



Civil Law Studies: An Indian Perspective

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The glacier of Ancient Vedic wisdom flowed down the Himalayan Kailash and watered the Hindu philosophy. The Shrutis (that which was heard) and the Smritis (that which was remembered) reflected this Vedic wisdom. Thinkers and philosophers of the time expressed their thoughts in prosaic Dharmasutras and later on in more refined poetic 'Dharmashastras'. The Smritikars followed with their own interpretation, symbolically represented by the 'Code of Manu'. That jurisprudence was responsible for taking the country through the Golden pages of its history. With the British dominance, India was plunged in Common Law Jurisprudence, interwoven with Hindu Philosophy. The Midnight country awoke in 1947 to an Independent democratic set up, and in 1950 was wedded to the Indian Constitutional philosophy, laid with the bricks of Common Law. With the establishment of the Supreme Court of India, the apex judicial institution in an interpretative mood carved a unique niche for Anglo- Indian Jurisprudence, amidst the Legal Systems of the World. In the twenty first century, India is on a launch pad as a new political and economical superpower. At this stage there is a need for India to familiarize with the Civil Law System, that has grip on the other half of the commercial world. Tiny pockets in Western and in Eastern India, as parts of erstwhile Portuguese or French colonial possessions had earlier experienced the Continental Jurisprudence. These pockets have the unique distinction of having run both the Common and Civil Law Systems and even simultaneously during the transition period. This experience can be a contribution to the globalizing world. Hence it is necessary to foster the study of Civil Law in India, not only from its historical past but also from its future prospects in world market. In 'Civil Law Studies: An Indian Prospective', about two dozen scholars from the Law faculties of the Universities of India, Lisbon and Coimbra have collaborated to visualize the role for Civil Law Studies in the subcontinent. They have explored the different branches of law for comparative research such as constitutional, civil, commercial, criminal, etc. The book is intended to be a thought provoking exercise which will strengthen the Study and Research of Civil Law in India. The suggestions are meant to empower legal educators, law students, the bar and the bench in India.

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