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FOREWORD

Writing a foreword for a Volume of the Journal of Indian Law and Society in the time of a pandemic is an interesting task which gives me an opportunity to be a little philosophical about the Journal and its aim. In recent times, when capitalism has emerged as the sovereign ideology outlawing any other thought and ideology, there is a concerted effort to write an obituary of social sciences. A singularity of thought process which is conducive to the market has been promoted at the cost of marginal views. But the COVID-19 pandemic has underlined the significance of interdependence of humans, nation states and various academic disciplines. It has also underscored the importance of interdisciplinary approaches. While science will surely provide an answer to this global health emergency, social sciences will remain important to point out that opaqueness, democratic deficit and lack of fundamental freedoms breed famines and epidemics.

The Journal of Indian Law and Society premises itself on this interdisciplinary approach. It also reflects on the relationship between law and society as the law does not work in a vacuum and society is not merely a passive recipient of the law but also it creates and shapes the law in various forms. In this light, we present this issue of our Journal where we have covered myriad issues which concern law and society in various forms.

Ditilekha Sharma explores the normativity of Indian citizenship and locus of transgender persons within this normative structure. This normativity in the idea of Indian citizenship has produced an exclusion of transgender persons from this very idea of citizenship. The author asserts that is only after the NALSA judgment the transgender identity is duly recognised. This judgment has also created

the idea of transgender citizens. The author makes an extensive study through the examination of NALSA judgment and various Bills and legislations concerning the construct of Indian citizenship and the place of transgender persons within this normative construction of Indian citizenship.

Arpitha Upendra Kodiveri in her article 'Wildlife First, People Later? Forest Rights and Conservation — Towards an Experimentalist Approach' underlines the problem of navigating through the competing interests of forest rights, forest land for development and forest conservation. Colonial Laws pertaining to forest and forest conservation have either restricted or prevented the rights of forest dwelling communities. Even the Wildlife (Protection) Act, 1972 has a similar approach. The Forest Rights Act, 2006 is a significant change in which the rights of forest dwelling communities have been recognised. But with the legal challenge to the Forest Rights Act, 2006 the contest between conservation of forest lands and the rights of forest dwellers has gained momentum. Kodiveri in this well researched piece makes an argument for experimentalist governmental approach which can negotiate between and take care of conservation and rights of forest dwellers together without privileging one over the other.

In 'Fighting Hate Speech, Balancing Freedoms: A Regulatory Challenge', Maya Mirchandani makes important observations with regard to the role of hate speech in stifling the freedom of speech and expression and the regulatory challenges to combat the menace of hate speech in the era of social media. In a democratic setup, the State must not play the role of Big Brother. It should have a minimal interference in the freedom of speech of an individual. The Judiciary too must not overreact and overreach in the domain of individual's right to express himself/herself freely. But with explosion of social media, the hitherto understanding of freedom of speech and expression has gone through a significant change. Hate speeches have been used by various groups to curtail and attack freedom of speech and expression on social media. Maya Mirchandani's paper looks into this problem of hate speech on social media and regulatory challenges to fight this problem.

A very significant aspect of social contract between state and its citizens/subjects is state's power to impose taxation on them and control their economic activities within the limits of law. The taxing power of the state is considered sine qua non to maintain the economic health of the state. State's sovereignty gives power to the state to deter its people from committing economic offences. In doing so, state can deprive economic offenders from their personal liberties by way of arrest in certain circumstances. Vidhushi Gupta and Vinti Agarwal in their paper titled 'Safeguard Against Arrest and GST Law' examine this tussle between personal liberty of a citizen and state's power of arrest under Goods

and Services Tax Act. This paper examines various safeguards provided under the GST Act against arrest of an individual citizen. Furthermore, the authors have also analysed standard of arrests, established by judicial precedents, constitutional provisions and provisions of CrPC, and its engagement with provisions of arrest under GST Act.

Babu P. Ramesh in his paper 'Declining Legal Protection and Deepening Representation-Insecurities in Media Work: The Case of Print Journalists in India' throws light on deepening job insecurities among journalists through an empirical study. This paper argues quite successfully that there is a withdrawal tendency by the state as the guardian of fair labour standards in a post liberalisation scenario. This gradual withdrawal by the State has led the decline of various protective mechanisms and legislations which were meant to protect job security of media persons. Free media is vital for the survival of democracy and media persons are the foot soldiers of this democracy. For the very survival of democracy, it is needed that these journalists must have job security so that they can do their job without fear or favour. This empirical study is an assessment of growing job insecurity among media persons and its impact on media as a whole.

As a Faculty Advisor, I express my deepest gratitude for our Graduate Advisory Board and peer reviewers. I am grateful to the Vice Chancellor, Prof. N.K. Chakraborty, for his leadership and keen engagement with JILS. Editorial Board 2019-20 deserves a special mention. They have gotten a very tough and overwhelming task as they had to clear many backlog issues. It gives me an immense pleasure to inform that they have done their job with utmost sincerity and now soon we will have no backlogs. We promise that JILS will continue to engage with socio-legal scholarship with much vigour. We hope that our readers will find this issue engaging and scholarly. We hope to hear your critique too.

—Prof. Vijay Kishore Tiwari

JILS Faculty Advisor