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FROM THE DESK OF THE HON'BLE VICE CHANCELLOR

It is imperative that I begin this note by mentioning the contemporary context in which this issue has been written—today, we witness a characterization of the state as one which suppresses the rights of its own people; as one which punishes refugees on the basis of their religious identity through an instrument which is meant to, in fact, empower the downtrodden—the law itself. Contemporary India is coloured with state violence and brutality against those who seek refuge, safety and security in the country.

It is important, however, at the same time, to not become too cynical of the potential of the state. The state, itself very well transform into an instrumental of desirable action. This idea is addressed in the Editorial Note to this Issue written by Siddharth Sonkar, the Editor in Chief, where he discusses how Indian migrant workers should be steered towards empowerment rather than mere protection from abuse in Gulf countries. Thus, the state is not to be seen merely as an instrument of action (control by the powerful) but also as an arena of conflict without invariably predetermined outcomes. At least in liberal democratic regimes, representation in institutions and rights of political action are not to be dismissed as of no value even to relatively powerless. Apart from bureaucratic action, such structures can be used to further a discourse favourable to the interests of the subordinated people.

State oppression of its own individuals is further reflected in the incidence of rape in the country and state failure to protect women against abuse

to an extent which constitutes a crisis. Another disturbing index reflecting state oppression revealed every year is the incidence of rape occurring at a rate that qualifies as an abuse of human rights of women and on a scale that constitutes a crisis. Rapes are taking place in a social context and it is that context which must be interrogated. We have a responsibility to identify and analyze those factors which render women vulnerable to violence. This issue thus begins with an essay by Ishani Mukherjee, a student at O.P Jindal Global University, critiquing the judgement of the Supreme Court in *Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Ors.* using feminist constitutionalism for failing to address women's concerns. The paper looks at the issue through the lens of Panchayati eclecticism to demonstrate how a diversity of opinions within the bench riddles the Court's individual-centric formulation of privacy with ambiguity.

The next essay has been written by Bhuvana Anand, Ritika Shah and Jayana Bedi, affiliated with the Centre for Civil Society respectively. The article seeks to further empower those who seek to access the law and use it as an instrument by addressing the inaccessibility of laws. It does so by suggesting the improvement of the regulatory hygiene that prevails in India. The article maps out inter alia how different laws in India fail to undergo prior impact assessments; and how the language of the legislation is so complicated that laypersons are unable to make sense of what the law is trying to say. The paper seeks to steer regulatory hygiene in India towards a direction which further empowers individuals to be able to use the law as an instrument of state action towards their betterment.

The subsequent essay seeks to further empower the vulnerable by suggesting to constitutionalise the protection of vulnerable people against a variety of discriminatory practices by bolstering the teeth of Article 17 of the Constitution of India. It attempts to do so by looking at how different religious practices (such as those in the context of Sabarimala) could resemble untouchability by arguing in favour of a modernized interpretation of the untouchability provision to ensure its broader application and relevance.

The penultimate essay written by Bhaskar Kumar from the National Law School of India University (NLSIU), Bangalore, seeks to constitutionalise transactional sex as a fundamental human right under the Indian Constitution to ensure further empowerment of those who are already oppressed in a framework which excludes the vulnerable from formal protection before the law.

The final essay, written by Vrinda Aggarwal, final year student of O.P Jindal Global University seeks to further empower women by the realization of

their dignity. It does so by endorsing the efficacy of the Menstrual Benefit Bill, 2017 which allows a four-day menstrual leave to working women. The article responds to the argument that menstrual leave could lead to a possible dent to the feminist project due to the concession of women's physical incapacity to work under similar conditions compare to men. The article defends the policy prescribed in the Bill from the lens of dignity, identity and privacy, furthering the idea that state action itself can be an instrument of ameliorating the oppression that the subordinated experience.

In the midst of significant changes that have taken place in the Indian legal landscape, I hope that young hearts take strong interest in unravelling and building further on the unique thoughts that flow from this issue within the contemporary context in which it is written. This could help in making India a better society than any previous time.

As always, we are grateful to our Faculty Advisor Prof. Vijay Kishore Tiwari, our Graduate Advisory Board and our peer reviewers. We hope our readers will find the papers in this issue to be engaging and instructive.

—Professor Nirmal Kanti Chakrabarti