



CENTRE FOR
LAW & POLICY
RESEARCH



Centre for Law and Policy Research

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I. INTRODUCTION FROM THE EXECUTIVE DIRECTOR

II. CONSTITUTIONAL CULTURE

Constitutional endurance in India requires a critical popular allegiance built on a shared understanding of constitutional origins and its role in our everyday life. We create digital public goods and build civic education initiatives to build a robust constitutional culture in India.

1. Constitutionofindia.net

ConstitutionofIndia.net is CLPR's flagship open access digital platform that provides insights into India's constitutional and political history through its rich archive of historical and contemporary primary materials. ConstitutionofIndia.net is routinely accessed by schools, universities, civil society organizations, lawyers, academics, and the general public. It is widely cited in numerous popular and academic books, journals, and news media.

1.2. Content Addition

In the fiscal year 2021-22, we made significant additions to our content, including 26 new blog posts and desk briefs, 51 fresh biographies of Constituent Assembly members, and summaries of the Constituent Assembly proceedings spanning approximately 49 articles. As of now, we have successfully completed debate summaries for the entire Constitution and have biographies available for around 90% of Assembly members.

1.3. Website Visits

In 2021-22 Constitutionofindia.net had 12,30,006 users which marks a 4.13% annual increase from the preceding year.

2. U.S. India Comparative Constitutional Law 2.0

CLPR, along with its partnered Indian and U.S. law schools, with support from the United States Consulate General Chennai, organised a series of cutting-edge workshops on U.S.- India comparative constitutional law between October 2021 and January 2022 at 4 Indian law schools. The workshops comprised CLPR presentations, student activities and invited speaker lectures. Students from U.S. law schools participated in one of the sessions at these workshops as well.

The workshops facilitated collaborative discovery of the shared constitutional origins of U.S and India among U.S and Indian law students and contemporary constitutional controversies and debates.

Eleven distinguished academics from India and the U.S. attended the workshops as speakers. Some of these included: Professor Stephen Gardbaum, Stephen Yeazell Endowed Chair in Law at UCLA School of Law, Professor Arun Thiruvengadam, Professor of Law, NLSIU, Bangalore, Professor Siddharth Chauhan, Assistant Professor, NALSAR University of Law, Hyderabad and Professor Mark Tushnet, William Nelson Cromwell Professor of Law, Emeritus, Harvard Law School.

The Participating law schools included:

Indian

1. Tamil Nadu Dr. Ambedkar Law University, Chennai
2. The National University of Advanced Legal Studies, Kochi
3. Tamil Nadu National Law University, Tiruchirappalli
4. National Law School of India University, Bangalore

U.S.

1. University of California Los Angeles School of Law, Los Angeles,
2. Seattle University School of Law, Seattle
3. Tulane Law School, Louisiana

3. Preamble T-shirt

In April 2021, CLPR launched its Preamble T-Shirt to wide public acclaim. The T-Shirt brings the Indian Constitution's Preamble to life through original illustrations and vibrant design.

In the weeks leading up to Independence Day, CLPR initiated an exciting digital campaign - #ConstitutionDefender - that aimed to spread awareness of India's constitutional heritage, and popularise the T-Shirt. Eminent personalities from the arts, film, civil society and general public took selfies wearing the T-Shirt and posted them on social media along with their thoughts on what the Constitution meant to them.

Since its launch, the Preamble T-Shirt has created a storm and orders have come rushing in. More than 1000 T-shirts have flown off the shelves.

The T-Shirt was developed by CLPR's ConstitutionofIndia.net team in collaboration with Design Brew and LadyFinders Co.

4. 'The Making of India's Constitution' Video

On 15th August 2021, CLPR released 'The Making of India's Constitution' – an animated video that traces India's constitution-making project. The video brings to life the people, events and ideas that shaped India's Constitution. To mark and celebrate the video, CLPR Executive Director Jayna Kothari interviewed world-renowned Carnatic vocalist T.M. Krishna on *Art, Social Justice and the Constitution* in a virtual event.

