environment and ecology a feminist issue? Indian ecofeminists Vandana Shiva, Bina Agarwal, Ramchandra Guha, Madhav Gadgil, and others, furthered this discourse by referring to the Indian and the third-world contexts of ecofeminist discourse but its eco-spiritual context remained less explored in their works.

A close understanding of Western ecofeminism remarkably inspires us to see how concerns similar to ecofeminism may be found in Indian texts and contexts. A sincere investigation into the ancient Indian knowledge tradition draws our attention to ecofeminism more in terms of eco-spirituality. The indigenous ecofeminist practices embedded in the traditional Indian knowledge systems, particularly its philosophy, rituals, beliefs, folk, and cultural practices offer significant support to the belief that our forefathers had great insight into considering a wholistic, inclusive, nondiscriminatory, and intuitive relationship between the human and the non human world. Based on these presumptions, this paper seeks to explore the rich reservoir of Indian cultural philosophy and highlight how we may recognise a strong presence of nature- wo(man) link in the daily cultural practices of Indians. It also refers to the ancient wisdom encoded in *Yajurveda*, *Sankhya philosophy*, Buddhism, indigenous and folk practices of India with regard to ecofeminism.

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ज्ञान और न्यायशास्त्र का अभिसरण: संवैधानिक कानून में भारतीय ज्ञान प्रणाली के कार्यान्वयन का अनावरण

रीता

सहायक प्रोफेसर, जनहित कॉलेज ऑफ लॉ ग्रंटर नोएडा

सार

यह पेपर भारतीय ज्ञान प्रणाली को संवैधानिक कानून में एकीकृत करने की जटिल प्रक्रिया की जांच करता है, समकालीन न्यायशास्त्र के साथ पारंपरिक ज्ञान के अभिसरण की खोज करता है। सार प्राचीन दर्शन और आधुनिक कानूनी ढांचे के बीच गतिशील परस्पर क्रिया पर प्रकाश डालता

है, जिसका उद्देश्य सांस्कृतिक विरासत और संवैधानिक सिद्धांतों के बीच की खाई को पाटना है। भारतीय ज्ञान प्रणाली के कार्यान्वयन का अनावरण करके, अध्ययन विकसित कानूनी संरचनाओं के साथ सदियों पुराने ज्ञान के सामंजस्य की जटिलताओं, चुनौतियों और परिवर्तनकारी क्षमता का पता लगाता है। इस अन्वेषण के माध्यम से, अमूर्त सांस्कृतिक परंपराओं और उभरते न्यायशास्त्रीय परिदृश्य के बीच सूक्ष्म संबंधों में अंतर्दृष्टि प्रदान करता है, जो संवैधानिक ढांचे के भीतर परंपरा और आधुनिकता के बीच सूक्ष्म संबंधों की गहरी समझ को बढ़ावा देता है।
कीवर्ड:- प्राचीन दर्शन, सांस्कृतिक विरासत, संवैधानिक सिद्धांत, सामंजस्य, सूक्ष्म संबंध, न्यायशास्त्रीय परिदृश्य.

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भारतीय ज्ञान परम्परा में पर्यावरण चिंतन एवं विकास की अवधारणा

मनोज कुमार

‘शोधच्छात्र, संस्कृत एवं प्राच्य विद्याध्ययन संस्थान, जवाहरलाल नेहरू विश्वविद्यालय, नई दिल्ली—110067

