



THE 5TH ALL INDIA LEGAL HISTORY CONGRESS

22nd- 24th March, 2025

Organized by

Centre for Studies in Legal History, The West Bengal National University of Juridical Sciences,
Kolkata

in association with

Indian Association of Legal History,
University School of Law and Legal Studies, Guru Govind Singh Indraprastha University

CONCEPT NOTE

The history of what the law has been is necessary to the knowledge of what the law is.

-Oliver Wendell Holmes Jr. (1841-1935), Former Associate Justice of the Supreme Court of the United States

Law and history have often been treated as two separate and distant disciplines, with no apparent connections tethering them. Lawyers and historians have largely lived on two separate islands of existence with little dialogues and exchanges of ideas between them, and the juridical sciences and historical studies have developed over the years as two distinct branches of a river without a zone of confluence. As ideas and disciplines around the world have slowly started to converge and mingle, thanks to globalization and revolutions in the intellectual sphere, new archipelagos of thoughts are taking shape. It can now be said that the time has come to explore the surface-level and subterranean links that bind the two vibrant disciplines of law and history. Law is frozen history, in an elementary sense, everything we study when we study law is the report of an event in history, and all history consists of such records or reports (Friedrich, 1961). This conference aims to initiate dialogues between the legal and the historical to explore the common interface between them, which will not only generate new epistemological insights into these disciplines but will also help the participants and the audience alike in understanding the evolutionary trajectory and development of the legal system over the years, since the birth of the human society. This conference will broadly highlight the following themes to understand not only the discursive network between law and history, but how this network extends up to other disciplines of humanities and social sciences and consequently has had an impact on them: 1) Rethinking law and legal history, 2) Law, Community, and Sustainability, 3) Law and the Issue of Representation, 4) Interdisciplinary Approaches to Law.

The dawn of human society also marks the dawn of the legal system, that helped to govern human behavior and conduct, and facilitated the evolution of a society towards betterment. The ancient Indians followed dharma, the moral or the righteous paths derived from nature. Dharma was one of the four Purusharthas (the four proper goals or aims of human life), which sustained society and upheld the cardinal values of truthfulness, honesty, generosity, and other virtues, both in the domestic and the public spheres. The Indian legal history has traversed through several junctions before attaining its present form; starting with the kingdom of dharma, it journeyed through Manusmriti in the post-Vedic age, the Fatawa'Alamgiri during the Mughal era, witnessed the arrival of modern Indian Penal Code (1860) during the British Period, and finally, attained a new dimension with the emergence of the Constitution of India in the post-independence period, where the latest development has been the introduction of the Bharatiya Nyaya Samhita (2023). The conference invites scholars to present a critical examination of the different trends of the Indian legal system over the years, the changes in legal historiography, and the allied issues of dharma, ethics, morals, customs, and traditions that animate the juridical atmosphere of India. The modern Indian legal system is by and large modeled on Western legal systems, with British and American laws serving as primary sources of inspiration. But these laws seem to have been inadequate so far as the civilizational spirit of India is concerned; their alien structures, superimposed on the Indian society and psyche during the colonial and postcolonial eras, do not sufficiently reflect the civilizational ethos of this nation, where dharmahad been the mainstay of public life for millennia. The need to decolonize the Indian legal system, therefore, naturally arises, where laws will be promulgated following the cultural and civilizational currents of India, which will reflect the spirit of Indian people and their idiosyncrasies. Scholars and researchers are invited to share their thoughts on the prospects and challenges of this practice of decoloniality, which will encourage the revamping of the existing judicial system.

The attention of the world has been laser-focused for quite some time on what might be described as the Sustainable Development Goals. As many as seventeen SDGs have been enunciated by the United Nations General Assembly (UNGA) to create a better tomorrow for upcoming generations. As the pernicious effects of pollution, filth, illiteracy, economic disparity, and environmental degradation are enveloping the planet, concerns about providing an equitable and hospitable Earth to future generations were echoed through the promulgation of the SDGs. One of its main concerns has been around the future of the indigenous people who are battling against global crisis and are getting marginalized and otherized every single moment. Measures are now being undertaken to preserve tribal people and folk culture by connecting them with the SDGs, where issues like the freedom to decide the trajectory of tribal lives, and the preservation of tribal language, culture, and autonomy are getting associated with the SDG agenda. The interface between law and sustainable development in India has been relatively underexplored, and discussions on how the legal system has historically addressed this issue and what more needs to be done are invited by this conference. One can trace the historical context, development, and outcomes of the Indian laws addressing environmental issues and promoting sustainable development principles, such as the Environmental (Protection) Act of 1986 or the National Green Tribunal Act of 2010, to understand the growth and development of the 'sustainability arc' of the Indian judicial system and its impact on the society and environment.