5. Events

5.1. On 26th November 2021 —Constitution Day—CLPR's ConstitutionofIndia.net team partnered with Qshala to host a special virtual quiz on the Indian Constitution. Around 300 participants, mostly school and university students from across the country engaged with a range of topics on the Indian Constitution.

5.2. CLPR set up a stall at BIC Hub'ba 2022, organised by Bangalore International Centre (BIC) on 26-27th February 2022. The event aimed to bring together and showcase the work of local NGOs. The CLPR stall had activities and games to sensitise the public on the issues of equality, discrimination, and transgender rights. We ended with a quiz on the Indian Constitution that saw over 30 Hub'ba attendees participating and the top 5 taking home exciting CLPR merchandise.

5.3. On March 8th 2022, CLPR's ConstitutionofIndia.net team conducted a 'Reading the Constitution' workshop for the grade 6 students at Mallya Aditi International School, Bangalore. The workshop introduced students to the Indian Constitution, its key features, and its role in everyday life.

6. Publications

6.1 Jayna Kothari & Champaka Rajgopal, 'The Central Vista Project & The Loss of The Public Trust Doctrine, Article 14, June 3, 2021

6.2 Dr. Sudhir Krishnaswamy & Vineeth Krishna, 'Subhas Chandra Bose's Political Ideas were Always Clear, not His Constitutional Imagination' , The Print, 26 Jan 2022

III GOVERNANCE REFORM

As India urbanises rapidly, we have focused on the design and development of local government and land planning laws. Our work with State agencies has helped develop innovative proposals for Indian urban governance.

1. Events

1.1. On 08 July 2021, CLPR and the Indian Institute of Management, Bangalore (IIMB) co-hosted a webinar titled 'Ethics in AI Talk Series: A Conversation on Information Regulation, Artificial Intelligence, and Governance'. CLPR's Governance team presented its work under the *Public Law and Information in India* project. This project collates and disseminates multi-disciplinary scholarship on the subject of the law and philosophy of information regulation.

2. Publications

2.1. Ritambhara Singh & Mihir Rajamane, 'India Can't Keep Citing the Pandemic to Deprive Children of Education', *The Wire*, 13 Aug 2021

IV. TRANSGENDER RIGHTS

Transgender groups in India invariably live in segregated spaces and are ghettoised in the lowest social strata of Indian society. Since 2015 we have engaged in path breaking litigation and law and policy research that has reshaped transgender rights in India.

1. Trans Law Cell

The Trans Law Cell hosts weekly drop-in sessions for members of the transgender and sexual minorities community to avail free legal assistance and advice. In 2021-22, the Cell aided 30 persons related to changing gender and names in government and education documents, filing FIRs, writ petitions and more.

2. South Asian Trans Law Database

The South Asian Translaw Database plays a crucial role in supporting law and policy engagement efforts by a wide range of stakeholders, including the transgender community, legal professionals, government officials, and academics hailing from both the South Asian region and beyond. This comprehensive database encompasses rules and legislations at national, regional, and international levels, policy documents, as well as pertinent court decisions pertaining to the rights of transgender, non-binary, and intersex individuals.

In 2021-22, the Trans Law Database registered an impressive user base of 42,507 individuals who accessed the website, underscoring its significance as a valuable resource for information and research.

3. TransForm 2021

On 11th and 12th December 2021, CLPR organised Transform 2021, the 5th National Conference on Transgender Rights and the Law. It brought together 20 speakers from Assam, New Delhi, Nagaland, Telangana, and Maharashtra among others and over 130 transgender rights activists, academics and lawyers from across the country to discuss issues affecting the trans community. This edition of the conference focused on conversations around the assertion of rights and dignity of transgender and non-binary persons in a world trying to rebuild itself after the COVID-19 pandemic.

4. Litigation

4.1 *Sangama and Nisha Gulur v. State of Karnataka*

CLPR filed an intervention application at the Karnataka High Court seeking horizontal reservations to be provided to transgender persons in State public employment. CLPR filed the application on behalf of Jeeva, an organisation working for transgender rights. This led to the Karnataka Government passing the Karnataka Civil Services (General Recruitment) (Amendment) Rules, 2021. The Amendment provides 1% horizontal reservation for transgender persons across categories of SC, ST and OBC. This was a huge victory for the trans-community and CLPR, as Karnataka became the first state in India to implement horizontal reservations for transgender persons.

