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VOL 8 (1)

Socio-Legal Review

Vol. 8(1) 2012

SOCIO-LEGAL REVIEW

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Side Judges: The Case of the Israeli Military

*Michal Tamir &
Amir Daban*

The Medium Foreseeing the Future: The Role of
NHRIs in Creating RHRIs in the Asia Pacific Region

Buhm-Suk Baek

NOTES FROM THE FIELD

The Maoist Movement and the Indian State:
Mediating Peace

G. Haragopal

BOOK REVIEW

A Liberal theory of International Justice

Parvathi Menon

2012

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VOL. 8 (1)

2012

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Objective of the Journal

The *Socio-Legal Review* (SLR) is a student-edited, peer-reviewed interdisciplinary journal published annually by the Law and Society Committee. From this year onwards, SLR will be a biannual publication. The Journal aims to be a forum that involves, promotes and engages students and scholars to express and share their ideas and opinions on themes and methodologies relating to the interface of law and society. SLR thus features guest articles by eminent scholars as well as student essays, providing an interface for the two communities to interact.

The Journal subscribes to an expansive view on the interpretation of “law and society” thereby keeping its basic criteria for contributions simply that of high academic merit, as long as there is a perceivable link. This would include not just writing about the role played by law in social change, or the role played by social dynamics in the formulation and implementation of law, but also writing that simply takes cognizance of legal institutions/ institutions of governance/administration, power structures in social commentary and so on. Through this effort, the journal also hopes to fill the lacunae relating to academic debate on socio-legal matters among law students.

The Editorial Board

The journal is edited by a seven member Board of Editors selected from amongst students of the National Law School of India University, Bangalore through a selection test conducted by the Law and Society Committee. Ms. Kalyani Ramnath, Visiting Faculty, the National Law School of India University is the faculty advisor for the *Socio-Legal Review*.

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All manuscripts, with the exception of some guest contributions, have to undergo the peer review process. The practice of peer review is to ensure that work of quality and merit is published. All manuscripts received are evaluated by the Editor-in-Chief and another editor on the Board of Editors. Besides an assessment of whether they fit within the mandate and scope of the journal, the key parameters include content and analysis, originality, structure, style, clarity of expression and grammar. Authors of manuscripts rejected at this stage will be informed within approximately one month after receipt of their manuscript. Manuscripts are provisionally selected are forwarded to at the least two experts for peer review. *Socio-Legal Review* follows a double blind peer review process, where both the referees and author(s) remain anonymous throughout the process.

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Manuscripts offered for publication in the *Socio-Legal Review* can only be submitted by e-mail. Email submissions should be sent preferably in Microsoft Word 2003 format to slr@nls.ac.in.

The manuscript should be on any theme exploring the interface between law and society. Each volume of the *Socio-Legal Review* consists of Articles and Notes from the Field. Additionally, Legislative Comments and Book Reviews are also published.

Notes from the Field consists of shorter pieces designed to provide a glimpse into a new legal strategy, political initiative or advocacy technique applied in the field, a current problem or obstacle faced in legal reform or development work, or a new issue that has not yet received much attention and needs to be brought to light. This section is designed for the student researchers, legal practitioners, field staffers, and activists who often have the most significant insights to contribute, but the least time to write the longer, scholarly articles.

The *Socio-Legal Review* will not accept manuscripts that have already been published in either printed or electronic form. Contributors should include their name(s), contact address, professional affiliation, acknowledgments and other biographical information in a separate title page, to facilitate the anonymous review process.

The offer of a manuscript to the *Socio-Legal Review* by a contributor will, upon the manuscript being accepted by the board of editors, imply a transfer of the copyright to the Law and Society Committee of the National Law School of India University. The author retains his / her moral rights in the submission. These articles are also put up on www.sociolegalreview.in.

Citations in the *Socio-Legal Review* conform to *The Bluebook: A Uniform System of Citation* (19th edn., 2010) and we request submissions to conform to this method of citation.

