



## Editorial

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.

Authors, Aishwarya Deb and Prithwish Roy Chaudhury, in their paper, *A Critical Analysis of the Information Technology Act, 2000 vis-à-vis Mitigation of Child Pornography*, analyze the provisions of the Information Technology Act, 2000 with respect to the crime of child pornography. They highlight the drawbacks of the Act in addressing this issue and discuss the liabilities of intermediaries in the said matter. The article also explores the areas which the Act fails to address in the light of the Budapest Convention, and states that the loopholes in the legislation can be addressed by taking a more victim-centred approach, by looking into various relevant case laws. The article concludes with the authors suggesting ways to overcome the inadequacy of the Act and highlight various international treaties and conventions that must be addressed and referred to, while improving the Indian laws.

The article, *Cinema on Trial: Doctrine of prior restraint in censorship*, authored by Swagat Baruah, analyses the role of the Censor Board of Film Certification in the field of Indian Cinema and further, addresses the question of whether the doctrine of prior restraint is against the very principles of liberty to express dissenting views and ideas upon which article 19(1)(a) of the Indian Constitution was based on. To strike a balance between freedom of speech and expression and public order, morality and decency is essential for a democracy. The author puts forth strong arguments against the doctrine of prior restraint as adopted by the Censor board and gives us various instances and cases to support the following stance. The article further proposes the need for a system which does not suppress free thought and expression, but promotes a progressive society in conformity with the accommodative ideals as promulgated under the Indian Constitution, through various mediums of expression, especially through films and movies.

In her article titled, *Unilateral Option Clauses: The Way Forward*, Salonee Patil analyses the current legal framework governing arbitration clauses in India to understand the validity of unilateral option clauses. With no decision by the Supreme Court on the subject, the author examines the various trends in the stances taken by different High Courts in India and compares them. The author then goes on to examine the same from the perspective of the legal frameworks of different nations like Russia, Singapore, USA, etc. The article highlights the imminent need for the Supreme Court to take a stand on the subject and uphold unilateral option clauses as valid for the benefit of commercial arbitration.

In the article, *Analysis of Public Policy and Enforcement of Domestic and Foreign Arbitral Awards in India*, Yash Dubey meticulously scrutinizes the challenges that entail the concept of public policy as a ground to set aside arbitral awards. He begins by tracing the serpentine evolution of what has judicially been upheld to constitute public policy. The next rudiment of the paper deals with the two leading cases in Indian arbitral history – the *Renusagar case* and the *ONGC case* and how the latter took a stance deviating greatly from the conditions laid down in the former, much to the author’s criticism. Even with a plethora of judicial pronouncements, the position continued to be ambiguous regarding the notion of *patent illegality* as a ground to set aside the award under both S. 34 and S. 48 of the Arbitration and Conciliation Act, 1996. Subsequently, however, the Amendment Act of 2015 did come to the relief of foreign investors by excluding patent illegality as a ground to challenge awards. The author finally concludes by drawing inspiration from the conception of public policy in countries such as USA, Russia and France, to support his criticism of patent illegality as a ground to set aside arbitral awards.

Author, Unanza Gulzar, critically evaluates the Supreme Court’s ruling in the case of *Rajbala and Ors. v. State of Haryana and Ors.* The question raised in the case was of the constitutional validity of the Haryana Panchayati Raj Amendment Act, 2015, which brought in certain grounds of disqualification in the Panchayat elections that were challenged by the petitioners as violating article 14 of the constitution and further being arbitrary and unreasonable. The

author examines the educational qualifications as grounds of disqualification and further sheds light on the system of Panchayati elections and their importance with reference to the Indian democracy. She also provides us with a detailed insight into the repercussions this judgment will have on grass root level democracy and argues against the Amendment. The arguments presented in the paper are noteworthy and address in detail, the lacunae in the analysis of the court while addressing this matter.

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.

**Dr Sharmila N**  
**Issue Editor**

