



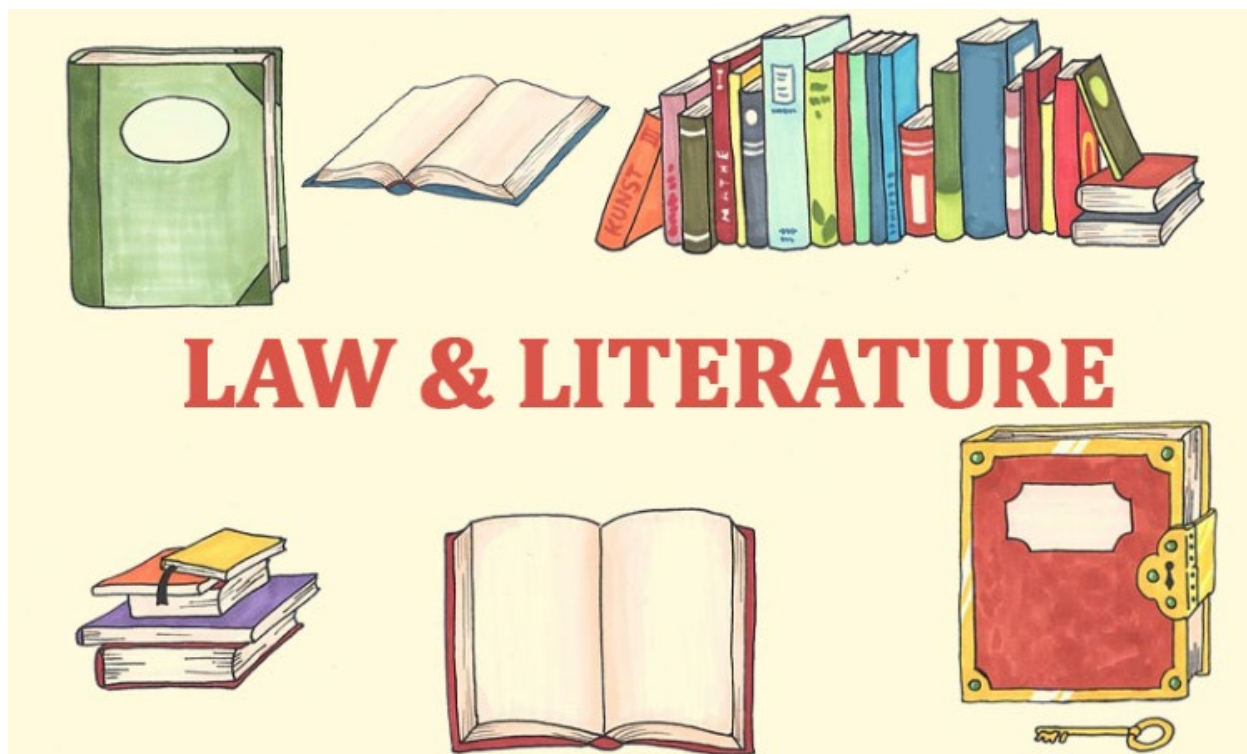
THE WEST BENGAL NATIONAL
UNIVERSITY OF JURIDICAL SCIENCES

CENTRE REPORTS

CENTRE FOR LAW,
LITERATURE AND POPULAR
CULTURE



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THE CENTRE FOR LAW, LITERATURE AND POPULAR CULTURE
THE WEST BENGAL NATIONAL UNIVERSITY OF JURIDICAL
SCIENCES