सार

प्रकृति से मानव समाज का सम्बंध सभ्यता के आरम्भ से रहा है। मानव सभ्यताएँ और संस्कृतियाँ प्रकृति के संरक्षण में ही पुष्पित, पल्लवित और विकसित हुई हैं। प्रकृति ने मनुष्य का पोषण एवं संवर्धन किया और बदले में मानव ने प्रकृति का संरक्षण एवं सम्मान किया। मानव एवं पर्यावरण का परस्पर घनिष्ठ सम्बन्ध रहा है। पर्यावरण शब्द का निर्माण परि+आवरण दो शब्दों से मिलकर हुआ है जिसका अर्थ "चारों तरफ से घेरा" अर्थात् हमारे चारों तरफ जो वातावरण है जिसका हम प्रत्यक्ष या अप्रत्यक्ष रूप से उपभोग करते हैं, पर्यावरण कहलाता है। पर्यावरण के अन्तर्गत प्रकृतिक सभी तत्व आकाश, जल अग्नि, ऋतुएं, पर्वत, नदियाँ, तड़ाग, वृक्ष, वनस्पति, जीव-जन्तु, ग्रह, नक्षत्र, दिशाएँ एक तरह से अखिल बाह्यण्ड ही समाहित हो जाता है। वातावरण के यह सभी तत्व मानव जीवन को प्रभावित करने के साथ ही स्वयं भी मानवीय कृत्यों से प्रभावित होते हैं। आदिकाल से ही प्रकृति एवं मनुष्य एक दूसरे के पूरक हैं। मानव जीवन का कोई भी पक्ष पर्यावरण से पृथक् करके नहीं देखा जा सकता है। नित्य - क्रिया, संस्कार, व्रत अनुष्ठान, त्योहार, क्रिया-क्रम, पूजा पद्धति, नृत्य-गीत सभी में पर्यावरण समाहित है। भारतीय लोकजीवन में न केवल पृथ्वी, जल, वायु, अन्तरिक्ष अग्नि, सोम, सूर्य इत्यादि पूजनीय हैं अपितु परम्परागत नदी, पहाड़, जलाशय, पशु-पक्षी, जीव-जन्तु, वृक्ष-वनस्पतियाँ सभी की पूजा का वर्णन हमारे प्राचीन भारतीय धर्मग्रंथों में मिलता है। भारत में प्राचीन काल से ही धर्मग्रंथों में पर्यावरणीय चेतना पर विशेष ध्यान दिया गया है। नवपाषाण काल से ही वृक्ष पूजा, जल पूजा, नदी पूजा, मातृदेव पूजा आदि के प्रमाण मिलने लगते हैं। भारतीय परम्परा में प्रकृति एवं मानव जीवन को परस्पर समन्वित करके एकीकृत अस्तित्व की परिकल्पना की गयी है। प्रकृति एवं पर्यावरण ही इसका मुख्य उत्तरदायी कारक है। मानव समस्त प्राणियों में सर्वाधिक बुद्धिजीवी के रूप में सिद्धिक्रिया गया है। परन्तु कालान्तर में इसी बुद्धिमत्ता ने पर्यावरण संबन्धी तत्त्वों के अतिशय दोहन एवं विदोहन से उसे क्षत-विक्षत कर दिया जिसका परिणाम वर्तमान समय में पर्यावरणीय समस्याओं के रूप में परिलक्षित होता है। वर्तमान युग में बढ़ती जनसंख्या, औद्योगिकरण, वनों की कटाई, वन्य जीवों का संहार तथा परमाणु परिक्षणों से पर्यावरण संतुलन बिगड़ रहा है। इस प्रदूषण प्रसार के लिए मानवजनित कर्म ही उत्तरदायी है। पर्यावरण की शुद्धि न केवल सभ्यता एवं संस्कृति की प्रतीक होती है, अपितु हमारे शारीरिक, मानसिक आदि सभी के विकास हेतु भी आवश्यक होती है। प्राचीन काल में प्रदूषण की समस्या वर्तमान की भांति विकराल नहीं थी। फिर भी पर्यावरण के सन्दर्भ में ऋषियों मनीषियों का चिंतन व्यवहारिक एवं वैज्ञानिक था, और महत्वपूर्ण था।

मूल शब्द: ऋग्वेद, यजुर्वेद, अथर्ववेद, उपनिषद, स्मृतियाँ, महाभारत,

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दण्ड—प्रकार

(वेद एवं स्मृति ग्रन्थों के आलोक में)

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‘सहायकाचार्य, संस्कृत विभाग, कला संकाय, काशी हिन्दू विश्वविद्यालय, वाराणसी—221005

सार

हमारी भारतीय ज्ञान परम्परा सदा से ही जन जन के लिए पथप्रदर्शक रही है। फिर चाहे चिकित्सा क्षेत्र हो, वाणिज्य क्षेत्र हो, कला क्षेत्र हो, या अन्य कोई भी क्षेत्र हो सभी क्षेत्रों में भारतीय ज्ञान परम्परा का परचम दृष्टिगोचर होता रहा है। वेदों के अध्ययन से विदित होता है कि तत्कालीन समाज में

दण्डों के विविध प्रकारों का उल्लेख क्रमबद्ध रूप में भले ही नहीं मिलता हो किन्तु किसी भी प्रकार का अनाचार, अपराध क्षम्य नहीं है। समाज एवं मानव को निरन्तर सदाचारी, कर्तव्यनिष्ठ एवं सभ्य नागरिक बनाने के लिए वेदादि शास्त्रों ने आचार संहिता का विधान किया जिसके अतिक्रमण होने का प्रायश्चित्त अथवा पापनिवृत्ति हेतु राजदण्ड विहित होने लगा। समाज में परस्पर अनेक विवाद होने पर न्याय प्रक्रिया के अन्तर्गत दोषी को दण्ड का विधान करना स्वाभाविकतः अपेक्षित था। प्राचीन विधि एवं धर्मशास्त्रों से ज्ञात होता है कि तत्कालीन दण्डनीति स्वातन्त्र्योत्तर कालिक दण्डनीति (भारतीय दण्ड संहिता Indian Penal Code) की अपेक्षा अति कठोर रही है। न्यायविद् मनीषियों ने दण्ड का विधान कुछ अधिक कठोर रूप में व्यवस्थित किया था। निश्चय ही इसके पीछे एक अवधारणा रही होगी कि सामान्य जन अपराध एवं अनाचारों से सर्वथा दूर रहें एवं बुराईयों से डरें। अतः दण्ड-व्यवस्था के सम्बन्ध में संहिताओं, ब्राह्मणग्रन्थों में प्रकीर्णतः विभिन्न अपकृत्यों एवं अपराधों के वर्णन तथा तदुनकूल दण्ड संकेत के उल्लेख के साथ संजोए रखा है, परन्तु वहाँ विशद् व्यवहार देखने को नहीं मिलता है।