India is a diverse, multicultural, multiethnic, and multilingual nation, where the issue of representation has always been a contested domain, and the legal system bears testimony to it. As the Indian nation slowly shifted its gears from a patriarchal and hierarchized mode to embrace a more egalitarian and liberal society, new laws have been formed time and again with the amendment of the existing ones, to ensure greater representation of the

disenfranchised and the downtrodden. Women, tribals, and marginal communities have traditionally had a precarious position in society as far as the issues of rights and representation are concerned, and this conference aims to discuss how the legal system is facilitating greater representation of these sections of society and promulgating judicial reforms to articulate their voices. Participants can focus on how the Indian judicial system has historically treated women, what are some landmark moments in the Indian judicial history that went in favor of women and what have been the consequences, what is the current status of women in the legal profession and in the process of decision making, to mention a few points. The same inquiries could be replicated with tribal and other marginal communities in mind, to understand how their problems and predicaments are being addressed by the legal system, and how has been their contribution and participation in changing the course of Indian legal history. Why are the upper echelons of the judiciary still populated mostly with upper caste people with very few people from the tribal or Dalit communities? How have these communities participated in the legal profession over the years? What new reforms in laws are required to be undertaken in the context of the existing laws to ensure greater representation of the aforementioned communities? The conference invites participants to highlight these points.

The rise of interdisciplinarity in academia has shattered the watertight compartments of various disciplines and new integrated intellectual circuits are surfacing, providing fresh critical insights into different issues concerning history, society, and culture. Juridical sciences share close rapport with other disciplines like history, anthropology, sociology, political science, economics, psychology, language studies, and cultural studies, to name a few. The legal discipline cannot survive on its own, and the genesis and development of laws can only be fathomed by understanding the dense network of the other disciplines that in a way inform and shape legal studies. This conference encourages the presenters to come up with fresh insights into the symbiotic connections between law and other disciplines, keeping in mind the historical trends behind them. For instance, an intriguing area could be the public and media perception of laws, and their impact on domains like politics, policy-making, film, television, and other entertainment industries, and international relations. How does the society perceive a law? How does the media interpret it? What effect does it have on the public psyche? What are the historical and sociological trends behind the development of mass psychology of law? What is the politics behind the representation of laws and legal systems in popular culture? These issues and questions beyond them could be explored in the papers presented at the conference, which will inaugurate new intellectual avenues.

CALL FOR PAPERS

CONFERENCE BROAD THEMES

- **INTERDISCIPLINARY APPROACHES TO LAW AND HISTORY**
- **RETHINKING LAW AND LEGAL HISTORY**
- **LAW, COMMUNITY AND SUSTAINABILITY**
- **LAW AND THE ISSUE OF REPRESENTATION**

CONFERENCE SUB THEMES

- **INTELLECTUAL HISTORY OF THE INDIAN LEGAL SYSTEM**
- **DECOLONIZING THE INDIAN LEGAL SYSTEM**
- **TOWARDS A BHARATIYA LEGAL SYSTEM: RETHINKING LAWS FOR A CIVILIZATIONAL NATION**
- **CONTRIBUTION OF HETERODOX/NASTIKA TRADITIONS OF INDIAN PHILOSOPHY, WITH SPECIAL REFERENCE TO BUDDHISM AND JAINISM, IN THE GROWTH AND DEVELOPMENT OF INDIAN LEGAL HERITAGE.**
- **RELATIONSHIP BETWEEN DHARMA, LAW, AND ETHICS**
- **VULNERABLE TRIBES AND LAWS**
- **LAW AND SUSTAINABLE DEVELOPMENT IN INDIA**
- **FROM REACTIVE TO PROACTIVE LAWS**
- **LEGAL SYSTEM FOR A VIKSHIT BHARAT**
- **CUSTOMARY LAWS IN INDIA: ISSUES AND CHALLENGES**
- **LAW AND EDUCATION: REVISITING AND RETHINKING LEGAL PEDAGOGY**
- **LAW AND THE WOMEN'S QUESTION**
- **MARGINAL COMMUNITIES AND LEGAL SYSTEMS: REPRESENTATION AND REFORMS**
- **LEGAL REFORMS IN THE AGRARIAN SECTOR: TAXATION AND REVENUE SYSTEMS**
- **PUBLIC PERCEPTIONS OF LAW AND LEGAL INSTITUTIONS**
- **LAW, MEDIA, AND POPULAR CULTURE**
- **LAW, LITERATURE, TEXTUALITY, AND HISTORY**
- **NEW RESEARCH IN JURIDICAL SCIENCES AND LEGAL HISTORIOGRAPHY**
- **PSYCHOLOGY, LANGUAGE, SOCIETY, AND LAW**
- **LEGAL TECHNOLOGY AND HISTORY**
- **SUPERHEROES AND LEGAL JUSTICE**
- **LAW AND CENSORSHIP: A HISTORICAL APPRAISAL**