



**Report the Webinar on Diaspora and International Laws: Reflections in Society and Culture on 14 December 2020**

The CoHaB Indian Diaspora Centre (CoHaB IDC) organised an interdisciplinary, international webinar on “Diaspora and International Laws: Reflections in Society and Culture” held on 14 December 2020. The webinar was conducted in collaboration with the Mumbai University’s Department of Law and the “Law and Literature” project of the University of Muenster, Germany”, Mumbai University’s long standing academic partner.

The speakers at the webinar were Dr. Prakash Shah, Queen Mary University of London, UK, Professor Janet Wilson, University of Northampton, UK, and Professor Nilufer E. Bharucha, CoHaB IDC, University of Mumbai, India.

Professor Rajeshri Varhadi, Head of Mumbai University’s Department of Law, welcomed all the speakers and participants. She spoke of how enriching the law, literature and diaspora lecture series is to all the participants.



Professor Rajeshri Varhadi, Head, Department of Law, University of Mumbai

Ms. Kirti Risbud, Research Associate, CoHaB IDC, then welcomed Professor Klaus Stierstorfer, Chair British Studies & Vice Dean of Philology, Spokesperson, Collaborative Law and Literature Research Centre, WW University of Muenster, Germany, who chaired the webinar. He gave his remarks at the beginning and introduced the speakers.



Professor Klaus Stierstorfer, WW University of Muenster, Germany

All the three presentations were held consecutively after which the floor was open to the audience for a question and answer session.

Dr. Prakash Shah was the first speaker of the day who spoke on “The Crisis of Culture and Its Resolution”. Dr. Shah spoke of how culture has not yet received its due in the Social Sciences as multiculturalists do not have a consistent approach to it and tended to half-heartedly borrow from anthropologists. Being a lawyer himself, Dr. Shah also spoke about the legal scholars who have been doing something similar in different fields - comparative law to legal anthropology.

He spoke of how when anthropology is scrutinised for its position on culture, one finds a dominant theme emerging where those anthropologists who have not already given up the use of culture, it seems to be about beliefs and norms. Although no reason is given, it seems to reflect a western common-sense attitude, even if unreflectingly copied by non-western scholars.

In today's times, however, one has the resources in Professor S.N. Balagangadhara's research programme to use theory to stabilise culture and to develop a better understanding of the situation of those from the Indian culture who live in western countries.



Dr. Prakash Shah, Queen Mary, University of London, UK

The second presentation was made by Professor Nilufer E. Bharucha on “Laws and the Indian Diaspora: Reflections in *Jahaji* to Jetsetter Literature”.

Professor Bharucha began her presentation by broadly categorising the Indian Diaspora into the *jahaji* / indentured and free Colonial Diasporas and the Postcolonial Diasporas and also the contemporary jetsetting Transnational ‘diasporas’.

She spoke about how all these Diasporas/examples of Transnational trade and/or residence were and are governed by diverse Imperial acts and National Laws that sought to benefit by the labour/money/expertise of these Diasporics/Transnationals, but balked at letting them have equal rights within their new countries. She mentioned how these laws range from the ones evolved from the 1830s onwards by Britain and its various colonies to govern and regulate Indian Indentured Labour, to the post-imperial/postcolonial laws that govern immigration, not just to Britain but also to the USA, Canada, Australia, New Zealand and other countries.

Professor Bharucha further said how literature written by Diasporic Indians, from the *Jahajis* - the indentured labourers who crossed the *Kala Paani* in ships – to their postmodern urban, postcolonial cousins, has engaged with their adjustment or otherwise with new social mores, cultures and of course laws that govern their lives in the new homelands. She gave examples of how these texts also exploded myths about the low ‘mobility’ factor of Indians and the lack of the ‘Return Home’ element in the Indian Diaspora, which theorists today term ‘dediasporisation’. As a result, the laws evolved by the Indian Government in the 1990s and which are still being developed to deal with the PIOs, OCIs and NRIs and their increasing interest in returning or partly- returning to India are an important aspect that should be discussed.

Her presentation sought to look at these old and new laws concerning the Indian diaspora and their reflections in literature that ranges from the diaries/memoirs of the *Jahajis*, to the earliest diasporic literature, to texts that deal with these issues in contemporary times. She noted how not all of these texts were written in English/French as the many Indian Diasporics held on to their Indian languages, cultures, cuisines and religions, aided by cherished copies of the Gita and the Koran and oral histories that kept alive their memories, re-memories and post memories in the past, to mnemonic aids such as Bollywood films and the digital media today.



Professor Nilufer E. Bharucha, Director, CoHaB IDC, University of Mumbai

The last presentation of the day was given by Professor Janet Wilson on “Activist Citizenship, Law, Literature and Diaspora: Jenny Erpenbeck's *Go, Went, Gone* (2015)”. Her presentation examined contemporary European laws pertaining to illegal migrants from the global south into the global north, whose rights to work and reside are vulnerable, even non-existent. Professor Wilson examined Jenny Erpenbeck's novel *Go, Went, Gone*, for its focus on citizens of Berlin

who become involved in the fate of a group of refugees in the city, tracing the tensions that arise over legal adjudications of their demand to work. She also focussed on the protagonist's discussion with a lawyer following the Berlin Senate's arbitration of the refugees' case.

Professor Wilson argued that fictions like Erpenbeck's can act as a cultural intervention in the law as the novel presents an affective dimension through developing a 'participatory politics' that encourages readerly identification with ethically concerned and activist citizens and by invoking traditional values of hospitality towards strangers or foreigners.



Professor Janet Wilson, Northampton University, UK

The presentations were well received by the audience and there was an interesting discussion between all the speakers and the audience. The webinar was attended by participants from India and the world.

Ms. Kirti Risbud, Research Associate, CoHaB IDC, University of Mumbai, offered the formal vote of thanks at the end of the webinar.

You may view the entire lecture on the link given below:

[\*\*Diaspora and International Laws: Reflections in Society and Culture\*\*](#)

**Date: 14 December 2020**  
**Place: Mumbai**

**Professor Nilufer E. Bharucha**  
**Director, CoHaB IDC**