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WORK REPORT 2019- 2023

Table of Contents

NUJS Gets Globally Recognised For Pioneering Course on Fantasy Fiction Literature and Law: CLLPC Begins Its Journey	3
Media Coverage	5
CLLPC Founder Delivers TEDx Lecture on Fantasy Fiction and Law	10
CLLPC Founder Participated in Panel Discussion Organised by the Department of International Relations, Jadavpur University.....	12
CLLPC Founder Delivers Lecture in Workshop on Travel to Destination by South Asian University	14
CLLPC Contributes to Routledge's The Indian Yearbook of Interdisciplinary Studies	15
CLLPC organizes Workshop for Performing Artists on Copyright and Other Ancillary Laws with UNMUTE on April 30, 2022	16
CLLPC Develops Course on Comics, Graphic Novels and The Law: A First of Its Kind in Indian Legal Education	17
CLLPC Conducts Research on the Impact of Rabindranath Tagore's Works on Indian Laws, Judgements and Jurisprudence.....	18

NUJS Gets Globally Recognised For Pioneering Course on Fantasy Fiction Literature and Law: CLLPC Begins Its Journey

In 2019, Dr. Shouvik Kumar Guha, currently serving as an Associate Professor at NUJS, framed a course titled ‘An Interface between Fantasy Fiction Literature and Law: Special Focus on Rowling’s Potterverse’ for the undergraduate students of NUJS. The course was globally recognized as the first of its kind and received enthusiastic media coverage from all over the world, including the likes of BBC and The Guardian. (Links to the media reports have been provided later)

After receiving constructive feedback and support from multiple academics from across the globe, Dr. Guha eventually chose to delve into the depths of this field further and launched the Centre for Law, Literature and Popular Culture to conduct related research, and facilitate awareness and dissemination.

About the Centre: Kindling the “narrative imagination”, a concept developed by Martha Nussbaum, is one of the several ways in which a study in law, literature and popular culture can educate a law student in particular. It allows the student to experience the journey of an intelligent reader or viewer and put themselves in the shoes of another –such experience in turn can have a significant long-term impact on the student’s ability to develop the necessary perspective, understanding and empathy that are essential for the lawmaker, interpreter, or the bringer of change that the student would transform into in the days to come. If one is to believe in Oscar Wilde’s proclamation about ‘life imitating art’, then it appears to be more than feasible to appeal to the student’s literary imagination in order for them to gain a sense of empathy towards the experience of those whose lives might be far removed otherwise from the student. Without the influence of aesthetics on legal education and formulation of legal concepts, law may end up losing much of its ability to convince others to follow its principles –the multitude of images, experiences, symbolism and metaphor that literature and popular culture often end up providing to the law student the essential perspectives and contents that might in turn have an impact on their choices in life, capacity to form moral judgment, and establishing a foundation on which their subsequent understanding of legal principles would be based. Any expression of culture that relies upon imagery and narrative, be it literature, films, plays, poetry, performance-based art, can therefore be an integral component of legal education, at least to the extent it might be able to improve upon the cold abstractions of law by providing the much-needed ethical dimensions and empathic reaction to the problems faced by those whose behavior and actions such law is meant to regulate. The western notions of law and literature and the interface between the two disciplines have assumed many a myriad form over the years, with scholarly reviews of the portrayal of contemporary legal systems in the classical works by Shakespeare and Dickens, Cardozo’s analysis of the literary nature of judicial opinions, Wigmore’s prescription of teaching lawyers about the human nature through literature, James Boyd White’s ‘legal imagination’, Milner Ball’s argument about comparing trials with plays, creative descriptions of real-life trials and legal developments and other similar examples. Comparatively, there has been less focus so far on studying the various facets of such an interface when it comes to eastern and particularly Indian literature, or the various Indian judicial decisions for that matter including the works of stalwarts such as Justice V.R. Krishna Iyer and others, a lacuna that also need to be addressed at the soonest opportunity available.

Insofar as popular culture and the interface of law with the same is concerned, the exponential increase in the pervasive presence of films, televised shows, and other imaginative video portrayals in our daily lives, and the porous wall between such popular culture and notions of law in general that allow for considerable traffic back and forth, may render such studies fascinating too. As Michael Asimow says, in shaping the notions of law in the minds of the mass, popular culture often ends up playing the dual roles of a mirror and a lamp both, reflecting dominant ideologies of the society on the one hand albeit with varying degrees of distortion, as well as serving as highly useful instruments of teaching.

