



Editorial

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

Articles

The article, *Aadhaar - its Implementations and Implications*, brings out the complexities that revolve around the legislation, and enumerates their effects on the rights and liberties of the citizens. While the intention behind the formulation of the legislation was to increase the efficiency in the devolution of subsidies to the citizens, the process of achieving the said efficiency, involved multiple difficulties. These difficulties primarily arose due to the lack of the legislature's foresight in predicting the complications that would present itself to the Executive, while the latter furthered the objectives of the Act. The paper analyses the legislation, in the light of preceding authorities and international scenarios and proceeds to critically analyse the Aadhaar Judgement as given by the Supreme Court in 2018. The detrimental consequences of a static law, in a dynamic society, where the advancement of science and technology facilitates information to be readily available, are brought out succinctly, with extensive analysis, from an objective platform.

In the Article titled *Decrypting India's Search Engine Bias Case: Antitrust Enforcement in the Digital Age*, Suyash Bhamore, delves into the application of competition law in the digital spheres. The author, by analysing recent decisions of the Competition Commission of India, in cases filed against Google, gauges its effects on the development of Competition law and jurisprudence in India. The paper engages, first and foremost, in an in-depth study of the concept of search engine bias, specifically with reference to Google. The author also appraises the stance of the Competition Commission of India on relevant geographic markets.

He further examines the issue of dominance and Google's position, regarding the same. The article highlights the need for adequate remedies that do not adversely affect the competitive structure, and analyses possible solutions such as search neutrality and continuous disclosure, bringing forth their impracticality. The author also emphasizes the role of the Competition Commission in preventing abuse of dominance and anti-competitive behaviour.

In the article titled *Subject Matter and Pre Requisites for Protection of Non-Conventional Trademarks*, the author, Aishwarya Vatsa, has brought to light an area of law that is novel. Non conventional marks greatly vary from traditional marks in form, thereby making the fulfilment of certain requirements of registration more tedious. The article draws a comparison between different jurisdictions while analysing the feasibility of the pre-requisites under the said jurisdiction. By referring to different domestic as well as international conventions, the author has provided a comprehensive alternative, recommending newer, more relaxed formalities to be fulfilled in order to gain legal protection.

Extent of Functional Immunity Granted to State Officials brings to the fore, the relevance and extent of functional immunity granted to state officials in contemporary international law. Author, Ayush Tewari, analyses the scope and object of the Vienna Conventions pertaining to Diplomatic and Consular relations vis-a-vis the growth of the subject matter of international criminal law, wherein responsibility can be attributed even to individuals. Keeping in view this development in the sphere of international law where states may not be held responsible for the acts of its citizens, the paper suggests altering the scope of the immunity granted in order to better fit the developments in the field of international law.

Author, Swapnil Tripathi, analyses the Supreme Court's judgement in *S.K. Mahajan v. Union of India*. He traces the evolution of constitutional and legislative protections afforded to members of the Scheduled Caste and Scheduled Tribes, in order to elucidate the rationale behind relevant provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The issue in the case was regarding the denial of anticipatory bail to those accused under the Act, which was alleged to be in violation of the personal liberty of the accused. The author examines the probable

oversights in the judgement regarding the protective intentions behind the Act, and how allowing anticipatory bail is in ignorance of judicial precedents. Moreover, the author critiques the necessity of preliminary enquiry prior to recording a complaint and approval of appointing authority, prior to the arrest of public servants, for atrocities. The comment is noteworthy in that the author puts forth viable suggestions for enhanced implementation of the Act with reduced misuse, as possible alternatives, as opposed to the dilution of the anticipatory bail provisions.

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.

Sharmila N
Issue Editor