4.2 *Saratha v. Tamil Nadu Uniformed Services Recruitment Board*

CLPR represented a transwoman who sought reservation, relaxations and concessions in relation to her candidature in the police recruitment process in Tamil Nadu. In March 2022, the Madras High Court held that clubbing transgender persons who self-identified as females under the quota for women was unconstitutional. It further strongly recommended that the Government provide specific reservation to transgender persons in public employment. This was an important victory, as transgender persons are constantly deprived of employment because of lack of specific reservations and state inaction.

4.3 *Thangjam Santa Singh v. State of Manipur & Ors*

CLPR filed a PIL on behalf of Santa Khurai, a well-known transgender rights activist, in the High Court of Manipur. The petition sought various reliefs in matters associated with the Manipur State government's management of COVID-19 pandemic. This case has been instrumental in ensuring access of transgender persons to food grains and livelihood support schemes during the lockdown.

5. Publications

5.1 Trans Law Quarterly, CLPR released the 3rd and 4th Editions of the Trans Law Quarterly on July 8th 2021. The Newsletter covers developments in India and around the world on laws, activism and practices related to the transgender rights movement. It is part of the South Asian Translaw Database, which supports law and policy engagement efforts by the transgender

community, legal professionals, government officials and academics from the South Asian region and beyond.

5.2 Jayna Kothari & Mihir Rajamane, 'How Karnataka took the lead in horizontal reservations for transgender persons' , news9live.com, 29 Sep 2021

5.3 Mansi Singh & Mihir Rajamane, 'Welfare as a Human Right: An Intersectional Approach to Trans Rights in India', Oxford Human Rights Hub, 12 Apr 2022

V. DISCRIMINATION AND INTERSECTIONALITY

Tackling complex problems of social exclusion requires an intersectional approach to combating discrimination on the basis of disability, sex, gender identity and caste. We engage in high-impact strategic litigation supported by rigorous social science research that enhances social, economic and cultural inclusion.

1. European Instrument for Democracy and Human Rights (EIDHR) Retreat

After four years of intense cutting-edge research, advocacy, and capacity building around the rights of marginalised groups, CLPR's EIDHR project came to an end in 2021. The project team, many from different states, came together and reflected on the project and shared their contributions, experiences and learnings. They also discussed the ways in which CLPR's work on discrimination and intersectionality could be taken forward.

2. Litigation

2.1 *Resham v. The State of Karnataka | Karnataka's Hijab Ban in Educational Institutions*

CLPR represented pre-university Muslim students challenging the Karnataka State Government order that made students mandatorily follow the dress code prescribed by the College Development Committees (CDCs) which banned the wearing of the Hijab in classrooms. The Petition challenged the Order as being unconstitutional as per articles 14, 15, 19, 21 and 25 of the Constitution of India. It emphasised that the wearing of the Hijab was an essential religious practice and argued that the ban violated the freedom of dress, which is part of the freedom of speech and expression under Article 19(1)(a).

3. Events

3.1 In July 2021, CLPR organised a 3 day-long workshop on The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and its Rules. It was a special collaboration with the Karnataka Judicial Academy and aimed at the Public Prosecutors under this Act. The training was a result of a court order passed by the Karnataka High Court in a PIL represented by CLPR for better implementation of the law

3.2 From July to September 2021, CLPR conducted 8 online workshops on The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Rules and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (PEMSRA). These virtual workshops were attended by more than 300 lawyers and close to 400 CSO activists from Karnataka, Kerala, Tamil Nadu, Telangana and Andhra Pradesh.

An in-person seminar was organised exclusively for persons engaged in manual scavenging work in Hyderabad. Over 130 participants engaged with their rights under PEMSRA and discussed their experiences with sanitation work.

3.3 In November 2021, CLPR collaborated with National Law University Delhi, to conduct an interactive seminar—Introduction to Caste—for 120 first-year law students. Through a combination of presentations, curated readings and audio-visual content, CLPR resource persons introduced students to the problem of caste in India and the existing constitutional and legal framework that tackles caste-based discrimination.

