



## Editorial

The Journal and Publication Society, School of Law, Christ University, takes pride in placing on record, the eleventh 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 research scholars.

## Articles

The corpus of energy providing resources in today's world, largely consists of those that profusely emit carbon dioxide and have a detrimental impact on the environment. It is on this premise that history is wrought with several treaties and agreements seeking to involve country-parties across the world, in an attempt to mitigate the threat of climate change. Mr. Theodore Okonkwo, through his article, *Reshaping the Global Climate Change Regime Through the Paris Agreement*, has meticulously documented the salient features of the Copenhagen Agreement and the Paris Accord and has analyzed relevant case laws as well. The author is in appreciation of the Paris Accord, on account of it being more all-pervasive by involving large stakeholders in society such as civil society, private individuals and sub-national authorities. However, there is much criticism about how countries are left to fashion out their own schemes for vital terms of the Agreement such as Nationally Determined Contributions, stocktaking, ratcheting, reporting, updating and review, which leaves the parties in an inert ambiguity. Clauses such as 'historic responsibility' also pose a grey area of implementation and a leeway for developed countries to skirt responsibilities that they owe to developing countries, much to the prejudice of the latter. Further, the non-binding nature of the Agreement is a huge hindrance in the commitment of countries towards the Agreement. The author finally concludes with the possibility of a Compliance Committee to bolster the implementation of the 1.5 degree Celsius, climate-change target of

the Agreement, instead of letting this treaty pass in vain, much like the other climate-change treaties till date.

Through his article, *Restrictive Covenants: The Curious lack of an Effective Remedy in India*, Girish Deepak gives us a nuanced understanding about the remedies available under Indian Contract Act, 1872 and Specific Relief Act, 1963, in matters of restrictive covenants. The author stresses on the dynamic nature of Contract law in India, giving us a background of the evolution of remedies for restrictive covenants and further, while highlighting the current drawbacks in the law, identifies a solution to overcome these drawbacks by looking into Common Law principles. The article concludes with the observation that Indian law must follow the Common law principles by ending discrimination against restrictive covenants.

Authors Srijita Jha and Akshay Zaveri, in their paper, *Working of Section 153A Of The Income Tax Act: Resolving The Conflict Between the Literal Rule of Interpretation and Harmonious Construction*, have analyzed various interpretations given to Section 153A of the Income Tax Act, by the Courts. The main question that the authors seek to throw light on, is whether Section 153A of the Act includes within its scope the reassessment of the completed assessments even if no incriminating material has been found during the course of search. To answer this question, the paper examines cases where the rule of Literal Interpretation is to be used and how there exists a bar on Courts to create a *casus omissus* when there is none. It further explores cases where the provisions of Section 153 have to be harmoniously construed. Through an analysis of cases, the paper reconciles the conflict between the Literal Rule of Interpretation and the Rule of Harmonious Construction.

Author, Arunbaby Stephen, deals with the contemporary topic of cyber stalking, whilst critically analyzing the same in his paper titled, *A Comparative Analysis of Cyber Stalking Legislations*. The article is a study of the increasing instances of the crime of cyber stalking and its different elements and the ways in which it differs from physical stalking. The issue is analyzed in the light of the different legislations passed to tackle the problem of cyber stalking in United Kingdom, United States, and India. The law in India

being fairly new, is examined to check its adequacy and anticipate its shortfalls, and the ways to overcome the same.

The recent judgment of the Honorable Supreme Court in the case of *State of Tamil Nadu v. K. Balu* which imposed a nationwide cancellation of liquor licenses of vends that operated within 500 meters of a national or state highway, has been critically analyzed by the author, Satyam Tandon. He has provided a detailed insight into the repercussions of this judgment on the economy and the arbitrary means by which several state governments have tried to skirt this ban. This article not only highlights the various aspects that the Court failed to take into consideration before passing the blanket ban, but has also provided a practical and logical test that can be employed to solve the problem that has arisen.

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 Centre 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**

