

# VRÜ | WCL

## Verfassung und Recht in Übersee

## World Comparative Law

### Managing Editors

Fabia F. Carvalho  
Philipp Dann  
Michael Riegner

### Editorial Board

Jürgen Bast  
Brun-Otto Bryde  
Aparna Chandra  
Martha Gayoye  
Anuscheh Farahat  
Isabel Feichtner  
James Fowkes  
Michaela Hailbronner  
Florian Hoffmann  
Heinz Klug  
Axel Tschentscher  
Arun Thiruvengadam

**4** 2023

56. Jahrgang  
Seite 665–803  
ISSN 0506-7286

### Symposium: Kashmir, Minority Rights and Indian Constitutionalism

Tanja Herklotz

#### Kashmir, Minority Rights and Indian Constitutionalism: An Introduction to this Special Issue

Rouf Ahmad Dar | Javid Ahmad Dar

#### Constitutional Autonomy and its (Un)making

Burhan Majid

#### From a Sovereign State to a Union Territory: A History of the Constitutional Erosion in Kashmir

Paul Dießelberg | Sidra Yousaf

#### Towards a Postcolonial Theory of Constitutional Patriotism for the Marginalized

Aman

#### “Tuhindi Article” (“The Articles Were Yours”)

---

### Articles

Caroline Omari Lichuma

#### Critical Reflections on the Sources of Information for Risk Analysis Under the German Supply Chain Law and Some Ramifications for Global South Stakeholders

Italo Roberto Fuhrmann

#### Social Rights in Comparative Constitutional Law: Right to Health in the Perspective of the Brazilian and German Constitutional Courts



Nomos

Begründet von Prof. Dr. **Herbert Krüger** (†)

## Managing Editors

Prof. Dr. **Fabia Fernandes Carvalho**, Federal University of Minas Gerais, Prof. Dr. **Philipp Dann**, Humboldt-Universität zu Berlin, Prof. Dr. **Michael Riegner**, Universität Erfurt

## Editorial Board

Prof. Dr. **Jürgen Bast**, Justus-Liebig-Universität Gießen, Prof. Dr. **Brun-Otto Bryde** (em.), Justus-Liebig-Universität Gießen, **Aparna Chandra**, National Law School of India University, **Martha Gayoye**, Keele University, Prof. Dr. **Anuscheh Farahat**, Friedrich-Alexander-Universität Erlangen-Nürnberg, Prof. Dr. **Isabel Feichtner**, Julius-Maximilians-Universität Würzburg, Prof. Dr. **James Fowkes**, Universität Münster, Prof. Dr. **Michaela Hailbronner**, Justus-Liebig-Universität Gießen, Prof. Dr. **Florian Hoffmann**, Pontificia Universidade Católica do Rio de Janeiro, Prof. **Heinz Klug**, University of Wisconsin-Madison, Prof. Dr. **Axel Tschentscher**, Universität Bern, Prof. Dr. **Arun Thiruvengadam**, National Law School of India University

**Beirat:** Prof. Dr. **Rodolfo Arango**, Bogota, Prof. Dr. **Moritz Bälz**, Frankfurt, Prof. Dr. **Ece Göztepe**, Ankara, Prof. Dr. **Kittisak Prokati**, Bangkok/Fukuoka, Prof. Dr. **Atsushi Takada**, Osaka

**Schriftleitung:** Prof. Dr. Philipp Dann, E-Mail: Philipp.Dann@rewi.hu-berlin.de

## Inhalt / Table of Contents

### Symposium

*Tanja Herklotz*

Kashmir, Minority Rights and Indian Constitutionalism: Introduction to the Special Issue ..... 667

*Rouf Ahmad Dar, Javid Ahmad Dar*

Constitutional Autonomy and its (Un)making ..... 675

*Burhan Majid*

From a Sovereign State to a Union Territory: A History of the Constitutional Erosion in Kashmir ..... 690

*Paul Diebelberg, Sidra Yousaf*

Towards a Postcolonial Theory of Constitutional Patriotism for the Marginalized: The Case of the Indian Constitution and Kashmir ..... 706

*Aman*

“Tuhindi Article” (“The Articles Were Yours”) ..... 733

### Abhandlungen / Articles

*Caroline Omari Lichuma*

Risky Business: Critical Reflections on the Sources of Information for Risk Analysis Under the German Supply Chain Law and Some Ramifications for Global South Stakeholders ..... 762

*Italo Roberto Fuhrmann*

Social Rights in Comparative Constitutional Law: Right to Health in the  
Perspective of the Brazilian and German Constitutional Courts ..... 783

## **Buchbesprechungen / Book Reviews**

*Ryan Martínez Mitchell*, *Recentring the World: China and the Transformation  
of International Law (Samuli Seppänen)* ..... 799

*Berihun Adugna Gebeye*, *A Theory of African Constitutionalism (Duncan M.  
Okubasu)* ..... 801