

## GAURAV MUKHERJEE

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### ACADEMIC EDUCATION

- 08/2017 – present      Candidate for Doctor of Juridical Sciences (SJD) in Comparative Constitutional Law, Central European University, Budapest/Vienna
- 08/2016 – 06/2017      LL.M. in Comparative Constitutional Law, Central European University, Budapest/Vienna (Dissertation title: *The Conflict Between the Right to Education and Religious and Cultural Rights: A Comparative Study*)
- 07/2007 – 04/2012      B.A. LL.B. (Hons.), NALSAR University of Law, Hyderabad

### TEACHING EXPERIENCE

- 03/2021 – 04/2021      Visiting Lecturer, Department of Law, University of Verona
- Course: Comparative Constitutional Traditions
- 01/2021 – 03/2021      Teaching Assistant, Department of Legal Studies, Central European University, Budapest/Vienna
- Courses: Intercultural Theories of Human Rights  
Human Rights Research Methodologies
- 01/2014 – 06/2016      Research Associate, School of Policy and Governance, Azim Premji University, Bangalore, India
- Tutor and Teaching Assistant in following courses: Law & Governance, Constitutional Foundations of State Institutions, Legal System Reform, and Political Philosophy, responsibilities included conducting weekly tutorials, supervising the Human Rights Clinic, and overseeing student dissertations.

### SELECT WORK EXPERIENCE

- 12/2020 – present      Assistant Editor, Review of Democracy (RevDem), Democracy Institute, Central European University
- 08/2017 – 12/2017      Intern, Hungarian Helsinki Committee, Budapest
- Prepared policy briefs on best practices on procedural law aspects of criminal law relating to petty offences.
  - Prepared legal briefs on international and domestic law on rights of civil society organizations to monitor human rights violations in Hungarian prisons.
- 01/2014 – 06/2016      Research Associate, School of Policy and Governance, Azim Premji University, Bangalore, India

- Represented Azim Premji Foundation in their third-party interventions in education related constitutional litigation before the Supreme Court of India and the Karnataka High Court, and responsibilities included drafting written submissions and helping prepare oral arguments for counsel.

07/2012 – 11/2013

Associate, Securities and Capital Markets, Trilegal, Mumbai, India

- Advised telecommunication companies on proposed acquisitions, where responsibilities included drafting agreements, generating due diligence reports, preparing legal opinions, legal research and drafting Indian law documents.
- Advised leading Indian companies on proposed IPOs, debt offerings, and bond issues where responsibilities included reviewing due diligence reports, generating legal opinions, drafting of red herring prospectuses.

## FELLOWSHIPS AND AWARDS

08/2021 – 12/2021

Academic Visitor, Faculty of Law, University of Oxford (working with Prof. Kate O' Regan)

03/2021 – 06/2021

Visiting Fellow, Max Planck Institute for Comparative Public Law and International Law, Heidelberg (working with Prof. Armin von Bogdandy)

06/2020 – 10/2020

Global Teaching Fellow, Department of Law, University of Yangon, Myanmar (postponed due to Covid-19 pandemic)

11/2019 – 12/2019

Indian Equality Law Fellow, University of Melbourne (working with Prof. Tarunabh Khaitan)

05/2018

Indian Law Review Early Career Prize 2017

01/2014 – 01/2016

Graduate Fellowship, School of Policy and Governance, Azim Premji University, Bangalore

## PUBLICATIONS

### Peer Reviewed Journal Articles

*Designing Remedies for a Recalcitrant Administration* 37 South African Journal on Human Rights (2021) (accepted, forthcoming) (co-authored).

*The Supreme Court of India and The Inter-Institutional Dynamics of Legislated Social Rights* 53(4) *Verfassungs und Recht in Übersee* 411 (2021).

*Evictions, Vulnerability and Responsive Constitutionalism in the Covid-19 Lockdown in Cape Town* *Revista General de Derecho Público* (accepted, forthcoming 2021).

*Democratic Experimentalism in Comparative Constitutional Social Rights Remedies* 2 *Milan Law Review* 75 (2020).

*Reinvigorating Bicameralism in India*, 3(2) *University of Oxford Human Rights Hub Journal* 96 (2020) (co-authored).

*The Supreme Court and executive law-making: the afterlife of failed ordinances in Krishna Kumar Singh II* (2018) 2(1) Indian Law Review 1 (winner of the Indian Law Review Early Career Prize 2017).