धर्मशास्त्रों एवं स्मृतिग्रन्थों में विधिवेत्ता प्राच्य मनीषियों ने दण्डव्यवस्था को पारिभाषिक रूप से दो पारिभाषिक पदों में विभक्त किया है- आन्तर दण्ड एवं बाह्य दण्ड।



धर्मशास्त्र में वर्णित व्यवहार (न्याय) प्रक्रिया की प्रासंगिकता

डॉ० दिव्या भारती

सहायक आचार्या, संस्कृत विभाग, कला संकाय, काशी हिन्दू विश्वविद्यालय, वाराणसी-221005

सार

धर्मशास्त्र में विवाद (अपराध) को व्यवहार, अभियोग को व्यवहारपद तथा अपराध की न्यायिक प्रक्रिया को व्यवहारप्रक्रिया कहा गया है। इस प्रक्रिया में राजा अन्तिम निर्णायक होता था परन्तु राजा को अपराध के विषयों में निर्णय करने हेतु परामर्श न्यायाधीशों अर्थात् सभासदों एवं प्राड्विवाकों से लेना पड़ता था। इन सभासदों एवं प्राड्विवाकों के द्वारा उचित परामर्श ही दिया जाता था, क्योंकि उन्हें गलत परामर्श देने हेतु अपराध के दुगुने दण्ड से दण्डित किया जाता था। यह दण्डभय उन्हें भ्रष्ट कार्यों को करने से रोकता था। ये परामर्शदाता विद्वान् जन होते थे क्योंकि इनकी नियुक्ति के लिए योग्यताओं का निर्धारण किया गया था। इनके परामर्श पर ही राजा द्वारा न्यायिक निर्णय लिया जाता था।

व्यवहार पदों (विवादों) के निष्पक्षतापूर्ण न्याय सम्पादन के लिए एक व्यवहार प्रक्रिया होती थी। सामान्यतः ये चतुष्पादथे- भाषापाद, उत्तरपाद, क्रिया पाद तथा निर्णय पाद। प्रथम चरण, भाषा पाद के अंतर्गत वादी द्वारा प्रतिवादी पर लगाए गए अभियोग के भाषण को प्राड्विवाक और प्रतिवादी के सम्मुख लिखित रूप दिया जाता था। भाषा पाद को प्रतिज्ञा या आवेदन भी कहा जाता था। द्वितीय चरण, उत्तर पाद के अंतर्गत प्रतिवादी द्वारा स्वयं पर आरोपित विवाद से मुक्त्यर्थ प्रत्युत्तर दिया जाता था। तृतीय चरण, क्रियापाद में विवाद के संबंध में प्रमाणों को उपस्थित किया जाता था तथा उपस्थित प्रमाणों पर सभ्यों द्वारा विचार विमर्श किया जाता था। अंतिम चरण, निर्णय पाद के अंतर्गत उपस्थित प्रमाणों के द्वारा विवाद का निर्णय लिया जाता था।



भारतीय दर्शन : सत्य की खोज

डॉ० ज्योत्सना मिश्रा

डॉ० राममनोहर लोहिया अवध विश्वविद्यालय, फ़ैजाबाद

सार

हिंदू धर्म दर्शन में वेद और उपनिषद्के बाद भारतीय महर्षियों ने छह दार्शनिक सिद्धान्तों की रचना की है। इनमें से प्रमुख हैं: सांख्यदर्शन, योग दर्शन, न्याय दर्शन, वैशेषिक दर्शन, पूर्वमीमांसा, और उत्तर मीमांसा। इन दर्शनों का मुख्य उद्देश्य दुःखों के मूल कारण, अज्ञान, को नष्ट कर मनुष्य को सत्य ज्ञान की प्राप्ति कराना है।

