

## **Editorial**

The Journal and Publication Society, School of Law, Christ University, takes pride in placing on record the fifth issue of its law journal. This issue of the Christ University Law Journal encompasses articles, case comments and legislative notes from diverse areas of law, which entails contemporary relevance. Contentious problems like access to justice of the disabled, recurrent and increasing spate of marital rapes, issues faced by street vendors who are trying to earn a living, employing of guerilla tactics in international arbitration and the significance of advance pricing agreements in the Indian taxation regime have been addressed in well researched articles. Complex legal questions have been discussed in a case comment on the conflicting provisions of the Indian Penal Code, 1860.

## **Articles**

‘The ‘Disabled’ as a Subject of Law: Utopian Discourse or Pragmatic Paradigm?’ by Gaurav Mukherjee analyses the law relating to access to justice with respect to individuals with disabilities. It delves into whether provisions have been made to ease their access to justice, especially in the light of the various international conventions, to which India is a party. The paper proposes recommendations to alter Indian legislations in the matter of disabled individuals’ access to justice, by drawing comparisons with other countries of the world.

In her article, ‘Invisible’ Women Street Vendors: Lacunae in the Street Vendors Act, 2014’, Mansai Chaudhari has critically analysed the Street Vendors Act, 2014, which was passed to regulate and recognize street vending as a profession. The author perceives the problem in the light of the challenges faced by the women street vendors, especially in respect of working conditions and household responsibilities. The author further analyses how the Act deals with representation of women in the Town Vending Committee and various other provisions concerning women. She concludes by making recommendations for the upliftment of women street vendors by addressing the challenges faced by them.

In the article titled ‘Advance Pricing Agreements in India: A Revolution in Taxation Law’ the authors have made an attempt to analyse the Indian law on advance pricing agreements through a comparative study with other prominent jurisdictions. Avani Verma and Surabhi Singh have examined the concepts such as transfer pricing, and arm’s length principle

in great detail. The paper accordingly suggests for the improvement of the Indian law on advance pricing agreements.

The concept of guerrilla tactics is an emerging concern in the sphere of international arbitration. In his article 'Understanding Guerilla Tactics in International Arbitration', Preet Singh Oberoi refers to guerrilla tactics as unethical practices in arbitration. He applies the tactics of a guerrilla war to arbitration proceedings, such as the exploitation of procedural rules, and recognises the hindrance and nuisance caused to the parties as a result. The paper details the essential elements of guerrilla tactics, which separate them from other techniques, and also provides the causes for resorting to the same. To provide a level playing field and encourage transparency in arbitration, the author refers to various ethical regulations and few decisions of the International Centre for Settlement of Investment Disputes which are reflective of the problems in modern day arbitration. The author concludes that arbitration is in a period of transition due to unethical and illegal means being used to achieve goals, and therefore the regulatory regime is yet to evolve.

In his case comment on Alister Anthony Pareirav. State of Maharashtra, Alby Joseph focuses on the important issues that were placed before the Supreme Court, including whether an indictment under sections 304 and 338 of the Indian Penal Code, 1860 can survive in a single case of rash and negligent driving. The author explores the constituent elements of grievous injury and the concept of attributed knowledge. This case comment also looks into the application of legal maxims such as *res ipsa loquitur*.

Shivika Choudhary in her article 'Marital Rape: An Evaluation of the Patriarchal Injustice in the Criminal Law (Amendment) Act, 2013', poignantly brings to the fore the issue of patriarchal injustice in the Criminal Law (Amendment) Act of 2013. The article delves into pertinent questions such as the relevance of consent of women, while relying on the Justice Verma Committee Report, and various report of the Law Commission of India. It also refers to various statutory provisions, and critically analyses the ambiguities and discrimination in the Amendment Act of 2013.

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