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Socio-Legal Review

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Socio-Legal Review, 'Front Matter' (2007) 3(1) Socio-Legal Review i

<https://doi.org/10.55496/LCTV9977>

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# **SOCIO-LEGAL REVIEW**

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VOL. 3

2007

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**Published by the Law and Society Committee, National Law School of India  
University and aided by the Modern Law Review, Blackwell Publishers.**

**Mode of Citation: 3 SOC. L. REV. <PAGE NO.> (2007)**

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An Annual Journal published by the Law and Society Committee National  
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## FACULTY ADVISOR'S NOTE

The *Socio-Legal Review* is now in its third year of publication, and has travelled a long way since it was first published in 2005. The *Socio-Legal Review* is a unique experiment of its kind, and represents the interdisciplinary approach to the study of the law that is prevalent in the national law school of India university. The NLSIU has always promoted engagement between the social sciences and the legal field. This is reflected in the course structure at the NLSIU, which includes social science courses, courses that examine the interplay between law and the social sciences – like law, poverty and development – and Law and Society committee, an Activity Based Committee at the NLSIU that concentrates on issues at the interface of law and society.

The *Socio-Legal Review* is student-edited, peer reviewed journal that is brought out by the Law and Society Committee, and aims to promote the culture of socio legal writing amongst students, academics and researchers in India. The *Socio-Legal Review* is amongst the few journals in India that is dedicated to this area of scholarship, and has a mandate to promote and encourage student writing in this field. The third year of the *Socio-Legal Review* has been a remarkable year for the journal. The *Socio-Legal Review* was the recipient of a scholarship from the Modern Law Review, London School of Economics, and this scholarship will go a long way in ensuring the quality, eminence and distribution of this journal, and will also allow us to innovate and develop as a journal in the years to come. I take this opportunity to thank Prof. Tim Murphy of the London School of Economics for his interest and assistance in the development of the *Socio-Legal Review*.

The third issue of the *Socio-Legal Review* contains a range of articles from the broad field that we call the interface between law and society. True to its mandate, this issue of the *Socio-Legal Review* contains articles by academics and veterans in the field. We are proud to publish articles by Dr. Fiona Campbell from Griffith University on provisional disability, by Shelly Gavigan on aboriginal voices in the Canadian criminal court, and by Dr. Muller of the Nelson Mandela Metropolitan University on western legal liberalisms - and articles by students and young researchers – this issue includes an article on transitional justice in Gujarat by Ameya Kilara, and an article on the head scarf controversy in France by Simi Rose George - and, in the spirit of innovation and to reach out to participants in the field of law and society, the *Socio-Legal Review* has also introduced field notes as a part of its contents this year, where

experiences of students and activists in the field are documented to provide a new perspective on socio legal writing and the interface between law and society. Raguvaran Gopalan has provided his perspective on child rights in the Andaman Islands.

It has been the aim of the journal for the past three years to promote, popularise and encourage socio-legal writing amongst students and young researchers. While this has been realised to some extent, we see our success restricted to law schools in India, and hope in future years to make the same possible in other institutions and disciplines in India and South Asia so as to truly do justice to our aspirations regarding the development of socio- legal writing.

I, therefore, introduce this issue on this note, with the ambition that this journal and socio- legal writing will attain the support of students and academics from all disciplines and institutions in South Asia.



## EDITOR'S NOTE

*Socio-Legal Review* completes three years with this volume. Conceived with a view to provide student-centric space for socio-legal writing, the journal has met with many interesting challenges in its pursuit of this object. In exploring themes relating to the interface of law and society and providing a platform for students and young scholars, it has often discovered that its expansive interpretation of 'law and society' itself poses a problem. On the one hand, what issue of academic interest can be shorn of a discussion of its social repercussions? On the other hand, law and society scholarship itself has informally adopted a definitive methodology and manner of analysis that is its hallmark. Our challenge lay in conveying this to our audience and striking a balance so as to engage all in a meaningful dialogue. In trying to fill the lacunae relating to academic debate on socio-legal matters among law students, to what extent can students be inspired to think beyond black-letter law, given that legal education schema gives it overwhelming importance?

Continuing in the tradition of allowing authors unbridled freedom in choosing their preferred area of study, no theme has been selected for this volume. However, in the writings in this volume, by coincidence or otherwise, there is indeed a common refrain. There appears to be a constant effort by the authors to disregard boundaries, whether they be geographical or metaphysical - and move beyond them. Therefore, we find in Prof. Narnia's piece on constitutionalism in South Africa, and in Ameya Kilara's attempt to reconstruct the Truth and Reconciliation model in India and Simi Rose George's piece on identity constructions, an attempt, the drawing out of comparative perspectives on a particular idea, problem or issue. In the same vein, Prof. Fiona Campbell's piece and Prof. Shelly Gavigan's piece look at specific case studies, the former on disability rights in Sri Lanka and the latter on the criminalization of tribes in Canada. The import of both these these outstanding pieces are relevant, whatever be the context. This, then, is reflective of *Socio-Legal Review's* attempt to engage in conversations that are cross-cultural, cross-contextual.

It has been felt that socio-legal writing must not confine itself to theorizing but also look at situations wherein the translation of laws into practice happens. This would allow experiences from the field to contribute to a richer understanding of the issues that law and society scholarship grapples with. A new section on *Law's Translations* has been included in this volume. Raguvaran Gopalan writes on his experience in the Andaman and Nicobar Islands and the fundamental right to education as it is interpreted there.

Our expectations, as outlined above, would have not been fruitful, if it were not for the generous grant by Modern Law Review, London. Prof. Tim Murphy and Prof. Martin Loughlin of the London School of Economics are owed our gratitude for their recognition of *Socio-Legal Review's* work. It has been our greatest source of encouragement so far. The independence that it allows us can only lead to better things for the journal. The Editorial Board would also like to thank the Advisory Board, the Peer Review Board, Faculty Advisor Prof.S.Japhet, Prof. Sudhir Krishnasamy and Prof. Sitaram Kakarala for their many helpful suggestions and constant support. The Law and Society Committee has not spared any efforts to ensure the success of the journal and for this, the Board records its appreciation.

A year's efforts has culminated in this volume of *Socio-Legal Review* and it is a sincere hope that the conversations will not stop here, but will inspire further debate, further shaping up and refining of the ideas expressed by the authors herein. If it does so, we shall consider our work well done.

**Kalyani Ramnath**

**June 2007**

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