It is to explore, understand, analyse and critique such relationships and interface that the Centre for Law, Literature and Popular Culture has been established. It seeks to delve into interdisciplinary research and build bridges across disciplines including critical theory and law, pursue a range of creative collaborations with other institutes, conduct both general and specific research about a range of fundamental questions pertaining to law, literature and expressions in popular culture, look into their respective socio-cultural significance, and initiate much-needed debates about the academic and scientific reflection on the content, processes, and mode of articulation when it comes to the normative and aesthetic underpinnings of legal principles. The Centre also considers how to develop such research into practically applicable tools of legal education and pedagogy, and disseminating various implementation ideas about such tools across other educational institutions too. Various focused courses relating to the core areas of research of the Centre are being developed and offered. Creating a popular platform and forum for exchange of scholarship and intellectual creative output of researchers and academicians working on similar ideas is yet another objective of the Centre. To this end, conducting regular seminars, conferences and workshops, and focusing on quality research output in the form of projects and publications also forms a part of the activities of the Centre.

Considering that the university is located in a state and a country renowned for the richness of its indigenous literature and culture, the Centre seeking to explore the full depth of such richness and utilize the same for the benefit of reforming and transforming legal education has proven to be a highly logical and prudent choice. With such goals in mind, the Centre is being established with the aforementioned objectives as the mandate, so as to contribute to the reputation of the university as an emerging leader of legal educational reforms and scholarly research.

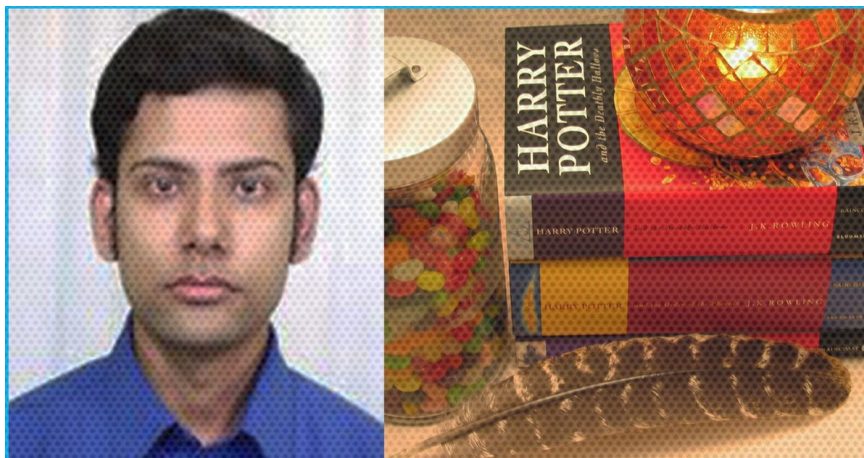
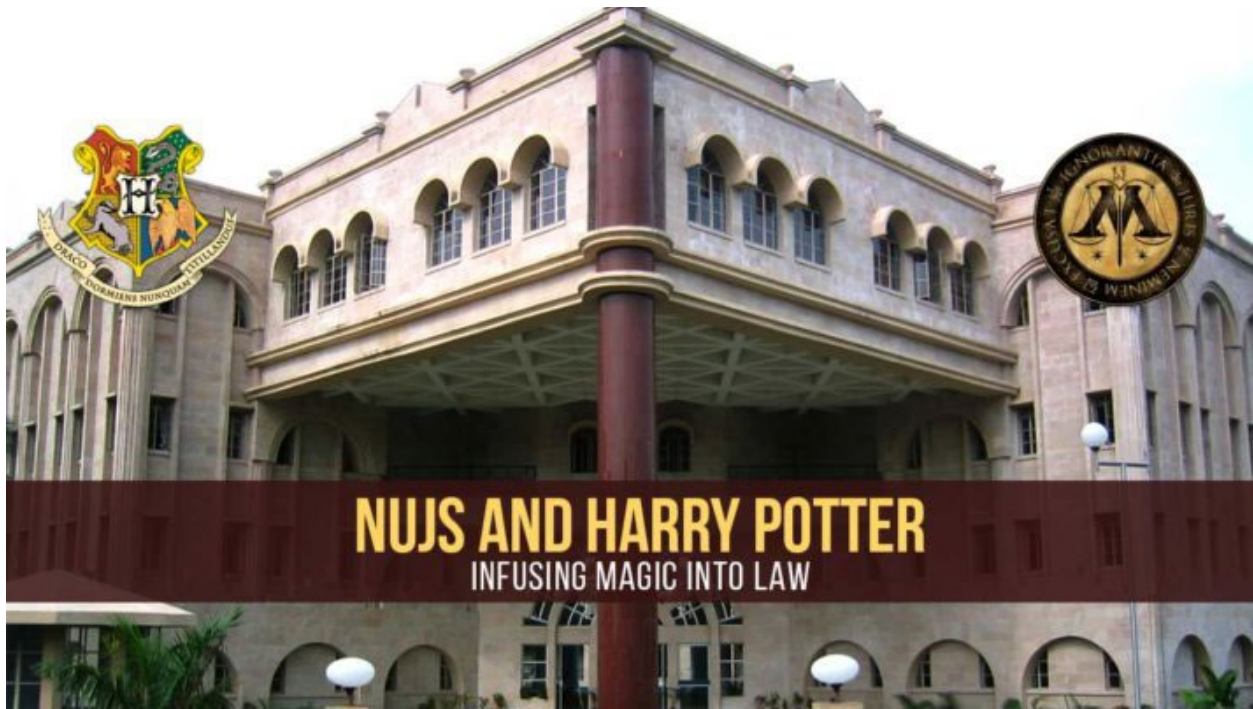
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CLLPC Founder Delivers TEDx Lecture on Fantasy Fiction and Law

