



CENTRE FOR
LAW & POLICY
RESEARCH



Centre for Law and Policy Research

Annual Report 2022-2023

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I. INTRODUCTION FROM THE EXECUTIVE DIRECTOR

II. CONSTITUTIONAL CULTURE

In 2022-23, CLPR's Constitutional Culture work experienced significant developments, such as the launch of a new and improved version of Constitutionofindia.net. Additionally, there was a notable increase in efforts to produce constitutional materials in regional languages, and CLPR successfully secured a major prestigious grant. This grant entails CLPR collaborating with five top universities to generate fresh scholarship and digital resources centered on Indian Constitution-making. These efforts build upon the nearly decade-long digital archival work conducted by the Constitutionofindia.net team

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.

1.1 Website Revamp and Migration

A significant portion of the year 2022-23 was dedicated to revamping the ConstitutionofinIndia.net website and migrating content from the old website to the new one. In March 2023, a new version of the website went live, featuring a completely refreshed brand identity, which included a new logo, an improved user interface, reorganized pages, new content additions, enhanced functionality, a transition from Ruby on Rails to WordPress for the backend, and superior advanced search capabilities

1.2. Content Addition

In the fiscal year 2022-23, we made significant additions to our content, including 33 new blog posts and desk briefs, 18 fresh biographies of Constituent Assembly members, and summaries of the Constituent Assembly proceedings spanning approximately 19 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 2022-23 Constitutionofindia.net had 18,57,674 users which marks a 51% annual increase from the preceding year.

2. Democracy Ki Paatshaala

We have always believed, that to build a popular constitutional culture, engagement in Indian regional languages is critical. This not only enables a much larger reach than would be possible otherwise, but also truly makes it ‘popular’ by reaching across to diverse sections of our society. We began efforts in this direction by uploading Hindi translations of some of our blog posts and primary materials.

This year, we collaborated with the Patrika Foundation on a two-month educational outreach project, ‘Democracy ki Pathshala’. The collaboration involved us producing weekly content on India’s constitutional history and values. These were then translated to Hindi and published in the Patrika Group’s Hindi dailies, Rajasthan Patrika and Patrika (in other states). The combined circulation of these two editions makes them the 4th largest daily in the country, across languages.

3. Pluralist Agreement And Constitutional Transformation (PACT) Project

In early 2022, CLPR in collaboration with SOAS University London, Pembroke College at Oxford University, the University of York, and the National Law School of India University, achieved a significant milestone by securing the Arts and Humanities Research Council (AHRC) Grant. This grant supports a project titled ‘Pluralist Agreement and Constitutional Transformation,’ with the objective of producing cutting-edge scholarship, creating a new digital archive building on ConstitutionofIndia.net, and organizing public engagement events related to the making of the Indian constitution.

Among the key personnel involved in this project, CLPR's Managing Trustee, Sudhir Krishnaswamy, and Senior Associate, Vineeth Krishna, serve as co-investigators alongside Nicholas Cole (Oxford) and Udit Bhati (York). Rochana Bajpai (SOAS) is the principal investigator for the project.

Up until March 2022, the project primarily involved preliminary administrative tasks, including the formulation of a three-year plan and budgetary considerations. The core activities are scheduled to commence in May and beyond.

4. ConQuest 2022

In October 2022, CLPR announced the return of its flagship ConQuest: India's Premier National Quiz focusing on the Indian Constitution, History, and Politics. The 2022 edition

marked a significant return to in-person events after a three-year hiatus necessitated by the COVID-19 pandemic.

The 2022 edition was organized in November and December, featuring regional rounds hosted in Pune, Kolkata, Delhi, Bengaluru, with the National Finals held once again in Bengaluru. These events were organized in collaboration with the following regional partner institutions:

West Regional Round | Shankarrao Chavan Law College, Pune | 5 November

East Regional Round | Loreto College, Kolkata | 12 November

North Regional Round | National Law University Delhi | 19 November

South Regional Round | St Joseph's College of Law, Bengaluru | 26 November

National Finals | School of Law, Christ University, Bengaluru | 3 December

ConQuest 2022 witnessed active participation from more than 170 teams, comprising a total of 510 students. Notable institutions among the participants included Gauhati Medical College, NUJS, NLU Odisha, Symbiosis Law School Pune, Armed Forces Medical College, Government Law College Mumbai, NLU Delhi, JNU, Hindu College, National Law School of India University, St. Joseph's College (Autonomous), and the Indian Institute of Science.

