EDITORIAL NOTE

VIPS Student Law Review Volume 4 is the 4th issue of the annual law journal of Vivekananda School of Law and Legal Studies, Vivekananda Institute of Professional Studies-TC. It is a blind peer-reviewed journal which provides an opportunity to the legal fraternity to interchange contemporary thoughts on law and justice.

Evolving legal jurisprudence always try to give justice timely to a common man. Right to liberty has always been prioritised. In a recently decided case, the Supreme Court held that preventive detention is a serious invasion of personal liberty. Supreme Court further held that all safeguards allowed under the law must be adhered to and that any unreasonable delay between the proposal and passing of the order for preventive detention would make the order invalid. In today's arena we are enhancing the jurisprudential ambit and giving wider meaning to Right to liberty. In such a scenario Freedom of Speech and Expression also becomes very important to express freely.

Research writing is not an easy activity because it requires the human mind's undivided attention, and also the ability to put one's thoughts and solutions into coherent compositions for useful reference. The platform of our journal is what best exemplifies the most inadmissible aspects of academic writing, which ensures the continuity of conversation and confronts the hardest to face truths.

We want to applaud the authors of this volume for their unprecedented dedication towards Academia and their high calibre work. Thus, we hereby present the VIPS Student Law Review Volume 4. We are truly overwhelmed by the more than 100 submissions that the Journal has received this year. The chosen writings cover a wide range of modern subjects with unmatched judgement that extend beyond the bounds of just law.

Dr. J. Ravindran in his article titled "*Negative' And 'Positive' Obligations of The State – The Journey This Far*" has given a brief account of the development of law in the last seven decades on the inter-relationship between fundamental rights and directive principles of state policy.

Dr. Navjeet Sidhu Kundal in her article titled "*Clinical Legal Education and the Role of Legal Aid Clinics in India*" aims to evaluate the orientation of legal aid clinics in achieving the idea of social justice as envisioned in the Indian Constitution. She also looks into the transformative capacities of the legal aid programme with respect to the two constituencies that they cater to the students and the poor and the marginalised.

Dr. Deepa Kaushik in the article titled "*Section 115 of Mental Healthcare Act, 2017: A Lifeline to Suicide Attempters*" emphasizes that the need of the hour is to counsel and rehabilitate such persons who attempt suicide rather than punishing them. She also mentions about the new Mental Health Care Act, 2017 which has brought in a revolutionary change by decriminalising suicide under Section 115.

Mr. Aroup Raton Shaha in his article titled "*Convention on the Status of Refugees 1951: More Eurocentric than Universal*" explores the context of the Refugee Convention and dig out how this convention aid the sustenance of the racial segregation. He also discusses the balance between State sovereignty and obligation under the Refugee Convention and highlights the States obligation under Human Rights law. He further explains how the refugee Convention intentionally excluded certain factors out of the purview of the convention and also ponders upon the judicial interpretation of the different terms of the Refugee convention.

In the automobile manufacturing world, Standardization is the primary concern. Mr. Hansie Singh Nagpal in his article titled "*Principal-to-principal relationship with respect to Automobile manufacturer and dealer in consumer dispute cases*" explains, under what circumstances, the manufacturer will be liable for deficiency of services and dealer will be liable for the committing the same under the Consumer Protection Act.

In the article titled "*Domestic Violence during Pandemic: A Socio-Legal Analysis*", Ms. Nivedita Chaudhary attempts to analyse the status of women who were constantly subjected to domestic violence during the lockdown. She briefly discusses the ongoing trends all around the globe and also analyses the actions taken by the Indian government, other nations and International Organisations in response to this issue.

The article titled "*From Rio to Paris: What Have Developing Countries Really Achieved?*" mentions about climate change and how the developing countries have been the victims of the damage caused by the developed nations, resulting in violation of environmental justice in the global context. Mr. Niranjan E.V. and Ms. R. Divya Meenakshi have attempted to provide an overview of the incentives available to the developing countries towards commitment, magnitude of implementation of the obligations and prescribed practices, measures taken towards accountability and the challenges in relation to these. They conclude by asserting that the members of the UNFCCC have a long road ahead to reap the benefits of their negotiations on mitigation from climate crisis and adaptation to ecological responses.

Ms. Prarthna R. Markod in her article titled "*Intellectual Property Right: The Asset of New India*" discusses about the concept of IPR and its growth in India. The article revolves around the nuances of Intellectual Property Rights, Predominant areas of Intellectual Property Rights and the role of Intellectual Property Rights in India.

In the article titled "*The Concept of Judicial Review as A Process – An Analytical Study*", Ms. Riya Jacob mentions about the power of the judiciary to scrutinize any act of the legislative or executive bodies. She has carefully analysed the process of Judicial review and also discusses about the evolution and growth of this concept.

Ms. Arushi Anand in her article titled "*Third-Party Funding in International Arbitration: The Need for India to Step It Up?*" mentions about international arbitration and its importance. She also discusses the need for India to step up in this arena by making legal norms in this regard.

The article titled "*Explication on the Concept of Crowdfunding in The Indian Legal System*" follows a multi-disciplinary approach referring to the relationship of crowdfunding with elections, Intellectual Property regime. Mr. Saket Agarwal and Ms. Charu Agarwal have suggested for the introduction of Sharia Crowdfunding in India.

The article titled "*Need for Formalisation of Gig Workers: Towards A Paradigm Shift in Working Model*" tends to propose solutions to the problems that arise due to misclassification with the help of a comparative analysis made concerning the status of gig workers employment in different nations. Ms. Kinjal Keya and Mr. Aditya Pratap Singh have analysed the Social Security Code, 2020 to study the ambiguities the code has concerning gig workers and solutions for the same have also been proposed.

Mr. Ahan Gadkari in his article titled "*The Competition Commission of India's Attitude Towards Cross Border Mergers*" discusses the fundamentals of merger control. He also discusses the substantive position of India's cross border merger control under the Competition Act, 2002.

In the article titled "*Rising religious majoritarianism in India - the impediment to minorities rights and representation*", Mr. Divyanshu Dubey scrutinizes the status of minorities' constitutional rights and representation in the parliament in such a majoritarian environment. The question of law here is whether the decision of constitution framers of abolishing reservations for minorities in the legislature and granting a charter of rights under fundamental rights to the minorities was a feasible decision considering current

India's political scenario?

People from all walks of life coexist in modern society, yet they nevertheless have to contend with racism from time to time. Even in the world of sports, racism still exists. Mr. Yuvraj Sharma in his titled "*Racial discrimination in sports activity*" mentions about the racism seen in arena of sports and how to curb it.

In the article titled "*Evolving Interpretations of Legal Provisions of 'Intestate Succession' in Light of Judicial Precedents*", Mr. Samrat Bandopadhyay has discussed in detail about the 'Testamentary Succession'. He also mentions about the Schools of Hindu Law, in the form of Dayabhaga School of Hindu Law and Mitakshara School of Hindu Law.

The case comment by Ms. Yashvi Aswani titled "*Married women: Less than Humans? RIT Foundation v. Union of India*" explains the Exception 2 to Section 375 which pertains to the issue of marital rape. This paper highlights the submissions and arguments given for and against the criminalization of marital rape. It emphasizes on the Hon'ble judges' point of view while adjudicating the case and criminalization of marital rape in other jurisdictions. This paper also analyses the effect of the exception of marital rape on women and the plight of women who are not able to defend themselves against this statutory protection given to husbands.

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