In 2019, Dr. Shouvik Kumar Guha was also invited a prestigious TEDx Talk televised with global coverage to over 30 million viewers on the topic, ‘A Fiasco of Modern Law and Order: Through the Verse of Harry Potter’. The recording venue of the talk was Heritage Institute of Technology, Kolkata. The talk focused on how modern day challenges to law, order and society can be perceived through the lens of literature and especially fantasy fiction, and how the latter can be used to educate the new generation about the world and their roles in it.

- The full lecture is available here:
https://www.ted.com/talks/shouvik_kumar_guha_studying_law_through_the_eyes_of_harry_potter
- <https://www.youtube.com/watch?v=zmDs0yhNisQ>



CLLPC Founder Participated in Panel Discussion Organised by the Department of International Relations, Jadavpur University

In 2019, Dr. Shouvik Kumar Guha participated in a panel discussion organized by the Department of International Relations, Jadavpur University, for the flagship event ‘Alohomora: Unlock the Magic’, on the topic, ‘Through the veil : A look at the social rights and minority representation in the world of magic from a modern point of view’.

The other panelists included reputed academicians and authors like Professors Rimi B. Chatterjee, Professor Samantak Das and Professor Abhijit Gupta.

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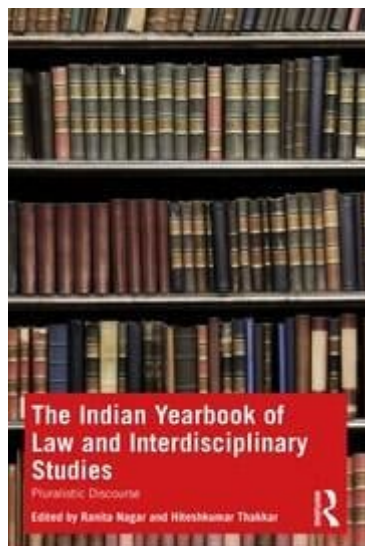
CLLPC Founder Delivers Lecture in Workshop on Travel to Destination by South Asian University