*The 'Disabled' as a Neutral Subject of Law: Utopian Discourse or Pragmatic Paradigm?* (2014) 3 (2) Christ University Law Journal 1.

*What is the Confusion Over Dilution?: Towards a Meaningful Understanding of Section 29(4) of the Trademarks Act, 1999* (2011) 4 Indian Journal Intellectual Property Law 139 (co-authored).

## **Book Chapters**

*Social Rights in India & Asia*, in Mila Versteeg & Neha Jain (eds.), OXFORD HANDBOOK ON COMPARATIVE HUMAN RIGHTS LAW (Oxford University Press, 2023) (with Arun Thiruvengadam).

*The Case Against Excluding Minority Institutions from the Right to Education Act*, in Salman Khurshid, Lokendra Malik, and Yogesh Pratap Singh (eds.), THE SUPREME COURT AND THE CONSTITUTION: AN INDIAN DISCOURSE (Wolters Kluwer, 2020).

*Rethinking the Rule of Law as an Indicator of Development: A Research Agenda*, in CONSTITUTIONAL RIGHTS TO WELFARE IN INDIA (Oxford University Press, Forthcoming 2021) (with Sudhir Krishnaswamy).

## **Reports**

Co-author, *Land Governance Assessment in Karnataka State: Background Reports and Analysis of Indicators*, Land Governance Assessment Framework, World Bank, 2014.

Co-author, *Poised For Change: First Country Report of India Submitted in Pursuance of Article 35 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD)*, Ministry of Social Justice and Empowerment, Government of India, New Delhi, 2012.

## **Legal Blogs**

### As guest editor of symposium

*Social Rights and Covid-19: Guest Editor's Introduction*, 12 May 2020, International Association of Constitutional Law Blog.

### As author

*Bicameralism and The Rule of Law: Reining in The Abuse of Money Bills in Legislative Procedure*, IACL Democracy 2020 Blog, 25 November 2020.

*Miller/Cherry 2 Goes to Kashmir: Using the Effects Test in the Judicial Review of Executive Decisions to Halt Legislative Consideration*, Verfassungsblog, 11 October 2019.

*Symposium: Crisis at the Supreme Court of India? – 'A Moment of Self-Reckoning for the Supreme Court of India? Reflections on the Judges' Press Conference'*, International Association of Constitutional Law Blog, 17 May 2018.

*Bărbulescu v. Romania: The Next Step in the Continuing Struggle for Standards for Workplace Communication Monitoring*, Oxford Human Rights Hub Blog, 31 October 2017.

*Resuscitating Workplace Privacy? A Brief Account of the Grand Chamber Hearing in Bărbulescu*

*v. Romania, Strasbourg Observer* (with James Patrick Wookey), 20 December 2016.

*Who Benefits From India's Move to Ban Commercial Surrogacy?*, Oxford Human Rights Hub Blog, 23 September 2016.

*The Out of School Children Case: A Model for Court-Facilitated Dialogue?* (with Jayna Kothari), Oxford Human Rights Hub Blog, 18 September 2015.

*The Prior Sanction Requirement under Indian Public Law*, Oxford Human Rights Hub Blog, 18 May 2015.

*Whittling Away the Right to Education*, Law and Other Things, 30 May 2014.

### **Opinion & Analysis in Popular Press**

*Constitutional resistance and resilience*, First Post, 25 December 2019.

*By threatening Kerala's government for enforcing Sabarimala order, Amit Shah breached his oath as MP* (with Malavika Prasad), Scroll, 17 November 2018.

*Waning legislative influence, lack of clear mission flags need to redefine Rajya Sabha's functioning*, First Post, 14 May 2018.

*The SC must end partisan federalism* (with Sudhir Krishnaswamy), The Hindu, 10 February 2016.

*Ideology is Not a Crime, Kerala High Court Makes it Clear*, The Wire, 8 June 2015.

*India's Civil Nuclear Programme: Price of Political Opportunism*, Deccan Herald, 19 November 2014.

*Grey Areas in Recovering Black Money Stashed in Foreign Banks*, Hindustan Times, 17 October 2014.

*Back to the Drawing Board*, The Indian Express, 4 June 2014.

*Deciding the Delhi Assembly Question, Justly* (with Sudhir Krishnaswamy), The Hindu, 8 May 2014.

