



Guiding Spirit to Shipping Industry

# Sagar Sandesh

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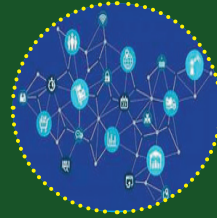
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Published &amp; Released on Every Monday, Wednesday and Friday



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India  
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## New Book Release

By Dr. (Capt.) Vivek Jain, Barrister (England), Master Mariner, LLB(Lon.), LLM(Lon.), BVC (Lon.), MBA(Norway), BSc.(N.Sc.)(India), TS Rajendra alumnus



Dr. (Capt.) Vivek Jain

**D**r. (Capt.) Vivek Jain, who is a regular writer of articles of maritime law, has published a very interesting new book "Imprints of History, Religions and Revolutions on Law – Perspectives from Prominent Jurisdictions" and is available on all platforms. In this book, he has discussed difficult issues such as – Are history and religion relevant to the content and practice of law? Revolutions have a propensity to press the reset button by erasing all previous laws and at times re-stating history. Should their relevance be examined by lawyers, scholars, sociologists and others?

He has discussed that in many jurisdictions, even academic debates surrounding the relevance of history and religion in law are considered unthinkable, forbidden, sacrilegious and even profane. What about the role of customary law/unwritten laws or the use of religion in family and personal laws or the use of historical laws? Why then is the taking of oaths still required pursuant to religions

in courtrooms and law? He has submits that, in most jurisdictions, history and religious jurisprudences remain a compelling perspective, whether through the content or interpretation of laws, or when such perspectives are used as customary law/unwritten laws in these places. This can also ensure that laws continue to retain mass appeal, credibility and legitimacy in the system.

He argued that the advent of liberal jurisprudence ensures societies focus excessively on a need to arguestandpoints in society on the basis of constitutional principles alone without any support from history and religious jurisprudence, and to ensure strict political correctness and secularisation is in place even for day-to-day communications. However, in spite of this fundamentalist idealism, and still contending the primacy of free speech, this phenomenon has not been able to avoid protests, wars, superficial harmony in societies, and an increasingly-observed lack of credibility in governance systems, in particular from those who did not vote for the government.

He has covered many jurisdictions with the assistance of top experts/scholars/lawyers from the nine jurisdictions of Russia, China, Ukraine, India, Israel, Turkey, Indonesia, Brazil and Nigeria examine the issues

of history, religion (Christianity, Islam, Hinduism, Jainism, Judaism and so on), revolutions, indigenous peoples and influence of external laws/legal transplants in evolution of law and its practice. Readers will gain unique perspectives and find

the examination of history & legal history for all nine jurisdictions, from ancient times to the present day, exhilarating.

This book is very relevant in the

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## New Book.....FROM PAGE : 1

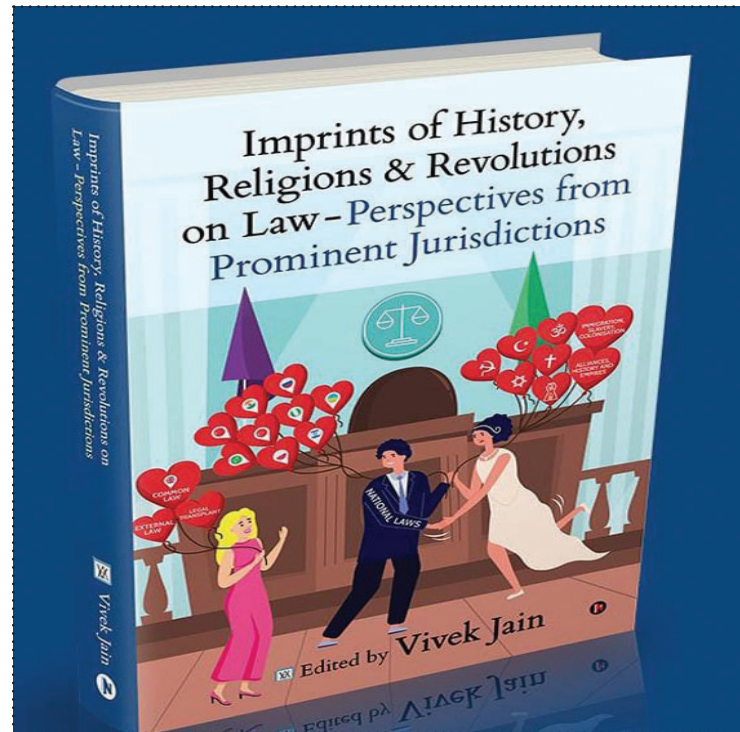
times of protests, wars, pandemic and other disruptions, this book explores the reasons behind a lack of credibility in governance and legal systems in many jurisdictions by uniting diverse fields of sociology, history, ethnology, anthropology, and comparative law.

**The readers would find some answers to these interesting questions in this book:**

- ✓ Do the Vimprints of an ancient value system in any society evaporate gradually or do they themselves evolve by assimilating newer influences and impacts over time?
- ✓ Do written laws erase customary laws or the laws of indigenous peoples/natives that

were prevalent for thousands of years?

- ✓ Revolutions can reboot the whole governance model by abolishing previous laws, for example, in the Russian Revolution of 1917 or the Communist Revolution of 1949 in China. Do such reboots ever manage to erase the historical customs, norms, and customary laws prevalent in a society?
- ✓ Are colonisation or invasion capable of not just conquering lands but can they erase any traces of customs, norms, existing traditions, and customary law from the minds of the conquered, to the extent that only new ideas introduced by the victors will remain in those countries, such as in India, Brazil, Ukraine, Indonesia or Nigeria?



- ✓ What has been the role of Christian Jurisprudence in colonised lands?
- ✓ Does the fall of empires such as the enormous Ottoman Empire of Turkey or the centuries-long banishment of Jewish people from historical Jewish lands lead to erasure of their
- jurisprudence from the territories or from the minds of Turkish and Jewish people respectively?
- ✓ Will the dominant Islamic jurisprudence, that replaced the previously-existing Hindu Jurisprudence that had lasted for thousands

- of years, erase all traces of Hindu jurisprudence in Indonesia or will later colonial Dutch jurisprudence be the dominant jurisprudence?
- ✓ Can a pacifist Jain Jurisprudence really impact the law of Bharat (India), as countries need defence forces and the concept of non-violence is not compatible with sanctions and fines or able to prevent violent sub-groups, dictators or monarchies?
- ✓ Are legal transplants/ external laws necessary or is a mix of ideas from legal transplants along with the local value system the ideal in a jurisdiction?
- ✓ Religion is artificially separated from laws, but the swearing of oaths is still carried out in courtrooms pursuant to the adherence to religions? Why?



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