In August, 2021, Dr. Shouvik Kumar Guha represented CLLPC in a workshop titled 'Travel to Destination', jointly organized by the Department of Sociology, South Asian University and Dr. B.R. Ambedkar University Delhi. He delivered a lecture in the workshop titled, 'Travelling through Fantasy and Fantastic Travels: Exploring Rowling's Potterverse through the Lens of Law & Legal Education'. Other participants in the workshop included Professors Sasanka Perera and Ishita Dey from South Asian University, Professor Sucharita Sengupta from Graduate Institute Geneva, Dr. Rituparna Patgiri from Indraprastha College for Women and Professor Rukmini Sen from Dr. Ambedkar University.

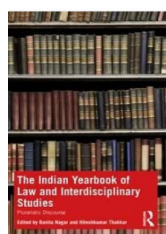


CLLPC Contributes to Routledge's The Indian Yearbook of Interdisciplinary Studies

In 2022, Dr. Shouvik Kumar Guha submitted a contribution from CLLPC to the prestigious volume published by Routledge (Taylor & Francis), titled The Indian Yearbook of Interdisciplinary Studies. Dr. Guha's chapter, titled 'Using Contemporary Literature and Popular Culture to Study Law: The Possibilities Inherent in Fantasy Fiction and Harry Potter', found place beside contributions from legal luminaries like Professor Upendra Baxi, Professor Saul Levmore, Professor Stephanus van Zyl, Professor Ram Singh and Professor Joshua Aston.



Home > Area Studies > Asian Studies > South Asian Studies > India (studies of) > The Indian Yearbook of Law and Interdiscip
Popular Culture to Study Law



Chapter

Using Contemporary Literature and Popular Culture to Study Law

The Possibilities Inherent in Fantasy Fiction and Harry Potter

By *Shouvik Kumar Guha*

Book [The Indian Yearbook of Law and Interdisciplinary
Studies](#)

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CLLPC organizes Workshop for Performing Artists on Copyright and Other Ancillary Laws with UNMUTE on April 30, 2022

The Centre for Law, Literature and Popular Culture, NUJS has organized a workshop jointly with the Centre for Law & Technology and UNMUTE, an initiative supported by the Kri Foundation and performing artists' forum.

The workshop began with an inaugural speech delivered by Professor Nirmal kanti Chakrabarti, the Hon'ble Vice Chancellor of NUJS. Following this, a discussion on introductory features of copyright law took place, spearheaded by Professor Anirban Mazumder. This was followed by a deliberation on dancer's rights and copyright law, introduced by Ms. Somabha Bandopadhyay. Professor Paramita Dasgupta followed up with a discussion on traditional cultural expressions and artist's rights. After that, Professor Shouvik Kumar Guha discussed the nuances of performers' rights embedded in various laws. Ms. Arshiya Sethi, representing the Kri Foundation, moderated the workshop and concluded the same.



CLLPC Develops Course on Comics, Graphic Novels and The Law: A First of Its Kind in Indian Legal Education

In pursuit of its goals of curating novel courses exploring the interface between law and popular culture, the Centre has also developed in 2021 a course titled ‘Comics, Graphic Novels and The Law. Delivered by Dr. Shouvik Kumar Guha to the undergraduate students of NUJS, the course addresses a host of novel issues hitherto unexplored in the domain of Indian legal education, such as comics as a form of expression of popular culture, history and evolution of art, politics and socio-cultural reality as seen through comics, legal theory and related critical discourse in comics, including common law precedent, alegality, binaries between good and evil, objectivism, notions of sovereignty and authority, operation during emergency, archetypical narratives, aesthetics of supervillainy, metaphysics of legal and political Theories, crime and crime-fighting, criminology and victimology in comics, use of comics as socio-cultural expression to explore the nuances of gender, sexuality and sexism, racist overtones, class-division and barriers, human rights, cultural adherence and appropriation, exploration of trauma, notions of obscenity, using Comics to spread awareness and facilitate access in sectors like healthcare, education business, legal system and legal issues within the comics industry such as copyright and trademark infringement, moral rights, protection to fictional characters, derivative works, termination provisions, artist rights, and the case study of the Comic Book Defense Fund.