महर्षि कपिल द्वारा रचित सांख्य दर्शन में सृष्टि को एक विकासात्मक प्रक्रिया के रूप में समझा गया है, जबकि महर्षि पतंजलि के योग दर्शन में व्यक्तिवादी ईश्वर की प्राथमिकता नहीं है। उन्होने अपने योग दर्शन के सत्ताइसवें सूत्र में लिखा है, "तस्य वाचक प्रणवः", उस ईश्वर नामक चेतन तत्व का अस्तित्व का बोध करने वाला शब्दध्वनात्मक प्रणव "ओम्" है। महर्षि गौतम द्वारा रचित न्याय दर्शन में पराभौतिकता को विकसित किया गया है। वैशेषिक दर्शन के रचयिता महर्षि कनाद ने भी ईश्वर को कोई स्थान नहीं दिया।

पूर्व मीमांसा और उत्तर मीमांसा दर्शनों का मुख्य उद्देश्य वेदों के धर्म का विवेचन करना है। इन दर्शनों में भी ईश्वर को प्राथमिकता नहीं दी गई है। इन सिद्धान्तों के आधार पर, ईश्वर की सत्ता और उसका अस्तित्व कई प्रश्नों का विचार करता है, जैसे कि क्यों दुःख और पाप? क्या ईश्वर का अस्तित्व है? और ऐसे अन्य प्रश्न।

इस प्रकार, ये दर्शन संसार के मूल तत्वों और ईश्वर के अस्तित्व के बारे में विचार करते हैं, और विज्ञान और धार्मिक दृष्टिकोणों से इस विषय पर विचार करते हैं।

मुख्य शब्द:- हिंदू धर्म, दर्शनिक सिद्धांत, सांख्य दर्शन, योग दर्शन, वेदांत दर्शन।



भारतीय भाषाओं में विधिक शिक्षा और अनुसंधान : चुनौतियाँ और समाधान

डॉ० अजय कुमार

निदेशक, जनहित कॉलेज, ऑफ लॉ, ग्रेटर नोएडा

सार

भारतीय विधिक प्रणाली बहुभाषीय है, जो देश के विविध भाषात्मक परिवेश को प्रतिबिंबित करती है। हालांकि, विधिक शिक्षा और अनुसंधान अधिकतर अंग्रेजी में होता है, जो जो गैर-अंग्रेजी भाषी समुदायों के लिए महत्वपूर्ण चुनौतियाँ पैदा करते हैं। यह शोध-लेख भारतीय भाषाओं में विधिक शिक्षा और अनुसंधान को बढ़ाने के लिए बाधाओं की जांच करता है और समाधान प्रस्तावित करता है।

सबसे पहले, यह उन लाखों भारतीयों के लिए विधिक शिक्षा तक पहुंच में बाधा डालने वाली भाषाई बाधा का पता लगाता है जिनकी प्राथमिक भाषा अंग्रेजी नहीं है। अंग्रेजी पर निर्भरता आबादी के एक बड़े हिस्से को विधिक अध्ययन करने और विधिक चर्चा में शामिल होने से रोकती है।

दूसरे, लेख में भारतीय भाषाओं में उपलब्ध विधिक साहित्य की कमी पर प्रकाश डालते हुए विधिक अनुसंधान पर भाषा के प्रभाव पर चर्चा की गई है। यह कमी विधिक अनुसंधान के दायरे को सीमित करती है और स्थानीय भाषाओं में अकादमिक चर्चा को बाधित करती है।

इसके अलावा, शोध-लेख इन चुनौतियों का समाधान करने के लिए कई समाधान प्रस्तावित करता है। यह विधिक पाठ्यक्रम में भारतीय भाषाओं को शामिल करने की वकालत करता है, जिससे छात्र अपनी मातृ भाषा में कानून का अध्ययन कर सकें। इसके अतिरिक्त, यह विधिक अनुसंधान के लिए विधिक साहित्य का अनुवाद करने और भारतीय भाषाओं में संसाधन बनाने के महत्व पर जोर देता है।

अंत में, यह शोध-लेख भारतीय विधिक प्रणाली के भीतर समावेशिता, पहुंच और विविधता को बढ़ावा देने के लिए भारतीय भाषाओं में विधिक शिक्षा और अनुसंधान को बढ़ावा देने के महत्व को रेखांकित करता है। भाषाई बाधाओं पर काबू पाकर, विधिक समुदाय वास्तव में सभी नागरिकों की जरूरतों को पूरा कर सकता है और एक अधिक न्याय संगत और न्याय पूर्ण समाज के विकास में योगदान दे सकता है।

मुख्यशब्द: भारतीय विधिक प्रणाली, अंग्रेजी भाषी समुदाय, भाषाई बाधा, विधिक शिक्षा, विधिक अनुसंधान, भारतीय भाषाओं में विधिक साहित्य।