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EDITORIAL

Today the world is facing an unprecedented era of turmoil, violence, terrorism and conflict, whether in the Middle East or in Africa. Spilling across international borders, these concerns have challenged our traditional conception of the role of the State and non-State actors, the relevance of international organizations and the very idea of justice and judicial processes. This has consequently renewed the interest in and relevance of human right protections and international law. In its eighth year of publication, the *Socio-Legal Review* has endeavoured to pay a tribute to these issues of burning importance by releasing its first ever themed issue on “*International Law and Human Rights*”, focussing specifically on Asia as part of Volume 8(1).

In *Side Judges: The Case of the Israeli Military Courts*, Dr. Michal Tamir and Justice Amir Dahan evaluate the changes in the independence and quality of the judicial process, in relation to judicial panels dealing with serious crimes in the military courts of Judea and Samari in Israel, following the 2002 transition from judicial panels which included two officers without a legal education to expert panels consisting solely of jurists. The importance of this piece lies in its empirical-quantitative approach which helps make available to wider audience, research conducted in law and social sciences which can possibly inform future policies on composition of judicial panels for military tribunals.

Going from an empirical approach to a more descriptive and qualitative approach, we have Buhm-Suk Baek’s, *The Medium Foreseeing the Future: The Role of NHRIs in Creating RHRI in the Asia-Pacific region*, which focuses on the role played by National Human Rights Institutions in the creation, administration and furtherance of international human rights law in the Asia-Pacific region. Baek explores ways in which these NHRIs can become key players for the establishment of Regional Human Rights Institutions by encouraging regional agreements on common issues of human rights in Asia.

Coming specifically to the Indian context, the next piece by Dr. G. Haragopal on *The Maoist Movement and the Indian State: Mediating Peace* comprises the “Notes from the Field” component of the journal. This looks at the law through the

prism of sociology and takes cognizance of institutions of governance and administration and the power structures in society, affecting the implementation of the law. Dr. Haragopal writes from his personal experience of being part of the Maoist-mediating team set up by the Centre to negotiate the release of Malkangiri Collector R. Vineel Krishna and later Sukma District Collector Alex Paul Menon and examines the changing approach of the Indian State and the Maoist Movement evidenced by these incidents of kidnapping.

The final part of our issue concludes with the Book Review section. Here, Parvathi Menon reviews Andrew Alman and Christopher H. Wellman's 2009 OUP publication, *A Liberal Theory of International Justice* where she draws attention to juxtapositions of what is viewed as traditional international law and modern international and the "statist" conception of international law.

Through this diverse presentation on the pressing concerns of international law and human rights, *Socio-Legal Review* hopes to take one more step towards filling the existing lacuna in India on discussion on themes relevant to the interface between law and society, especially in the international context. It is hoped that the ideas presented by the different authors in this issue will provoke and satisfy, stimulate debate and trigger solutions.

Over the last eight years, SLR has remained committed to its mandate of publishing articles promoting socio-legal discussions and this year we have taken a step further by deciding to go bi-annual. From this year onwards, SLR will publish two issues annually, a special themed issue and a general issue. Nevertheless, this has been made possible only because of the unstinting support and faith of our Vice-Chancellor, Dr. R. Venkata Rao; the invaluable advice and insight our Faculty Advisor, Ms. Kalyani Ramnath; the timely reviews by the members our esteemed Peer Review Board and the responsiveness of the authors. I would also like to place on record my gratitude to Professor S.V. Joga Rao who sponsored the 2nd Annual NLSIU-SLR Essay Competition in the memory of his parents and Ms. Arundhati Katju and Ms. Vrinda Maheshwari who agreed to judge the various entries.

However, no words sufficiently express my sincere gratitude and appreciation for my Deputy-Chief Editor, Priya Urs, and the Editors, Avantika, Diwakar, Harini, Manish, Reeba; my Line Editors Aqseer and Suveni and our technical member Amlan Mohanty for their unfailing hard work and high quality reviews. They have often gone beyond their official capacity and without these nine individuals; this issue and the decision to go bi-annual would not have been possible. For that, I am truly thankful.

Vrinda Bhandari,
Editor-in-Chief,
Socio-Legal Review,
Bangalore,
July, 2012.

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