### **Course Material**

*Judicial Review in Comparative Constitutional Law: An Introduction* (Post Graduate Course Module), E-Pathshala, an initiative to make open access post graduate courses curriculum available by the Ministry of Human Resources Development, Government of India, all law modules available at <http://epgp.inflibnet.ac.in/ahl.php?csrno=20> (2014).

### **RESEARCH COOPERATION**

05/2020 – present      Co-Convenor, International Association of Constitutional Law (IACL) Research Group on Social Rights

### **SELECT CONFERENCE PRESENTATIONS**

12/2021      *The Law and Politics of Constitutionalizing Social and Economic Rights*, paper to be presented at Australian National University (ANU) Law 60th Anniversary Conference: Public Law and Inequality, Canberra, 2021

- 05/2021 *Rescuing the Legitimacy of the Transformative Constitutional Project*, paper to be presented at Law & Society Association (LSA) Graduate Student & Early Career Workshop, Chicago, Illinois.
- 05/2021 *The Capital City in Comparative Constitutional Law and Theory*, paper to be presented at Law and the City: Annual McGill Law Graduate Conference, McGill University, Canada
- 01/2021 *The Capital City in Comparative Constitutional Law and Theory*, 'Global Summit', hosted by The International Forum on the Future of Constitutionalism, ICON-S, and the Constitutional Studies Program at the University of Texas, Austin, and the Institute for Transnational Law at the University of Texas, Austin
- 11/2020 *Bicameralism and The Rule of Law: Reining in The Abuse of Money Bills in Legislative Procedure*, paper presented at IACL Roundtable on 'Democracy 2020: Assessing Constitutional Decay, Breakdown & Renewal Worldwide', hosted by the University of Melbourne
- 11/2020 *The Supreme Court of India And the Inter-Institutional Dynamics of Legislated Social Rights*, paper to be presented at the 17<sup>th</sup> Annual Conference of the Asian Law Institute (ASLI): Law and Justice in Asia, National Law University, Delhi
- 10/2020 *Designing Remedies for A Recalcitrant Administration During Super-Constitutional Moments*, paper to be presented at Meeting of the Younger Comparativists Committee (YCC) of the Annual Meeting of the American Society of Comparative Law, 2020
- 08/2020 *The Law and Politics of Constitutionalizing Social and Economic Rights: Histories, Concepts, and Institutions in Twentieth-Century Social Constitutionalism*, paper presented at the Conference of Society of Legal Scholars (SLS), University of Exeter
- 11/2019 *Constitutional Resilience through Social Rights*, paper discussed at "Constitutional Resilience in South Asia" Workshop, organized by Bonavero Institute of Human Rights (University of Oxford), Centre for Asian Legal Studies (National University of Singapore) and Melbourne Law School (The University of Melbourne)
- 10/2019 *Social, Political and Legal Discourses on the Reading Down of Article 370 in Jammu and Kashmir*, paper presented at 'Asian Borders in Motion', Péter Pázmány Catholic University, Budapest
- 05/2019 *Democratic Experimentalism in Socioeconomic Rights Adjudication: Developing an Indian model by looking at South Africa and Kenya*, paper presented at Law and Society Association (LSA) 2019 Annual Meeting, Washington, D.C.
- 04/2019 *Democratic Experimentalism in Socioeconomic Rights Adjudication: Developing A Model for Participatory, Democratic, Dignitarian Jurisprudence*, paper presented at International Association of

Constitutional Law (IACL) NYC Roundtable: 'A Passion for Civil Liberties: Building on the Legacy of Norman Dorsen', Benjamin N. Cardozo School of Law, New York City

- 03/2016 *Ambedkar's Conception of Federalism*, paper presented at Humboldt University – Azim Premji University Young Researchers' Workshop on Comparative Constitutionalism, Bangalore
- 09/2015 *The Karnataka RTE Litigation*, paper presented at Peer Consultation on Strategic Litigation Impacts on Equal Access to Quality Education, Open Society Foundations, New Delhi
- 07/2015 Co-author, *Affirmative Action in an Era of Privatisation* (with Sudhir Krishnaswamy), paper presented at the 'International Seminar on Dalits and African-Americans in 21st Century: Learning from Cross-Cultural Experiences', National Law School of India University, Bangalore
- 04/2015 Co-author, *Republicanism and the Right to Education* (with Badri Seetharaman), paper presented at Workshop and Conference on Contemporary Issues in Indian Public Law: Transnational Perspectives, Oxford University, Melbourne Law School, University of Melbourne, and National Law University, New Delhi
- 09/2014 Co-author, *A Republican Solution to the Conflict of Rights Dilemma* (with Badri Seetharaman), paper presented at Conference on Philosophy in the Public Sphere, Jindal Global Law School, New Delhi