CLLPC Conducts Research on the Impact of Rabindranath Tagore's Works on Indian Laws, Judgements and Jurisprudence

The Centre for Law, Literature and Popular Culture has conducted a funded research project in the year 2021-22 titled Rabindranath Tagore and the Law in the 21st Century: A Review of Existing Jurisprudence to Examine the Influence of Rabindranath Tagore and His Writings on Indian Law, Policy and Society. The Centre has received a seed grant of Rs. 1 lakh from NUJS for this purpose. The project *inter alia* sought to contextualise Tagore's work using the interface between law and literature, examine and assess the elements of his writings and philosophy as reflected in the various judgements of Indian courts, his views on nationalism and education in India, his perspective on agrarian reforms and related laws, and his critique on the ideals of caste, as well as his contribution to strengthen law and policy with empathy.

A brief outline of the project report has been provided in subsequent parts of this document.



RESEARCH PROJECT REPORT 2021-22

**PROJECT TITLE: RABINDRANATH TAGORE AND THE LAW IN THE 21ST
CENTURY - A REVIEW OF EXISTING JURISPRUDENCE TO EXAMINE THE
INFLUENCE OF RABINDRANATH TAGORE AND HIS WRITINGS ON INDIAN
LAW, POLICY AND SOCIETY**

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Table of Contents

Chapters	Page Number
Introduction	03
Chapter One: Contextualising Tagore's Work Using the Interface between Law and Literature	09
Chapter Two: Tagore's Writings and Philosophy as Reflected in Indian Judgments	20
Chapter Three: Rabindranath Tagore on Nationalism	39
Chapter Four: Tagore and Education in India	50
Chapter Five: Rabindranath Tagore and Land Reforms	61
Chapter Six: Tagore's Critique on the Ideals of Caste: A Study with Reference to <i>Gora</i> and <i>Chandalika</i>	67
Conclusion: Reflecting on Tagore, Empathy and The Law	74

Introduction

The Constitution of India has been lauded as a social document¹ predominantly, which was intended to serve as the backbone to the eventual social and economic transformation that was envisioned for the newly formed state of India. The deep-rooted moral debates and arguments which formed a part of the vociferous deliberations and consultations on the framing of the entire document, are readily apparent from the Constituent Assembly debates themselves. The crux of the matter is that, the quintessential and most formative document of our country's history, was itself the product of a tumultuous process of discussions and analysis by the leading jurists, philosophers, social activists, public intellectuals and politicians of the time- many of which were to be found amongst the ranks of the Constituent Assembly and the Parliament at the time. The ideas and philosophies referred to therein were based on the ideas of notable authors and thinkers like Plato, Aristotle, Kautilya, Shakespeare, Bernard Shaw, Alexis de Tocqueville, Charles Dickens as well as Tagore, amongst many others. Indeed, it has often been noted that the Constitution of India is a living document- one that is structured and codified without being rigid- as the framers recognized the importance of evolving according to the changing times. Nonetheless, the enduring backbone of the Constitution as a document supporting the very fundamental principles of humanism and idealism as well as its overall moral temper, is without question. The Judiciary is of course the interpreter of the laws in the country, including the vast parameters of the Constitution. Hence, the predominant values enshrined in the Constitution are also the very ideals guiding the judgements and deliberations of the Judges in our legal system.

