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# SOCIO-LEGAL REVIEW

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Vol. 14 (1)

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## EDITORIAL NOTE

In 2012, the *Socio-Legal Review* became a biannual publication, committed to publishing a special, themed-issue every year. Over the past few years, we saw themes of critical contemporary relevance such as claiming society back through technology and ecological justice and development. We have also published issues on topics of evergreen importance such as crime and society, international law and human rights and legal education and practice. The two issues in each volume- themed and non-themed- would be published simultaneously. Last year, we became aware that the *Review* was unable to meet a critical need- that of timely response to legal and social developments due to its publication once a year. As an attempt to fulfil this need, last year, SLR launched a sister publication titled the *Forum*. The *Forum* is published in a blog format, accessible from the website of the *Review*.

A blog, of course, does not quite have the same impact as a long-form *Review*. This year, thus, we decided to provide our readers more timely content as well as our authors a space in which to react to critical developments. Starting this year, the *Socio-Legal Review* shall be published in a truly biannual manner, with both issues being non-themed. This, the *Spring* issue, is the first for the year and will be followed by the *Fall* issue later this year. Simultaneously, in order not to lose out on the value brought by focusing on a single topic that was provided by the special issues, the *Forum* has taken over the mantle of commenting on specific issues. For instance, we are currently publishing a series of posts on the Internet, Privacy and Law in India.

Our hope to serve as a platform for matters of burgeoning importance is borne out by the very first article in this issue. Prof. Dabiru Sridhar Patnaik and Prof. Nizamuddin Ahmad Siddiqui analyse the international legal framework relating to refugee protection through the lens of the Rohingya refugee crisis in *Problems of Refugee Protection in International Law: An Assessment Through the Rohingya Refugee Crisis in India*.

This issue also carries two articles written by students. We are glad that our constant encouragement of student submissions has translated into quality submissions from the Indian student fraternity. In *Social Security for Domestic*



*Workers in India*, Shailja Agarwal and Utkarsh Agrawal seek to put forth a scheme for social security accounting for the peculiar circumstances of domestic workers in India. Akshita Pandit, in *(Trans)gressing the Binary: Coalitional Self-Determination for the 'Third Gender' Framework* analyses judicial as well as legislative efforts to understand gender identity and puts forward an alternate model to guide gender identities based on international trends and literature.

Another contemporary development that finds a critique in this issue is the recent decision of the Supreme Court that rejected a plea to include people with a mental age lower than 18 years within the definition of 'children' for the purpose of the Protection of Children from Sexual Offences Act, 2012. In *Navigating through 'Age' and 'Agency' in Eera v. State*, Arushi Garg uses this decision as a stepping-stone to initiate a discussion on the inaccessibility of the criminal justice system to differently abled rape victims. Drawing from intersectionality theory and the social model of disability, she argues that the failures of the criminal justice system in such contexts, and the requisite reforms, should be viewed from a rights-based framework rather than a mere need to cater to vulnerable populations.

We are also glad that the *Notes from the Field Section*, which seeks to encourage empirical research, carries an article in this issue. A unique feature of the *Review* in the Indian legal academic space, this section often does not appear due to the lack of empirical research being done on the law in India. In *Bureaucratization of Transgender Rights: Perspective from the Ground*, the team from the Centre for Health Law, Ethics and Technology at Jindal Global Law School assesses the state of national level implementation of the Supreme Court's landmark decision in *National Legal Services Authority v. Union of India* through the RTI mechanism. The conclusions are of vital importance not only to gender and sexuality activists and advocates, but to all those utilizing the RTI mechanism for their research, advocacy or activism.

This collection of articles would not have been possible without the dedicated efforts of innumerable people – the numerous rounds of review by our team of editors on the Editorial Board of 2017-18, the invaluable inputs from our ever-reliable board of peer reviewers, the guidance of our Faculty Advisor, Professor Sarasu Thomas, and the support of our Vice Chancellor Dr. Venkata Rao. We owe them our deepest thanks, and hope for their continued support and guidance. We hope you like the issue as much as we liked putting it together. We look forward to hearing your responses to Volume 14(1) of the *Review*, and hope to host constructive debate on this matter and others on the *Forum*.

**Shubham Jain and Gaurav Bhawnani,**

Chief Editor and Deputy Chief Editor,

*Socio-Legal Review*,

Zürich/Bangalore, April 2018