

JOURNAL OF INDIAN LAW AND SOCIETY

Volume II

Monsoon

FOREWORD

With the launch of this issue, the Journal of Indian Law and Society is taking yet another step forward towards its goal. The primary objective of the journal has been to serve as a forum to discuss law and society issues and bridge the gap between the two disciplines. Within its short span of existence, the Journal has made remarkable progress in engaging with law students and young scholars from the fields of law and social sciences. Breaking the barriers of compartmentalised legal discussions, this Journal encourages deliberation upon the relationship between law and society - the various changes law is undergoing in a dynamic society and the manners in which such transformation impact the society in return. Towards developing this debate further and more substantively, the Editorial Board of the Journal of Indian Law and Society, is humbled to present the Monsoon issue of Volume II.

This issue carries articles, notes and a book review on a wide spectrum of law and society themes. Vibhav Mithal and Ashutosh Gupta discuss the lacunae in environmental laws in their article focusing on the POSCO steel plant in Orissa. They chalk out the violations of the Forest Rights Act arising out of the project and suggest changes in the procedure for obtaining environmental clearances. Shouvik Kumar Guha's and Oishik Sircar's papers deal with different aspects of human rights. While Shouvik makes an effort to contrast the World Bank's rhetoric with the reality of its practices regarding rule of law and accountability with respect to the projects it is involved in, Oishik's paper brings into crisis the liberal narrative of human rights by recognizing paradoxes that point at its complicity with the projects of imperialism and neo-liberalism. Alakh Niranjana Singh and Prabhakar Singh

trace the history of Mithila in the backdrop of the region's linguistic, political and historical developments and try to find its separate cultural identity in the Indian nation, which has all along been subsumed by Bengal. Tania Sebastian assays the legal and moral aspects of the debate surrounding legalization of euthanasia, suggesting a more humane approach in dealing with terminally ill patients who choose to end their suffering especially where the illness is excruciatingly painful and death is in-evitable. She also discusses prospective legal guidelines that could be taken into consideration to avoid probable misuse by those administering euthanasia. Arpita Sarkar's, Preetha's and Jhalak Kakkar's papers talk about how the judiciary has responded in matters of socio-economic rights, victim compensation and rape. While Arpita explores the standard of judicial review of socio-economic legislations, Preetha S critically reviews the judgment of the Hon'ble Supreme Court in *Baldev Singh and Others vs. State of Punjab* and exhorts the judiciary to set an exemplary example while addressing such kinds of social vices like rape. Jhalak on the other hand, acquaints us with the fallacies of the recent victim compensation laws, which leave the sole discretion on the judges to determine whether to invoke the compensation provisions. Besides articles and notes, Rajat Kumar has written an extensive book review on the two volumes on Family Law and Constitutional Claims authored by Flavia Agnes.

The Board of Editors would like to express our sincere gratitude to Prof. (Dr) MP Singh, the former Vice Chancellor of NUJS and our Editor-in-Chief, the Faculty Advisors Mr. Saurabh Bhattacharjee and Ms. Jasmine Joseph for their time and the assistance they gave us. We are also indebted to our Peer Review Board and the members of the former Editorial Boards of this journal. We take the responsibility for all the shortcomings of this issue and hope, that our humble effort encourages our readers to pause and think of the myriad ways in which legal rights can be brought to every citizen of our country instead of it remaining a distant dream.

The Board of Editors