The noted Bangla author Rabindranath Tagore has also been hailed for his philosophy of humanism and religious tolerance, along with his avowed dislike for rabid nationalism, as well as the unquestionably socio-political commentary of most of his works. While many scholars have attempted to critically unravel and deconstruct the philosophical and moral underpinnings in his work, there has been very little attention paid to the continuities and discontinuities between Tagore's work, and the jurisprudential and legal philosophies which inform the judgements of the members of the higher judiciary.

¹ Granville, Austin *The Indian Constitution: Cornerstone of a Nation*: Oxford University Press, 1966

It is here that this project seeks to make inroads by making a preliminary attempt at locating Tagore and his influences or legacies in the judgements produced in the High Court of his homeland. This is seen as a prelude to a larger engagement within the broad contours of the law and literature interaction in the country.

Statement of Problem

As we proceed inexorably towards the middle of the 21st century, the accessibility of the legal system needs to expand exponentially. While there have definitely been some steps made in this regard- as evidenced through the onslaught of the forces of social media, with its barrage of interpretations of every judgement produced by the varied courts of our country, there is still a serious problem that needs to be addressed. This is the problem of the still somewhat isolated and insulated character of the entire legal justice system². The judicial system functions in an esoteric and impenetrable manner, wherein even the language used in its everyday functioning and judgements, is incomprehensible for non-legally trained individuals. Indeed, Jeremy Bentham had derogatorily referred to legal jargon as “lawyers’ cant” which helps the legal professionals in “collecting plunder”.

However, the inclusion of common proverbs, songs, poems, literary quotations, metaphors, and other such devices can play an important role in demystifying the impenetrable complexities of judgements. This in turn can play an important role in bridging the gap between the legal justice system and the lay public at large. In this context, the works of the Nobel Laureate Rabindranath Tagore, fondly remembered as *Kabi Guru* in Bengal, are especially critical, considering the familiarity of the citizens in the state with many of his written works. Not only are many of his writings part of the curriculum in most schools and colleges, but they are also quite commonly referred to in contemporary popular culture, as evidenced from the sheer number of films (such as *Chokher Bali*, *TasherDesh*, *GhareBaire*, *Char Adhyay*, *Charulata*, *Chaturanga*, *ShesherKabita* to name a few) and books based on his work, including exploration of his influence on and his connection with a host of contemporary socio-politico-legal issues.

²Calavita, Kitty. *Invitation to Law & Society: An Introduction to the Study of Real Law*. Chicago: University of Chicago Press, 2010.

Consequently, judgements- being as they are some of the most publicly available and cited portions of the justice system- would be that much more accessible and relatable if they made reference to well-known works by such great litterateurs as Tagore. It is in this context that the present study attempts to take stock of the existing situation, in terms of the sheer volume of judgments quoting Tagore, along with the context and nature of understanding of his works, and ultimately, his vision.

Objectives

The objectives of the study are:

- To catalogue the types of cases and judgements in which Tagore and/or his works have been cited by the Hon'ble Calcutta High Court
- To analyse the context in which the judgements have referred to Tagore and/or his works, and to explain the popular judicial interpretations made of his oeuvres
- To assess the overall alignment of Tagore's views on humanity, justice and related issues with the judicial pronouncements considered.

Research Questions:

- To what extent has the legacy of Tagore as a philosopher influenced the judicial decisions in the early 21st century?
- How has the work of Tagore been understood and applied by the High Court of his home state?
- How far has Tagore's writings influenced the jurisprudential literature of the higher judiciary?

Review of Literature:

While there has been hardly any academic engagement with the works of any literary author and their influence or interaction with the juridical pronouncements or indeed, legislative policies, in India- the same is not true of Western Academia. The Law and Literature movement led by scholars has had an illustrious development, and in fact, developed into the ‘Law in Literature’, ‘Literature as Law’ and ‘Literature in Law’ sub-movements.