In the thrilling grand finale, Gauhati Medical College emerged as the winners, while National Law University Delhi secured the first runners-up position, and National Law School of India University achieved the distinction of being the second runners-up.⁶

ThePrint served as our digital partner, and Mr. Arvind Datar played a pivotal role as our partner for Prize Money and Trophies and the Fredrich Nauman Foundation was our primary supporter.

5. Events

5.1 On January 23, 2023 CLPR organised mock parliament and quiz events for the Constitution Day Campaign aimed at school and college students in Kozhikode organised by Kozhikode District Administration and Government Law College, Kozhikode.

5.2 On January 25, 2023, CLPR featured organised a talk titled '*A Critical Analysis of the Mediation Bill 2021*' by Tara Ollapally, Co-Founder & Mediator at the Centre for Advanced Mediation Practice.

- 5.3** On June 10th and 11th 2022 CLPR conducted a Constitution in the Classroom session at Amber Valley School. These sessions involved workshops for students in grades 1-12 and took place in Chikkamagalur, Karnataka.
- 5.4** On June 25, 2022, CLPR organized a workshop on Indian Constitutional History at the National School of Journalism and Public Discourse (NSoJ).
- 5.5** On July 2, 2022 CLPR participated in RS Connect, at Ranga Shankara in Bengaluru, and conducted a session titled 'How do we Engage with Our Constitution?'
- 5.6** On August 6, 2022, CLPR hosted the second public talk in the RS Connect series, focusing on the Indian Freedom Movement.
- 5.7** On September 3, 2022, CLPR joined forces with the Supreme Court Observer for an engaging session on the Right to Privacy at Ranga Shankara.
- 5.8** On September 17, 2022, CLPR conducted a workshop on Indian Constitutional History for a group of LLM students at the Tata Institute of Social Sciences, Mumbai (TISS).
- 5.9** On November 2022 CLPR organized a workshop on Indian Constitutional History at Shankarrao Chavan Law College, Pune.
- 5.10** On November 10, 2022, CLPR conducted an Indian Constitutional History workshop at Loreto College in Kolkata.
- 5.11** On November 17, 2022 CLPR organised an Indian Constitutional History Workshop at Lady Shri Ram College for Women in Delhi.
- 5.12** On November 16, 2022, CLPR organized an Indian Constitutional History Workshop at the National Law University Delhi.

III. GOVERNANCE REFORM

Governance reform has emerged as a relatively recent focus area at CLPR, and throughout 2022-23. Our primary focus during this period was on advancing existing projects, with a particular emphasis on a cutting edge edited book that brings together high quality scholarship on information regulation in India.

1. The Philosophy And Law Of Information Regulation In India' Project

The 'Philosophy and Law of Information Regulation in India' project, supported by the Facebook Ethics in AI Research Award, aims to gather interdisciplinary research on information regulation in India. CLPR invited papers from various fields such as law, history of science, technology studies, and more, to explore the nexus of law, technology, and information within India's public institutions. As part of this project, CLPR hosted a two-day online workshop on December 11 and 12, 2020, uniting scholars from diverse backgrounds to critically examine India's evolving information society and foster collaborations for informing information-related laws and regulations in the country. The papers from this workshop will be part of a forthcoming edited publication. In 2022-23, six papers of the edited collection have been published on CLPR publications portal.

2. Publications

2.1 Mathew Idiculla, 'Who plans Indian cities? Development Authorities who still follow Colonial masterplans', The Print, 24, November 2021

2.2 Mathew Idiculla, 'Urban Planning and Informal Livelihoods in India: An Analysis of Urban Planning Laws and Processes in Delhi and Bangalore'. WIEGO Working Paper No. 44. Manchester, UK: WIEGO, 2022

2.3 Mathew Idiculla, 'Rethinking Urban and Regional Governance in India, Governing City-Region', Routledge India, 2022

2.4 Mathew Idiculla, 'The values of local self-government', The Hindu, 05 January 2023

2.5 Mathew Idiculla, 'Reigning over the capital, from above', The Hindu, 17 February 2023

2.6 Mathew Idiculla, 'The Travails of Urban Planning in India: An examination of the Planning Law Regime of Bangalore', The Chinese Journal of Comparative Law, Vol.11 (1) April 2023

IV. TRANSGENDER RIGHTS

Transgender Rights stands as one of CLPR's most dynamic and vibrant focus areas. In the year 2022-23, we continued our unwavering commitment to expand our efforts on different fronts. This includes providing crucial legal services and launching strategic impact litigation aimed at advancing the rights of the transgender community. In addition, we have curated a diverse range of conferences, events, and writing.

