



## Editorial

The Journal and Publication Society, School of Law, Christ University, takes pride in placing on record, the twelfth issue of the Christ University Law Journal. This issue of the journal comprises of researched articles, spanning a variety of legal topics, a case comment and a book review. The academic writings are authored by legal practitioners, academicians and students.

The quest to achieve equality in every field and form has taken the center stage in the 21<sup>st</sup> century. While many governments have taken a proactive step to try and ensure the same, the author, Shwetank Sharma, in his paper titled, *A Comparative analysis of Intersectionality under Discrimination Law in the Light of Vulnerability Theory as a Post-Identity Approach*, has put forward the strong contention that the law fails to recognize a multi-ground claim of discrimination and therefore provides ineffective redressal. He states that an individual can face a unique experience of discrimination due to the interplay of various identities, which is not addressed by the courts. After carrying out meticulous research and reviewing various scholarly articles, the author has given an in-depth analysis of the 'Intersectionality Theory' and the 'Vulnerability Theory' as a probable solution to the issue at hand. However, he also appreciates the drawbacks of both these theories and suggests that a combination of the two should form the principle that needs to be followed, when adjudicating such cases.

*Curbing free speech: Strategic Lawsuits against Public Participation in India*, authored by Malcolm Katrak, gives us a detailed understanding about Strategic Lawsuits filed by those in power, in order to silence any criticism that emerges against them. The author highlights the manner in which SLAPPs are used as a tool to stifle public discourse and *bonafide* criticism, hence impacting free speech and expression in a democracy. The paper explores various case laws to understand the effect that these lawsuits have on the freedom of press. It further examines the evolution of SLAPPs in India. The article concludes with the observation that India does not have an adequate legislation to deal with the matter and further

stresses on the need for comprehensive laws to address the issue of SLAPPs.

Karan Kamat in his paper, *Constitutionality and Constitution of the National Company Law Tribunal and the National Company Law Appellate Tribunal*, analyses the emergence of Company Law Tribunals in India as well as examines its constitutionality. The paper first examines the constitution of the Tribunals and then studies its constitutionality under two main heads - 'Membership and Ancillary Provisions' and 'Procedure and Particulars'. The author brings to light the recommendations given by various bodies that were ignored by the Parliament while passing the Companies Act, 2013 and highlights the effect that this has had on the efficacy of the Company Law Tribunals. The paper explores the shortcomings of the Tribunal system as it stands and concludes by recommending certain modifications to the Companies Act, 2013.

The quandary of docket explosion, with an appalling backlog of cases, is one that has plagued the Supreme Court of India for years together. This is because the Court hears matters from all angles of the spectrum, starting from high profile constitutional matters to sundry appeals under different appellate jurisdictions. The National Court of Appeal ("NCA") was proposed to resolve this problem by acting as the final appellate forum, while leaving matters of Constitutional diligence to the Supreme Court. However, according to the author, B Muthu Kumar, the NCA may be rendered futile by the option of Special Leave Petitions from its orders to the Supreme Court, yet again adding to the bludgeoning case log. Through the course of the paper, the author compares various models of tackling docket explosion in the United States of America, Japan and Brazil. He concludes by suggesting different means, whereby the Indian legal system can adopt positive approaches of the countries analyzed. This would help find an answer to reducing backlog of cases in the Supreme Court, and would restore faith in its timely delivery of justice to people.

In their article titled, *Artificial Intelligence and Intellectual Property Law*, Swapnil Tripathi and Chandni Ghatak, analyze the legal framework governing artificial intelligence. With the advancements in technology today, and the growing possibility of innovation and invention by artificial intelligence, the law of intellectual property

falls short in its protection of works by artificial intelligence. The authors examine the expanding scope of IPR laws and artificial intelligence along with the inevitable challenges it brings from the perspective of Copyright law and Patent law. The authors also suggest changes that can be incorporated into the existing system to address the different issues arising in this sphere.

Author, Varun Pathak, comments on the judgment of the Supreme Court of India in *Centrotrade Minerals & Metal Inc. v. Hindustan Copper Ltd.* The Supreme Court, in this case applied the principle of party autonomy and addressed the ambiguity concerning the enforceability of multi-tier arbitration clauses in India. The significance of this case is due to its contribution to the jurisprudential development of the arbitration law in India. The case provides clarity regarding the enforcement and workability of multi-tier arbitration clauses. The business community, in India and abroad, will have greater impunity to resolve disputes in a detailed set-up with enhanced review from commercial individuals and will avoid the pit falls of having a single attempt at adjudication by arbitral tribunals

The Journal and Publications Society expresses its gratitude to all scholars and reviewers who have contributed to this issue of the journal and solicit their continued patronage and cooperation. We are grateful to the Christ University management, the Center for Publications, the Library personnel and the National Printing Press, for extending their support toward our humble mission of making effective contribution to legal research.

## **Editorial Board**

