



HARNESSING ANCIENT INSIGHTS FOR CONTEMPORARY ADMINISTRATION OF JUSTICE

PANEL DISCUSSION: COVALENCE OF HISTORICAL WISDOM WITH PROGRESSIVE JUSTICE

OUR PANELISTS



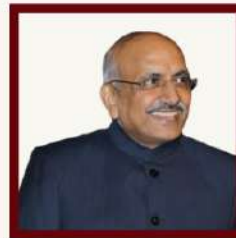
PROF. (DR.) ARCHANA SARMA

PROFESSOR AND HEAD,
SCHOOL OF LAW,
NORTHCAP UNIVERSITY



JUSTICE V. RAMSUBRAMANIAN

RETD. JUDGE, SUPREME
COURT OF INDIA



JUSTICE HEMANT GUPTA

RETD. JUDGE, SUPREME
COURT OF INDIA



PROF. (DR.) PRADEEP KULSRESHTHA

DEAN, SCHOOL OF LAW,
BENNET UNIVERSITY
(TIMES GROUP)

OUR MENTORS



PROF. (DR.) G. S. BAJPAI,
VICE CHANCELLOR, NLU D



PROF. (DR.) RUHI PAUL,
REGISTRAR, NLU D

OVERVIEW

The National Law University, Delhi solicits your presence and participation in a pragmatic discussion on the present and potential contributions of all concerned stakeholders in improving the administration of justice! Join our experts in this discourse to explore how ancient legal wisdom can address the challenges of India's modern justice system.

KEY POINTS

- Ethical and Moral dilemmas of the time
- Technicalities of the procedure and the lack of clarity
- Applying traditional Indian legal principles
- The dichotomy of need and practicability of adoption of ancient principles

NOVEMBER 8TH, 2024
2:00 PM onwards

NATIONAL LAW UNIVERSITY

The **National Law University, Delhi** solicits your presence and participation in an engaging and enriching panel discussion under the aegis of the Major Research Project of ICSSR on ***“Indigenous Mechanism for Dispensation of Justice in India: An Analytical and Comparative Study with UK and China”***.

ABOUT NLU DELHI

National Law University, Delhi is one of the premier law universities in India, accredited with ‘A’ Grade by NAAC and is ranked second (for the last consecutive five years) in the National institutional Ranking Framework (NIRF), Ministry of HRD of the Government of India. It aims to impart comprehensive and interdisciplinary legal education. The primary objective of the University is to evolve and impart legal education that is socially relevant. Its chief mandate is to promote legal and ethical values, objectives enshrined in the Constitution of India and to foster rule of law. The University hereby, plans to organize a National Conference on Administration of Justice in India: Aims, Challenges and Alternatives.

ABOUT THE CENTRE FOR COMPARATIVE STUDIES IN PERSONAL LAWS (CPL)

The Centre aims to undertake research in various matters relating to constitutional law and others laws dealing with personal, matrimonial, succession related issues and to impart knowledge, to provide counseling, assistance, and litigation support. The Centre is involved in research and analysis of current laws, policies, programs and judicial pronouncements. It organizes events such as thematic seminars, conferences and debates on various topics, concerning different kinds of stakeholders depending upon the topic of research. Keeping in mind the values of indigenous Indian society and fundamental constitutional principles, the Centre endeavors to study and research various changes occurring in socio-economic set-up, family system and behavioral patterns, varying needs and aspirations of common man, ever-widening gap between various strata of society, for which different kinds of initiatives are taken to decipher the causes and to suggest measures to improve overall peace, tranquility and development in the society.

ABOUT THE PANEL DISCUSSION

The legal systems usually evolve along distinct paths, and are shaped by their respective cultural, historical and philosophical contexts. In contrast to the popular inclination towards individual rights, Indian traditions have always showcased a preference for the collective good and maintenance of social harmony. The Indian emphasis has always been on dharma, an umbrella concept encompassing duty, righteousness and moral order, and the aim was to promote the well-being of all members of the society. The judicial system of India is known to be deeply influenced by the British common law, but continues to embrace and retain connection to its indigenous roots embodied in the Vedas, Dharmasutras and Smritis, howsoever inhibited it might be, for e.g. Insertion of Part IX-The Panchayats by the Constitution (Seventy-third) Amendment Act, 1992 and Part IX-C-The Co-Operative Societies by the Constitution (Ninety-seventh) Amendment Act, 2011 etc.