#### INVITED TALKS

- 04/2021 *The Legitimacy of Transformative Constitutionalism*, Dienstagrunde, Max Planck Institute for Comparative Public Law & International Law, Heidelberg
- 07/2020 *Judicial Review and Covid-19 in the Global South*, talk delivered to the Society of Critical Legal Studies, University of Chittagong, Bangladesh
- 02/2020 *Democracy, Distrust and Disinformation: Decoding the Indian General Elections 2019*, panel discussion at Péter Pázmány Catholic University, Budapest
- 03/2018 *Reading the crisis in the Supreme Court of India: How did we get here, and where do we go?*, talk delivered at the South Asia Research Group, Central European University, Budapest

#### SCHOLARSHIPS AND GRANTS

- 12/2020 Max Planck Society for the Advancement of Science Institute Fellowship Grant
- 02/2020 Open Society Foundation Grant for undertaking teaching of Comparative Constitutional Law and the Law of Tort at the University of Yangon (deferred)

- 06/2017 CEU Doctoral Scholarship, awarded by the Central European University Foundation of Budapest, to pursue doctoral research under the supervision of Prof. Renáta Uitz, on judicial review in socioeconomic rights cases
- 04/2017 MA Short Research Grant, a competitive grant awarded by the Central European University Foundation of Budapest, to conduct research at the Humboldt-Universität zu Berlin in April 2017 on the comparative regulation of private religious schools and the right to education
- 11/2016 MA Academic Grant, a competitive grant awarded by the Central European University Foundation of Budapest, to participate in the Courts in Dialogue course conducted by Prof. András Sajó, at the European Court of Human Rights, Strasbourg
- 08/2016 CEU Masters Excellence Scholarship, awarded by the Central European University Foundation of Budapest, to complete the master's degree in comparative constitutional law at the CEU (2016-17)

#### **LAW REVIEW AND EDITORIAL EXPERIENCE**

- 07/2015 – present Regional Correspondent (India), Oxford Human Rights Hub
- 01/2014 – 09/2014 Consulting Editor, LexisNexis Butterworths
- 05/2011 – 05/2012 Member of Editorial Board, Indian Journal of Constitutional Law
- 01/2009 – 01/2010 Notes Editor, Jindal Global Law Review

#### **SERVICE TO THE ACADEMIC COMMUNITY**

- 03/2021 – present Convenor, *Economic & Social Rights Post-Graduate Research Group* (ESRPGN)
- 06/2018 – 12/2020 Member of ICONnect Blog editorial assistance team

Articles referee for *International Journal of Human Rights*, *Australian Journal of Asian Law*, *Indian Law Review*

#### **PROFESSIONAL MEMBERSHIPS**

- 2018 – present International Society of Public Law (ICON-S)
- 2021 – present Economic and Social Rights Academic Network: UK& Ireland
- 2019 – present Law & Society Association (LSA)
- 07/2018 – present Society of Legal Scholars (UK)

09/2012 – present            Bar Council of Maharashtra & Goa, India

**RESEARCH ASSISTANCE**

05/2010 – 12/2010            Prof. Shubhankar Dam, Associate Professor, School of Law, City University of Hong Kong, Hong Kong

04/2010 – 07/2010            Prof. Vik Kanwar, Associate Director (International Programs), Southwestern Law School, Los Angeles, USA

**RESEARCH INTERESTS**

*Primary interests*            Socioeconomic Rights, Constitutional Design, Separation of Powers  
*Additional interests*        Legal System Reform, Comparative Constitutional Law, Federalism

**LANGUAGES**

English	Native
Bengali	Native
Hindi	Fluent
German	Basic

**NATIONALITY**

Indian

**OTHER ACTIVITIES**

04/2020 – 08/2020            Chair of the Sub-Committee on Covid-19 – PhD Working Group, Central European University, Budapest/Vienna