1. TransLaw Cell

The TransLaw Cell, an initiative by CLPR, offers free legal aid and guidance to the transgender community, empowering its members to better understand and advocate for their rights. This free walk-in legal clinic operates every Tuesday between 5-6 PM.

Between 2021 and 2022, the TransLaw Cell assisted 21 clients with various legal services, including:

- Facilitating the change of name and gender on official documents such as Passport, Aadhar, Voter ID, Driving License, and Educational Documents.
- Providing legal support for the registration of FIRs in cases of rape and sexual assault.
- Assisting in the preparation of affidavits and publishing newspaper notices when required.

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 2022-23, the Trans Law Database registered an impressive user base of 87,891 individuals who accessed the website, underscoring its significance as a valuable resource for information and research.

3. Transform 2022

CLPR in partnership with Friedrich Naumann Foundation, conducted the sixth edition of its flagship Transform conference. In 2022, the format was modified to emphasize the

consolidation of discussions and insights from previous editions. This revised format featured a public panel discussion and a writer's workshop:

3.1 Panel Discussion: *TransForming Rights: How the Law Shapes Transgender Lives, Identity, and Community in India.*

On December 9, 2022, TransForm 2022 commenced with a panel discussion titled "TransForming Rights: How the Law Shapes Transgender Lives, Identity, and Community in India." The panel, moderated by Senior Advocate Jayna Kothari, featured Dr. Svati Shah, Kalki Subramaniam, and Santa Khurai. They discussed the existing legal framework for transgender rights, the implementation of the landmark *Navej Singh vs. Johar* case, and the state of transgender rights in Manipur. The panellists addressed diverse audience questions, covering topics such as intimate partner violence, mental health of activists, pathologization of trans sexuality in legal-medical discourse, and documenting trans deaths due to discrimination.

3.2 Writers' Workshop: *Transgender Lives, Identity and Community in India*

On December 10th, as part of TransForm 2022, the CLPR organised a Writers' Workshop. This workshop marked the initial stages of producing an edited collection titled "Transforming Rights: How Law Shapes Transgender Lives, Identity, and Community in India." Through this collection, the Centre for Law and Policy Research aims to shift from rigorous academic discourse on transgender rights in India to a powerful call for action and positive changes in public policy for transgender equality. The workshop included four sessions covering various transgender rights themes, building upon previous TransForm discussions. The first session focused on "Transgender Rights and the Constitution."

4. Litigation

4.1 *Dr. Akkai Padmashali and Ors. v. Union of India*

CLPR on behalf on members of the transgender community filed a Writ Petition at the Supreme Court of India, asking that the Special Marriage Act, 1954, should use the word "spouse" instead of "husband" and "wife," and include all people, regardless of their gender identity and sexual orientation. They also want sections of the Act that require a 30-day public notice and allow objections by the Marriage Registrar to be declared unconstitutional, as they violate rights like privacy and dignity.

This case was heard together with other petitions in the Supreme Court, coming from different High Courts, all seeking to legalize same-sex marriage. Although they share this common goal,

the laws they challenge vary, including the Special Marriage Act, 1954, the Hindu Marriage Act, 1955, the Foreign Marriage Act, 1969, and the Indian Citizenship Act, 1955.

Notice was issued in the writ petition on February 20, 2023, with a directive to consolidate the petition with a group of other petitions addressing the same subject matter. On March 12, 2023, the Union filed their Counter Affidavit. On March 13, 2023, during the hearing of a total of 19 petitions, the Court issued an order referring the matter to a 5-judge Constitution Bench. The cases were scheduled for their final hearing on April 18, 2023.

