

JOURNAL OF INDIAN LAW AND SOCIETY

Volume V

Winter

[Mode of Citation: 5 (WINTER) JILS (2013)]

[Vol. 5: Winter 2013]



The W.B. National University of Juridical Sciences
Dr. B.R. Ambedkar Bhavan
12 LB Block, Sector III, Salt Lake
Kolkata-700 098, India

JOURNAL OF INDIAN LAW AND SOCIETY

Volume V

Winter

EDITOR-IN-CHIEF

Prof. (Dr.) P. Ishwara Bhat, Vice Chancellor, NUJS

FACULTY ADVISORS

Lovely Dasgupta, Assistant Professor of Law

Ruchira Goswami, Assistant Professor of Sociology

Saurabh Bhattacharjee, Assistant Professor of Law

GRADUATE ADVISORY BOARD

Kalyani Ramnath

Ph.D. Candidate in History

Princeton University

Madhav Khosla

PhD Candidate in Political Science

Harvard University

Anuj Bhuwania

Assistant Professor

Jindal Global Law School

Rohit De

Assistant Professor

Department of History,

Yale University

Moiz Tundawala

Research Associate

National Law University, Delhi

Satya Prateek

Senior Research Associate

Jindal Global Law School

Swethaa Ballakrishnen

PhD Candidate in Sociology

Stanford University

Saptarshi Mandal

Assistant Professor

Jindal Global Law School

Shibani Ghosh

Senior Research Associate

Centre for Policy Research

Sanhita Ambast

India Campaigner

Amnesty International

Uday Chandra

Post-Doctoral Fellow

Max Planck Institute

Gautam Bhatia

Law Researcher/Judicial Clerk

High Court of Delhi

Rishad Ahmed Chowdhury

J.S.D. Candidate

University of Chicago Law School

Saptarishi Bandopadhyay

S.J.D. Candidate

Harvard Law School

Rahul Verma

PhD Candidate in Political Science

University of California, Berkeley

Mathew John

Assistant Professor

Jindal Global Law School

JOURNAL OF INDIAN LAW AND SOCIETY

Volume V

Winter

EDITORIAL BOARD 2013-14

EXECUTIVE TEAM

Editor : Prashant Pranjal, Sandeep Ravikumar

Associate Editor : Ashutosh Shukla

ARTICLES TEAM

Editors

Anviti Chaturvedi

Roopali Adlakha

Meenakshi Kurpad

Tanaya Sanyal

Promit Chatterjee

Associate Editors

Ayani Srivastava

Namrata Mujherjee

Diksha Sanyal

Raktima Roy

Gayatri Loomba

Shreyan Chatterjee

Vasujith Ram

Vikram Lakshman

CITATIONS TEAM

Editor : Debkanya Naskar

Associate Editor : Arpita Sengupta, Vishnu Tallapragada

ASSISTANT EDITORS

Ananya Mukherjee, Padmini Subhashree, Priyattama Bhanj

JOURNAL OF INDIAN LAW AND SOCIETY

Volume V

Winter

EDITORIAL BOARD 2014-15

EXECUTIVE EDITOR

Vasujith Ram

ARTICLES TEAM

Editors

Ayani Srivastava

Chitwan Singh

Gayatri Loomba

Meenakshi Kurpad

Tanaya Sanyal

Associate Editors

Avani Chokshi

Nikita Kapoor

Saasha Malpani

Sandeep Ravikumar

Stuti Bhatnagar

CITATIONS TEAM

Editor : Arpita Sengupta

Associate Editor : Praful Goyal, Rishika Lekhadia

JOURNAL OF INDIAN LAW AND SOCIETY

Volume V

Winter

CONTENTS

Foreword I

Editorial Note: Can The State's Financial Capability Regulate the
Conduct of Free & Fair Elections? Perspectives on an Emerging Tension ... VI

ARTICLES

Should Valjean have been Punished for Stealing Bread? of Poverty and
Criminal Responsibility

Saurabh Bhattacharjee 1

Nurturing Caring Lawyers: Rethinking Professional Ethics and
Responsibility in India

Ipshita Sengupta 13

A Critical Study of Free, Prior and Informed Consent in the Context
of the Right to Development— Can “Consent” be Withheld?

Ipshita Chaturvedi 37

Be it Manu, be it Macaulay: Indian Law and the ‘Problem’
of the Female Body

Kanad Sinha 61

Legal Recognition of Same-sex Relationships in India

Nayantara Ravichandran 95

Who Can Reduce Traffic without Building more Roads? A
Comparative Analysis of the Cost-Benefit Debate Around the
Proposed Congestion Pricing of Roads in Delhi

Sreyan Chatterjee 110

BOOK REVIEW

Churning The Earth: The Making of Global India

Armin Rosencranz 129

Citizenship and its Discontents: an Indian History

Ajay Gudavarthy 131

Constitutional Nationalism And Legal Exclusion— Equality, Identity
Politics And Democracy In Nepal (1990-2007)

Rohit De 134