# EDITORIAL NOTE

VIPS Student Law Review VOL 3 is the 3rd issue of the annual law journal of Vivekananda School of Law and Legal Studies, Vivekananda Institute of Professional Studies. It is a blind peer-reviewed journal which provides an opportunity to the legal fraternity to interchange contemporary thoughts on law and justice. While the previous Volumes were great success, Volume 3 had received even more overwhelming submissions. The pandemic has been a yearlong now in the whole world and it still continues to claim more lives and suffocate the human race. The second wave of the pandemic was even deadlier than we could ever imagine and it shook the nations beyond imagination. But the human spirit is one not to break so easily, its spirit of life and quest for evolving keeps on enduring and this issue of our Journal stands testimony to it.

Academic writing is no simple task as it needs not just an unwavering attention of the human conscious, but to also be able to mould one's ideas and solutions into words and frame them into cogent compositions for constructive reference. The on-going conflicts of Palestine, the strife in Myanmar and the insurgency in Afghanistan highlights why 'freedom of speech & expression' is one of the most sacred of rights and one of the most indispensable of duties. It is the platform of our Journal that illustrates the most in-expellable qualities of Academic Writing that is ensuring the continuum of discourse and to affront truths that are the toughest to face.

The human brain when under constant confrontation with such extraneous testing situations along with the looming third wave of the pandemic has the tendency to dissociate everything and focus on 'survival', no more, no less. But the Authors of this Volume have shown unprecedented dedication towards Academia and we would like to congratulate them for showing such calibre in these testing times.

Thus, we hereby present the VIPS Student Law Review Volume 3. This time our Journal has received over a 100 submission and we are sincerely overwhelmed by the same. The selected articles are a multitude of contemporary topics with unparalleled discernment that seep beyond the boundaries of just law.

Mr. V. Sudhish Pai in his article recounts the legacy of Mr. Soli Sorabjee. The article narrates the exemplary life of Soli Sorabjee by providing anecdotal details about Mr. Soli Sorabjee's early life, significant cases, and his interests outside the field of law. Ms. Shivani Chawla has critically examined the conditions of human trafficking in India during the pandemic and analyses how traffickers have made use of the internet to their advantage.

Ms. Samriti Verma and Mr. Anuj Kumar Tiwari have discussed the importance of the Victim Impact Statement in the criminal justice system and its effectiveness, feasibility, potency and adverse effect on the sentencing process in India. Ms. Lovleen Sharma comprehensively analyses the process of psychological autopsy in India and compares the position of its admissibility in India and USA. Ms. Neha Tripathi and Mr. Anubhav Kumar explore the concept of judicial dissent, its importance and compares the stance of judicial dissent in the South Asian countries. Ms. Shivya Juneja and Mr. Divyanshu Priyadarshi throw light on the emerging concept of Work From Home and the need for a right to disconnect to help create a balance between the rights of an employee and the work demanded by employers. Mr. Sarthak Aryan and Mr. Jayanta Boruah enumerate the need to serve justice to the victims of the Chamoli Disaster and the need for companies to be made liable for their negligent acts which disturb the ecological balance. Ms. Namrata Chakraborty and Mr. Himanshu Anand critically analyses the contemporary Gram Nyayalayas after the 2008 enactment and lay special emphasis on its sustainability as against the Panchayat ideology. Mr. Deepansh Tripathi deliberates upon the need to pay attention towards the rapid increase of debris in Outer Space and discusses the various international conventions and collective efforts by the international communities to deal with this problem. Mr. Ravi Singh Chhikara and Mr. Abhinav Arora advocates that the government should takes a paternalistic role and enact a different pre-publication regulatory framework for video-on-demand platforms. Mr. Girish Ahuja and Ms. Aparna Singh examines the utility model, analyse its advantages, compare our needs with other established nations, and ultimately advocates to formulate a utility model system for India. Mr. Kushal Tekriwal discusses the concept of Corporate Social Responsibility Frauds focusing on Ghost Beneficiaries and criticising the current regulatory framework in its functioning to tackle the effect of such transactions. Mr Prateek Khandelwal analyses the obstacles of the framing of provisions on cross-border insolvency, studies the various flaws that were made by other countries in adopting the Model Law and how Indian drafters have taken notice of it and have tried to incorporate such learnings in its report. Ms. Nishita Arora and Ms. Hiba Nasir highlight the need for compulsory licensing of the vaccine, with regard to India and South Africa's petition at the WTO. Mr. Tejash Bhandari scrutinizes the gender discrimination that exists in the family laws of India, the need for a Uniform Civil Code and summarily discusses the judicial response received by UCC through various cases. Ms. Neha Maria Antony defend an increasingly endangered 'right to protest' in the digital space and traverses the judicial response received by the right to protest. Mr. Sagnik Sarkar examines the difference between betting and gambling and the tests like 'mere skill v/s chance' and 'substantial degree of skill' operate in categorizing games as gambling activities. Ms. Gunjan Garg examines the POSH Act and how it can help prevent sexual harassment in the virtual workplaces as well. Mr.

Kshitij Dahiya comprehensively discusses the cyber defense mechanism and intelligence capabilities needed for monitoring the state and non-state factors towards cyber threats, cyber violence and cyber-attacks in India.

The Journal presents two articles under the 'Case Comment' section. Ms. Prerna Dhingra through the case of *Chief Election Commissioner of India v. M.R. Vijayabhaskar and others* analyses the freedom of expression of media, the concept of open courts, freedom and the constraints of judicial conduct, in the context of the digital era. Mr. Sarthak Bhardwaj examines the case of *Amit Sahni v. Commissioner of Police*, wherein the right to protest and free speech is balanced as against the right of citizens of free movement.

The Journal presents two articles under the 'Legislative Review' section. Mr. Kavish Arora discusses the atrocities of Pakistani Hindus in the absence of legislation and sheds light on the various benign provisions of the Hindu Marriage Act pertaining to registration of marriage, termination of marriage which aims to protect the minority Hindu community. Mr. Ayush Garg critically analyse the law of liability with regard to compensating the victims of damage caused by a nuclear accident and propose solutions to the flaws in the law.

The Journal presents one article under the 'Book Review' section. Ms. Shweta Shukla reviews the book of 'Moot Problems'. She delves into the purpose of the book, analysing the utility of the book for readers and emphasizes on skills that the reading of the select few propositions in the book, will help one develop. She also provides a brief assessment of the experience that the readers can hope to garner from the different types of propositions in the book.

Lastly I would like to thank our Editorial Board Members, the Members of our Student Core Team assisting the Editorial Board and the expert reviewers for all their dedication and efforts which led to the timely publication of this Volume. I would also like to thank Dr. S.C. Vats, Prof. R. Venkata Rao and all members of the Honarary Advisory Board. Special mention to the COO, VIPS and the staff for their support.

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