5. Publications

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

5.2 Jayna Kothari, 'Pride Matters | Beyond Sec 377, the call for trans equality reaches a crescendo', Hindustan Times, June 29, 2022

V. DISCRIMINATION AND INTERSECTIONALITY

A significant highlight within CLPR's Discrimination and Intersectionality focus area was the successful acquisition of a major new grant. This grant will support an exciting project aimed at developing a cadre of paralegal volunteers and lawyers who will work collaboratively to address instances of discrimination within their respective communities.

1. Freedom of Marriage and Association and Prohibition of Honour Crimes Bill, 2022

On 17 May 2022, CLPR's released its draft Freedom of Marriage and Association and Prohibition of Crimes in the name of 'Honour' Bill, 2022 that aims to tackle crimes in the name of 'honour' and 'tradition' that occur in cases of inter-caste and interfaith marriages. The Bill aims to promote individual autonomy and liberty to choose a partner of one's own choice. It provides the legal framework to prevent, investigate and adjudicate crimes in the name of 'honour'. This exercise was done in collaboration with the Dalit Human Rights Defenders Network.

2. Constitution Defender's Project

The main goal of this project is to establish the Constitution Defenders Fellowship on a national scale. This fellowship program aims to recruit practicing lawyers and provide them with the necessary skills and knowledge to effectively address the unmet legal needs of vulnerable groups. Under the Constitution Defenders Project, community-based Paralegal Volunteers (PLVs) will be deployed to ensure access to justice at the grassroots level. These PLVs will offer legal education and support to marginalized groups facing issues like gendered and sexual violence, caste discrimination, and disability-based discrimination. Constitution Defender Fellows will assist the PLVs in addressing discrimination and upholding the constitutional and legal rights of marginalized individuals, including women, Dalit/Adivasi persons, transgender individuals, and people with disabilities. This project will be operational in the districts of Bengaluru, Tumakuru, and Chikkaballapur. As of March 2022, CLPR is in the process of recruiting PLVs and Constitution Defender Fellows.

3. Litigation

3.1 *Women's Voice Intervention in Resham and Anr. v. State of Karnataka SLP No (C). 15403 of 2022*

CLPR on behalf of Women's Voice, an organization which works specifically for the rights of marginalized, women filed a Special Leave Petition in the Supreme Court challenging the order dated 15.03.2022 passed by the Hon'ble High Court of Karnataka. The judgement not only held that the wearing of Hijab by Muslim women does not form a part of essential religious practice in Islamic faith, but also that the prescription of school uniforms which prohibit head scarves is a reasonable restriction and that it does not violate Articles 14, 15, 19(1)(a), and 21 of the Constitution of India, and that the Government Order dated 05.02.2022 which prohibits head scarves in universities is valid.

3.2 *Karnataka Rajya SC/ST Guttigedarara Sangha v. State of Karnataka & Ors.*

On behalf of Karnataka Rajya SC/ST Guttigedarara Sangha (Karnataka State Contractors Association), CLPR filed a Public Interest litigation challenging a series of Government Orders and Circulars which were violative of the fundamental rights of contractors belonging to Schedule Caste and Schedule Tribe communities and in violation of Section 6 of the Karnataka Transparency in Public Procurements Act, 1999.

4. Events

4.1 CLPR In collaboration with Dalit Human Rights Defenders Network organised a consultation on the Freedom of Marriage and Association and Prohibition of Honour Crimes Bill, 2022 on 16th May at the Institute of Development Studies, Jaipur

4.2 CLPR participated in a consultation on its draft Freedom of Marriage and Association and Prohibition of Honour Crimes Bill in Madurai on 3rd – 4th June 2022. The consultation was organised by with Evidence, a Tamil Nadu-based organisation working to protect and promote Dalit and Adivasi rights. The overall project was spearheaded by Dalit Human Rights Defenders Network (DHRD Net).

4.3 Berkeley Center on Comparative Equality & Anti-discrimination Law conducted the 9th Annual Conference 2022, Comparative Equality Law in a Post-Pandemic World, on 22-24 June 2022. Jayna Kothari was the keynote speaker on “New Directions for Equality in a Post Covid World” on 22 June 2022.

