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Socio-Legal Review

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# **SOCIO-LEGAL REVIEW**

VOL. 8 (2)

2012

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## ABOUT THE JOURNAL

### 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*.

## **Editorial and Peer Review Policy**

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](mailto: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](http://www.sociolegalreview.in)>.

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## EDITORIAL

The *Socio-Legal Review* was started eight years ago and it has been our constant endeavor since then to highlight writing and thought which demonstrates any and all perceivable links between law and society and demonstrates the interdisciplinary nature of law and its increasing relevance in today's globalized, interconnected world.

Taking forward our mandate of publishing articles promoting socio-legal discussions a step further, we have decided to go bi-annual from this year onwards. Consequently, SLR will now publish two issues every year, a themed special issue and a general issue. Thus, our first issue this year, Volume 8(1), was centered around the theme of "*International Law and Human Rights*", with a special focus on Asia. Following it, is Volume 8(2), our general issue which covers a wide range of contemporary law and policy debates covering a wide span of jurisdictions starting from India and extending to the United Kingdom and South Africa.

Therefore, in *The Micro-Macro Legal Continuum and the Levels of Law*, Professor William Rhee delves into the question of the disjunction between legal academia and practice by expounding on two inter-related concepts of the micro-macro legal continuum and the three levels of law. Rhee seeks to develop a new "law and practice" movement by providing an alternative legal problem-solving framework and for this he studies how the various types of laws impact the professional judgment and decision making of legal actors over the tactical, operational and strategic level of the law.

Moving on to the specifics, in *The Rise and Fall of Administrative Justice: A Cautionary Tale*, Professor Michael Adler uses his experience as a Member of the Scottish Committee of the Administrative Justice and Tribunals Council (AJTC) to outline the competing approaches to administrative justice and examine more deeply, the different ways in which State-citizens disputes can be resolved. In doing so, he presents an insightful case study into the history and working of the AJTC and compares it to the working of administrative justice systems in India.

After focusing on the United Kingdom, we move to observe the South African set up in Professor Avinash Govindjee's article, *The Role of Courts in Addressing Poverty, Inequality and Unemployment in South Africa*. Here Govindjee attempts to provide practical possibilities for a constitutionally inspired, legally driven "second phase transition" in South Africa, which would seek to ameliorate problems of unemployment, poverty and inequality, all remnants of the "first phase of transition". This is to be done by reconfiguring the roles of the various stake holders in the constitutional democracy.

In *Private Speculations and the Public Interest: N.C. Kelkar's Land Acquisition Bill*, Eesvan Krishnan brings our attention to the long standing and currently relevant debate on the colonial legislation governing Land Acquisition by examining the private member's bill moved by N.C. Kelkar in 1927 to amend the antiquated Land Acquisition Act of 1894. Given the current interest in the proposed amendments to the legislation, his analysis of the 'revolutionary' proposals in Kelkar's bill and the reasons for the hostile responses it evoked is extremely interesting.

The *Socio-Legal Review* prides itself in incorporating a "Notes from the Field" section, wherein authors write articles based on experiences and situations which they have actively experienced and participated in. This year we carry Siddharth Narrain's extremely relevant and timely piece on *Gender Identity, Citizenship and State Recognition*, given that the Supreme Court's order in the *Naz Foundation* case is hotly anticipated. Narrain outlines contemporary legal and policy concerns in the State's efforts in recognizing gender identity claims in Karnataka by administrative measures which include identity documents and citizenship claims.

Through this diverse presentation on the various facets of law and its role and impact in society, we hope 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 and comparative context. It is hoped that the ideas presented by the different authors in this issue will provoke and satisfy, stimulate debate and trigger solutions. However, none of this would have been possible without the unstinting support and faith of our Vice-Chancellor, Dr. R. Venkata Rao; the invaluable advice and insight our Faculty Advisor,

*Editorial*

Ms. Kalyani Ramnath; the timely reviews by the members our esteemed Peer Review Board and the responsiveness of the authors.

Moreover, no words sufficiently express my sincere gratitude and appreciation for my Deputy Chief Editor, Priya Urs and the Editors, Avantika, Diwakar, Harini, Manish and Reeba; my Line Editors Aqseer, Suveni, Vansh and Aparajitha; 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 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*, 2011-12  
Bangalore, October 2012.



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