

# **CNLU LAW JOURNAL**



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## FROM EDITORS' DESK

It is my pleasure to bring the Volume 11, 2024, of the CNLU Law Journal. In its commitment to cater new knowledge at the intersections of law and society, this volume brings a set of twelve articles. A brief note on the articles is given below.

The article **'Harmonisation of Principles: Exploring the Significance of Kant's Political Philosophy in the Indian Constitutional Framework'** examines moral and ethical concepts of Immanuel Kant, linking these to the Constitution of India. In so doing, the article investigates Kant's philosophy through the ideas of equality, individual liberty, and the rule of law, as well as the potential applications of these ideas in the Indian context. The authors demonstrate relevance of Kantian philosophy in understanding the formation of the Indian legal system.

**'Right to property Inheritance of Vaiphei Women in Manipur: The Legal Void'** shows the case of Vaiphei tribe from the State of Manipur. The article showcases findings of an empirical study designed to conduct a legal scrutiny on the status of women on inheritance and ownership of ancestral property. Results show that the ratio of women inheritors to her parental property is almost negligible due to agnatic primogeniture vis-a-vis absence of inheritance rights in favour of women, patriarchy, and societal perceptions, excluding Vaiphei women from inheriting ancestral property.

**'A Reflection on Live-In Relationships from the Perspective of Transformative Constitutionalism in India'** unpacks the discourse on live-in relationships in Indian society. The article reviews the impact of legal interventions on this discourse to argue for the existence of a 'foggy legal framework' in India over the live-in relationships.

**'Streaming Rainbows: the OTT Revolution'** brings our attention to the OTT platforms and how these are portraying LGBTQ+ community in social roles that challenge societal norms, generating social change. The article discusses popular shows like *"Made in Heaven"*, *"Taali"*, and *"Class"* to show how law and media do not always breed 'rainbow capitalism' but can also enable diversity and rights in society.

**'Maternity Benefit of Workers Engaged in Organised and Unorganised Sector in India: A critical Analysis'** builds the case for parental benefits to support well-being of families, ensuring equality in caregiving responsibilities. In so doing, the article compares the legal landscape in India and a few European countries to highlight the need for comprehensive laws to support

gender equality and work-life balance in India. The article suggests enhancing paternity benefits in India as a way forward.

**‘Post Partum Depression in Indian Mothers: A Reality’** discusses how Post Partum Depression is a mental condition which is generally experienced by mothers immediately after giving birth to a child. The symptoms include mood swings, anxiety, sadness, not being able to relate to the child, crying, believing oneself to be the worst mother, etc., which, if help is not provided, can grow to worse, like becoming suicidal, harming oneself or the child, etc. This article discusses how Post Partum Depression as a social issue be addressed Edinburgh postnatal depression scale and the legal reforms available.

**‘A Conspectus on the Major criminal offences in Economic and Health Sectors in the Post Covid India’** reflects on the rise and the nature of criminal offences during the COVID period. Particularly, the article focuses on the offences related to economic and health sectors.

**‘Marriage and Law: Constitutional Standing of Restitution of Conjugal Rights’** discusses the controversy around the provision of Restitution of Conjugal Rights. The article discusses whether it is justifiable when one spouse dictates the other’s future by leaving their society, and the state will watch as a bystander and not protect the other’s interests? Or whether the provision of Restitution of Conjugal Rights is inherently unconstitutional as it is a gross violation of the privacy of the marital home by the state and is discriminatory against women?

**‘Engendering Justice: A case from the Reasonable Man to the reasonable Woman Standard’** shows how Gender discrimination is a pervasive practice in law. At a deeper level, this practice is shaped by the idea of a ‘reasonable man’, and so the article critically traces its development in the India legal discourse to envision gender sensitive laws in India.

**‘Automated Adjudication and Criminal Law Sentencing: An Analysis from the lens of Due Process and Human Rights’** shows how Artificial Intelligence (hereafter AI) plays a supplementary role in different facets of criminal law adjudication and sentencing today. However, the perceived inability of AI to decide ‘hard cases’, the presence of post-code bias within the AI, and the Black Box issue which makes AI inherently opaque and antithetical to the principles of due process that due process demands.

**‘Family Law Codification in India: A Critical Analysis of the Bhartiya Muslim Mahila Andolan’s (BMMA) Proposed Draft of Muslim Women’s Rights Act (2014) and its Socio-Legal Implications’** shows lack of an organised institutional opinion on codification of family law among Indian Muslims. The article discusses the institutional diversity and its implications for the review family law. The article focuses on the draft prepared by Bharatiya

Muslim Mahila Andolan (BMMA) to elucidate the contemporary family law issues in India.

**‘Ensuring Justice: Addressing Threats to Women Victim-Witnesses in Sexual Assault Trials and their Fight for a Fair Trial in India’** argues that to uphold the integrity of the justice system, it is imperative to prioritise the protection of women who serve as victim-witnesses in sexual assault cases. This paper focuses on the socio-legal issues related to the safety and well-being of women who are victim-witnesses in sexual assault and rape cases.

I hope that this volume serves its purpose and be fruitful for its readers.

Best Wishes,

Dr Amit Jain,

Chanakya National Law University, Patna