4.4 Jayna Kothari, Senior Advocate & Executive Director at CLPR, was a speaker at Bergen Exchanges on Law and Social Transformation 2022, scheduled on 22nd to 26th August. The event was organised by Centre on Law and Social Transformation. The main focus was on Democracy & Autocratization, Gender, Sexuality, Health & The Law, Contestations over Natural Resources & Climate Change, and Decolonizing Global Knowledge Regimes.

4.5 University of Bergen organised “Why (Queer) History Matters: The Politics of History” an international and interdisciplinary conference on 29–30 August 2022. The conference addressed the ways in which problematic practice of history can also enable the eradication of LGBT+ rights in contemporary societies. In this conference, Jayna Kothari addressed how and why queer history matters in different contexts.

4.6 CLPR participated in a two-day consultation on its draft ‘The Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Bill 2022’. It was held on the 12th and 13th of January, 2023 at the Institute of Development Studies in Jaipur, Rajasthan. The consultation was held by Dalit Human Rights Defenders Network (DHRD Net) in collaboration with People’s Union for Civil Liberties (PUCL), Rajasthan, Manuski and Dhanak of Humanity. The consultation focused primarily on how the preventive, prohibitive, protective and remedial aspects of the bill can be strengthened through inputs from activists, lawyers, and survivors.

4.7 On 10 February 2023, CLPR organised a talk titled Understanding Global Perspectives on Caste-Based Discrimination. The speaker Ashwini K.P., UN Special Rapporteur on Contemporary forms of Racism, Racial Discrimination, Xenophobia, and related Intolerance and co-founder of Zariya: Women’s Alliance for Dignity and Equality spoke about caste discrimination around UN mechanisms.

4.8 On June 22, 2022 Jayna Kothari was the keynote speaker Jayna Kothari delivered the keynote address, titled "New Directions for Equality in a Post-Covid World," at the 9th Annual Conference, "Comparative Equality Law in a Post-Pandemic World," hosted by the Berkeley

Center on Comparative Equality & Anti-discrimination Law. The conference was organized in collaboration with the University of Hong Kong, Faculty of Law, including the Centre for Comparative and Public Law, the Human Rights Hub, and the Equality Rights Project.

5. Publications

5.1. Rajeev Anand Kushwah, 'Notes on Allyship', Gaysi, October 12, 2022

5.2 Jayna Kothari, 'The Dissenting Judgment Versus the Razing of Equality', The Hindu November 25, 2022

VI. GENDER AND SEXUALITY

In 2022-23, our Gender and Sexuality Work manifested through public writing and engagement regarding relevant issues and developments. Many of these topics were integral components of our substantial work within the related focus areas of Transgender Rights, Intersectionality, and Discrimination.

1. Events

1.1 Jayna Kothari spoke on how and why queer history matters in different contexts at '*Why (Queer) History Matters: The Politics of History*' an international and interdisciplinary conference on 29–30 August 2022, organised by University of Bergen

2. Publications

2.1 Jayna Kothari, 'A Far-Reaching Verdict that Ends a Regressive Exception', *The Hindu*, 04 April 2022

2.2 Jayna Kothari, 'For Full Equality of Women, Marital Rape Exception Must Go', *The Indian Express*, 24 May 2022

2.3 Jayna Kothari, 'On abortion, Supreme Court has listened to Women', *Indian Express*, October 4 2022

VII. DISABILITY RIGHTS

Although we do not currently possess a grant for this focus area, our commitment to assisting individuals with disabilities remains steadfast. We continue to offer legal services to support this community in the form of specific individuals but also

1. Litigation

1.1 *National federation of the Blind v. Government of Karnataka*

CLPR on behalf of the National Federation of the Blind, filed a petition before the Karnataka High Court to ensure that a comprehensive transfer policy is formulated by the government to enable people with disabilities to work without discrimination and to provide them reasonable accommodation as mandated under the Rights of Persons with Disabilities Act 2016 (“RPwD Act”).

VIII. TEAM UPDATES

In 2022-23, the CLPR leadership team comprised Executive Director Jayna Kothari and Managing Trustee Sudhir Krishnaswamy.

During this period CLPR Associates included, Vineeth Krishna, Mansi Singh, Sanjay, Varsha Nair, Bodhithya, Siddharth, Anish Saha and Aparna Mehrotra.