

Fourth Annual National Conference 2015

Symbiosis Law School, Pune

Symbiosis International University

Concluding remarks by Dr. Shashikala Gurpur during the Plenary Session

*Symbiosis Law School, Pune has been setting a platform for budding scholars and researchers to discuss and share ideas through its Annual National Conferences, being organized since 2012. In 2015, the Fourth Annual National Conference on Contemporary Legal Scholarship was organized so as to provide a forum for participants to test and later work on their ideas, along with feeding future collaborations and publications. With the aim of fostering the exchange of scholarly ideas among students and research scholars, building collegial network and encouraging a supportive and encouraging legal research culture, Symbiosis Law School Pune has conducted parallel tracks in crucial areas of law, along with a plenary session discussing the Significance and Opportunities in Transnational Collaboration in Research.*

*The Plenary Session had resource persons from various fields such as Prof. Dr. G.S. Bajpai, Professor and Registrar of National Law University Delhi, speaking about Empirical Research in Law, Dr. Rameshwar Dubey, Associate Professor, Operations Management of SIU, Pune speaking on methodological issues in Transnational Research, Dr. Yogesh Patil, Head of Research and Publication at Symbiosis Centre for Research and Innovation, exploring the International Perspectives of Citation Index and Impact Factor. Further, Prof. Dr. V. Vijayakumar, Professor of Law at National Law School of India University, Bangalore and the Former Vice Chancellor of Dr. Ambedkar Law University, Chennai, was a resource person on Comparative law, Prof. Dr. Dilip Ukey, Head of the Department of Law, Savitribai Phule Pune University spoke about contemporary issues in Public Law, Prof. Tonya Kowalski, Professor of Law and Director of International Legal Programs at Washburn University School of Law at Kansas presented on Indigenous tribes and Human Rights through a video recording and Prof. Siobhan Mullaly, Director, Centre for Criminal Justice and Human Rights, Faculty of Law at University College of Cork who explored the Transnational Human Trafficking by means of video conferencing.*

*Subsequent to this, Dr. Shashikala Gurpur, Director of Symbiosis Law School Pune and Dean of Faculty of Law at Symbiosis International University, also Formerly Member, Law Commission of India, gave her concluding remarks on Transnational Collaboration in Legal Research towards Substantive 'Indianisation' and Unique Indian Imprint to mark the end of the plenary session. The said concluding remarks are reproduced herewith:*

This was what deserves to be, which merits to be expanded may be a week's workshop or something like that. For example, the first presentation which came across on Skype and had a very timely issue of transnational human trafficking which is also embroiled with crisis in the Mediterranean and as much as what we witnessed in the neighboring states. The reality that India

has been seeing in terms of legalized servitude which has been cautioned by diplomatic immunity that we saw in a couple of cases in recent years. You may recall the case of the Saudi diplomats or the two Indian diplomats who have brought disrepute due to the alleged violations. Now, one of the questions for law students from the transnational point of view is how far can we stretch diplomatic immunity? Does it require reviewing or revisiting? Transnational issues may stretch from Public International Law areas such as diplomatic immunity or the Laws of the Seas that I have mentioned earlier as well or to the area of Human Rights.

Private International Law issues may stretch from application of domestic law within the boundaries to outside the boundaries like we have had the cases of caste being an issue within the British Indians, Indians who have migrated to the UK following the caste system. Transnational issues may also have other ramifications like I heard which is also having a connection to what Prof. Vijay Kumar mentioned about analysis of contracts, business transactions and see what kind of idioms or what kind of patterns are seen in these contracts which is closely bound to what Dr. Bajpai said in terms of analyzing the contract, in terms of recurrence of terms, the patterns and trends seen in these contracts over a period of time and how they changed later on. So there is no area of law where transnational law does not reach and the comparative approach is one of the approaches to the learning of transnational law. It could be other methods such as doctrinal method, qualitative method or action and research method for example we are doing the water research in Pune area on the Mula Mutha River. We may end up in a Public Interest Litigation method strategy. Further, a research in the area of Private International Law in Matrimonial Disputes has been proposed. So it may relate to Arbitration, or it may relate to ADRs or may relate to other methods of dispute resolution, in People or lives involving any nations' jurisdiction.

So the esteemed panel has brought before you such rich plethora of issues and it was our desire to introduce to you what world class research is and that's what exactly Prof. Dubey and Prof. Patil did. The exposition of Prof. Ukey was unparalleled in terms of connecting everything to the constitution and I think, constitutionality of our specialization is also a pressing issue. Today we ask students what they want to specialize in they say in Internet Law or Corporate Law or intellectual Property law but what we forget is our mother document and that is the Constitution and hence constitutionality is another important area.

So in my way of response I would like to suggest a few points that doctrinal research has captured this rich arena of the various issues that have been brought before by the learned panelists from their rich experience in their respective specialization areas. Faculty and our student activities in the academic arena, in learning as well as assessment as well as research processes have been neatly aligned with the specialization, through comparative approach; the legal diversity is an essence of my approach here. So, if you are looking at legal diversity then transnationalism is the way out, or it is one of the best ways to look at it. I would like to suggest the rich area which may be the ideal for research is what we saw in the first presentation like migrants issues or human trafficking, gender related human trafficking, socio-economic or environmental related to human trafficking or refugee status, media, internet and as far as Pune is concerned or any other student place is concerned, substance abuse laws and legal regulation of

substance abuse might be one area for empirical research. Energy is a very fertile area. Educational and medical tourism are grey areas where law needs to respond.

Today we have a reality where we need a lot of material from the western countries or western scholars writing about India without having any insider view because an insider view can come if you have engaged with legal system as a subject. Else there may be a biased view of what post modernists say subjective-objectivity. Subjective objective disintegration or reintegration is what we need to revisit. So by way of conclusion I would like to state that time is right for us to develop Indian Jurisprudential theory by looking at the way our Supreme Court has reflected and the way the Supreme Court has looked at cases in terms of procedurally imitating the west but substantively looking at India making a faint attempt to substantively Indianise. So if we want to substantively Indianise then, we need to really cultivate our legal eye to see Indian reality and to develop new legal methodologies and developing new methodologies will only happen when we engage with our empirical realities. Now West was very fast or much earlier than us in the Gutenberg revolution. Western universities have been created 250 years ago. However, our universities have just emerged in post-independence era, may be some of them existed but as the elites of the past. So we have had very little time to develop our research culture. But we should not take too long to reach and create our own imprint in the area of legal research and developing our own approaches to legal methodology. I hope that this enriching retreat of ideas will sow the seeds of new ideas and will set an agenda for future research and collaboration between faculty and students in terms of research in the years to come.

I am very grateful to the esteemed panel. Each one of you has been a reservoir of rich resources in the specializations that you have exposed us on and we hope that in the years to come we have your support, partnership and collaboration in enriching our agenda and peer mentoring our faculty and our sister institutes. Thank you very much.