While the British governance is rightfully credited for the development of the modern framework of the administration of justice, it has introduced certain ideals which have steered India in a direction quite distinct from the Indian ideology of justice administration. While the ancient idea was to preserve the social fabric by the 'dissolution' of the disputes, instead of merely providing for their 'resolution,' the present legal and judicial system emphasize on and indirectly promote the contentious attitudes and precipitate the confrontational processes. The overall individualistic and rights-based approach of the present system of justice administration has led to the fragmentation and a neglect of the ideals of fraternity, peace and societal harmony in the society.

In recent years, the system of judicial administration in India has encountered various challenges including excessive litigation, delays and backlog of cases, unclear and complex procedures and curtailed access to justice. In the times of expeditiously changing societal dynamics, it is vital to examine the strengths and limitations of ancient legal principles and identify opportunities for innovation and reformation, by adapting the ancient wisdom into the modern system of justice dispensation.

The aim of this panel discussion is to explore whether ancient concepts of justice, morality, social order, and governance can serve as a guide for improving the modern justice system or if these traditional principles are too incompatible with current legal complexities to be effective. The dialogue will focus on addressing contemporary challenges facing the judiciary, particularly the growing gap between public expectations and trust in the system. By bringing together experts in justice administration and ancient Indian legal thought, the discussion seeks to re-examine ancient wisdom and explore its practical application as reforms in the modern legal framework. The goal is to investigate the potential interaction between traditional principles and the current system to uncover innovative solutions for today's legal issues.

PROBLEM QUESTION

How can the various stakeholders contribute in addressing the challenges and tackling the apparent shortcomings of the prevailing system of administration of justice in India?

POINTS FOR DISCUSSION

- Ethical and moral dilemmas of the time
- The confrontational nature of the adversarial legal system
- Technicalities of the procedure and the lack of clarity
- Relevant traditional Indian legal principles
- Comparative perspective on the common ideals of the present and ancient systems
- Case studies/examples of Courts highlighting the values of ancient Indian legal tradition
- The dichotomy of need and practicability of adoption of ancient principles

ABOUT THE PANELISTS

Our esteemed panelists for this session are–

1. **Justice V. Ramsubramanian** is the retired judge of Supreme Court of India. He served as the Chief Justice of Himachal Pradesh High Court before he was elevated to the apex court. He is also former judge of Madras and Telangana High Courts. Over the course of his tenure as a Supreme Court judge, he has authored 102 judgments. He has authored a Tamil book “*Kambanil Sattamum Neethiyum*” during his term at the Madras High Court. His various judgments, both as the judge of High Courts and Supreme Court, make it evident that the ultimate winner in his court has always been the public.
2. **Justice Hemant Gupta** is a retired judge of the Supreme Court and the former Chief Justice of Madhya Pradesh. He has also served as the acting Chief Justice of Patna High Court. During his term as the judge of Punjab and Haryana High Court, he played a crucial role in computerization of the Court by introducing digital records, e-filing and online availability of orders and schedules, etc. He is currently serving as the Chairperson of the India International Arbitration Centre, New Delhi.
3. **Prof. (Dr.) Archana Misra** is currently serving as the Head in School of Law, Northcap University. Before joining academics, she pursued her interest in Criminal Law and Human Rights Law at the People’s watch, Tamil Nadu. She started her academic career as an Assistant Professor in M.S. Ramaiah College of Law in 2008. She collaborates with the National Commission for Women and the National Human Rights Commission for organizing capacity building and training programs for various groups and often visits prestigious institutions for imparting academic and professional training programs. She holds authorship for various articles and book chapters in leading journals and books.
4. **Prof. (Dr.) Pradeep Kulsreshtha**, currently serving as the Dean, Bennett School of Law, is a senior academician with over thirty years of extensive expertise in academic affairs, legal research & advisory services. Before joining Bennett University, he was Dean, Sharda School of Law, Sharda University, and Greater Noida. He was also with K.R. Mangalam University, Gurugram as a Professor and Dean, School of Law. He has authored and edited 21 books, 46 research papers and conference papers.

OUR MODERATOR: Mr. Himangshu Rathee, Assistant Professor, School of Law, Northcap University.

We look forward to your contribution to this dialogue on the potential of ancient legal knowledge to shape contemporary judicial practices.

For any queries or further details, write to cpl@nludelhi.ac.in.