Martha Nussbaum’s *Poetic Justice* was an important part of the Law and Literature strand, and it was emphatic about the need for lawyers and legal education to have a solid grounding in literature. The inclusion of literature in the legal curriculum was stressed upon, not only for appreciating the finer nuances of interpretations and perspectives, but also crucially because it would engender empathy in the minds of future lawyers. As mentioned above, the remote and distant approach of the legal system has already been much critiqued, and the effort to integrate literature in legal training and usage, can only be lauded as a sincere effort on the part of the entire legal community to become more responsive to the public at large.

Barry Hill’s paper *Reason and lovelessness: Tagore, war crimes, and Justice Pal* is another significant work exploring the congruence of Tagore’s ideas about wars between nation-states, war crimes, and the duty and obligations of the victorious nation, with the thoughts expressed by a celebrated international jurist from Bengal, Justice Radhabinod Pal, who presided over the Tokyo War Crimes Trial.

Similarly, Dr. Ahamuduzzaman’s piece titled *Legal Perception of Rabindranath Tagore: A Review of Short Stories* provides a valuable fundamental into the contribution of Tagore in legal education as visible throughout the narratives explored by him in his wide range of short stories, touching upon various legal disciplines of the likes of legal language, crime and punishment, labour issues, property rights, marriage, dowry, maintenance, inheritance and other aspects of family law, terrorism and national security, the role of law enforcement personnel and many others.

In India, one cannot speak very strongly of a Law and Literature movement as such- nonetheless, it would be remiss to not mention to dramatic flair and literary aptitude of one of the most

renowned judges of India- Justice V.R. Krishna Iyer. In *Maru Ram v. Union of India*, he memorably quoted Oscar Wilde to explain the misery of the convicts.

“I know not whether Laws be right, or whether Laws be wrong, All that we know who lie in gaol, Is that the wall is strong; And that each day is like a year...”

Scope and Methodology

This project is aimed as an exploratory study, and will be the first of its kind in attempting to locate the close links between law and literature within the scope of case judgements in India. Although largely envisioned as a qualitative study, there are also quantitative elements in the project which may be used as and when required.

The data sources used will be primary sources -case judgements, along with the archived materials of the writings of Rabindranath Tagore. This will include the entire body of judgements produced by the Calcutta High Court over the course of the last 5 years (2015-2020). Although we may cite and refer to judgements produced prior to, or after the period in question, they will merely have explanatory or elucidatory value, and will not form part of the main data in question. This limitation is merely due to the time and resource constraints of any small-scale exploratory study such as this.

The archived materials produced by Tagore, refer to his writings in English, as well as the English translations of his Bangla work, either produced by the author himself, or by other reputed translators. In rare instances, the original writings of the author in Bangla may be referred to, particularly to address contentious interpretations or to include multiple contextual meanings.

Along with the primary data sources, secondary sources will also be considered- not restricted to, but including works by other distinguished authors on the life and works of Tagore, as well as other relevant literature from within the domain of the law and literature interaction as well as newspaper articles and other periodicals which may have relevant materials.

Relevance and Anticipated Outcomes

Given the sheer versatility of Tagore's creative spirit and the deep impact that his work has left on the collective national psyche in general and the Bengali mind and heart in particular, this study, intending to explore the effect and relevance that he has already had and continues to have on the socio-political and legal issues, especially the judicial mind, as well as the various policies encompassing law, social reforms, and education, will be extremely valuable. The novelty of the study is also evident from the lack of substantial existing literature in this regard. The output of the research can also be used to initiate in-depth discussions about how the various organs of the State, the judiciary, as well the individual may seek to internalise in their thoughts and actions, the ideals advocated by Tagore and the visions that he had for a country that would strive for excellence in every sphere, going beyond the *status quo*, while at the same time embracing all its people irrespective of their differences. Especially the thoughts of Tagore on concepts such as nationalism and the relationship between the State and its citizens, and the continuing relevance of the same in today's politico-legal milieu, as highlighted in the course of this study, may help us shape a way ahead and overcome the challenges facing us.



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