4. Publications

4.1 Equality (Prohibition of Discrimination) Bill 2021, CLPR has drafted one of the first comprehensive equality laws in the country. It aims to promote equality, prohibit discriminatory conduct on the basis of caste, gender, religion, transgender and intersex identity, disability, and other grounds. It further sets up institutions for redressal that are accessible and effective in addressing discrimination. In 2021, the Bill was revised based on consultations with academics, political parties, legal scholars, civil society organisations, public intellectuals, and media persons. This revised Bill was then introduced and advocated to 96 policymakers, bureaucrats and political leaders.

4.2 Cases and Materials on the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, In July 2021, CLPR released a compilation of significant judgments and materials, along with brief summaries, on the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA). This compilation is geared towards lawyers and civil society activists engaged in Court cases around the POA Act.

4.3 Thulasi K. Raj, 'Private discrimination, public service and the constitution', Indian Law Review, 16 Jul 2021

VI.GENDER AND SEXUALITY

We have engaged in sustained law and policy research, litigation and policy interventions to advance the autonomy of women and adolescent girls by responding to gender based violence, protecting reproductive rights and law reform for preventing child marriage.

1. Events

1.1 Who's on Trial Here? A Deep Dive into the Tarun Tejpal Verdict

On July 20th, CLPR, in association with the Network of Women in Media (NWMI) and the Bangalore International Centre (BIC), organised a panel discussion, where CLPR Executive Director Jayna Kothari dissected the legal issues and concerns surrounding the controversial and widely criticised Tarun Tejpal judgment. It highlighted issues related to consent, trial processes, and data privacy that played out in the case

2.Publications

2.1 Jayna Kothari, 'Is the Supreme Court Cherry picking its Gender Battles?', Cambridge University Press, June 8, 2021

2.2 Jayna Kothari, 'A Far-Reaching Verdict that Ends a Regressive Exception', The Hindu, 04 Apr 2022

VII. DISABILITY RIGHTS

Disability groups have emerged at the forefront of Indian anti-discrimination struggles in the last two decades. CLPR's extensive research and vast litigation has shaped the contours and possibilities of disability law in the courts and policy-making fora.

1. Litigation

1.1 *National Federation of the Blind v. Registrar General and Secretary, Karnataka*

Represented by CLPR, the National Federation of the Blind has filed a petition on behalf of all visually impaired persons in Karnataka, seeking reservations for the posts of civil judges in the lower judiciary. In its Interim Order in July 2021, the Court stated that the process of reservation will be undertaken subject to the final judgment on the case.

1.2 *Jaikiran v. State of Karnataka*

Represented the petitioner Jaikiran, a person with blindness appointed as a Group A officer by Women and Child Department in the cadre of Child Development Project Officer. The CLPR appeared for the petitioner challenging the transfer of the petitioner from Hassan to Bangalore as an arbitrary transfer.

1.3 *Re-Distribution of Essential Supplies and Services During the Pandemic*

This is a suo motu public interest litigation taken up by the Hon'ble Supreme Court, to ensure that there is a proper and effective distribution of essential supplies and services during the pandemic to the people of India. In this PIL, CLPR has filed an Intervention application on behalf of Karnataka Rajya Vikalachethanara Rakshana Samithi (KRVRS), a charitable trust working toward the betterment of persons with disabilities. KRVRS submitted to the Court that persons with disabilities are greatly in need of vaccines on priority as they are more vulnerable to contracting COVID. Many of them rely on touch to see or need aid to wash hands. As their day-to-day activities are impaired, the underlying conditions of their disability leave them more likely to contracting COVID. Many persons with disabilities rely on caregivers, increasing their risk of exposure.

VIII. TEAM UPDATE

In 2021-22, the CLPR leadership team comprised of Executive Director Jayna Kothari and Managing Trustee Sudhir Krishnaswamy.

During this period CLPR Associates included Kruthika D, Vineeth Krishna, Rithambara Singh, Mansi Singh, Vikramaditya Sahai, Kalyani Menon, Meenakshi Ramakumar and Sheerene Mohamed. C Prabu, Thulasi K Raj, Shahenaz Begum and Priyanka S Bhat.