



Editorial

The Journal and Publication Society, School of Law, Christ University, takes pride in bringing the fourth issue of its law journal. This edition has attempted to address the contemporary issues in different facets of law, both in the national and international spheres. The academia and the student community have made an in-depth analysis of seminal questions of law pertaining to human rights, arbitration, securities laws, interpretation of statutes and so on.

P C Harigovind in his article, “Informed Consent in Clinical Trials and the Role of Institutional Ethics Committees: A Socio-Legal Analysis”, discusses the legality of experimentation of new drugs on human beings. The article discusses the various nuances of informed consent, including its evolving prominence in Indian law. The author has referred to landmark judgments from various jurisdictions and has tried to evaluate the role of ethical review committees in protecting public health as enunciated in various international documents.

“Enforcement of Human Rights: Effectiveness of International Legislation” by Devarshi Mukhopadhyay delves into the need for enforcement of soft law for the protection of inalienable human rights. It also examines the aspects of cultural relativism which affects the universality of the human rights obligations. The article places reliance on several international documents and explores the role played by international organizations in the enforcement of human rights.

Sreyan Chatterjee in his article “An Analysis of the Scope of Judicial Overreach in the Context of Legislative Intent” analyzes the theoretical justifications behind the use of legislative intent in the interpretation of statutes, keeping in mind the doctrine of separation of powers. The article also discusses the circumstances in which the search for legislative intent becomes necessary, in the light of the concept of legislative supremacy.

Shreyan Sengupta and Anirudhya Dutta in their article “Rise in the Freedom of Contract: Development and Enforceability of Forum Selection Clauses” addresses the need for effective dispute redressal mechanisms, in the light of the contemporary developments in the commercial sector. The authors seek to explain the concept of forum selection clause, as incorporated in commercial contracts. The article makes a comparative study of the forum selection clauses in different jurisdictions and probes into crucial questions pertaining to the same in the Indian scenario.

Anshul Agrawal in his article “The Extent of Mitigation of Risks through Regulation of Over-the-Counter (OTC) Derivative Markets in Different Jurisdictions” examines the concept of derivatives in great detail. The author makes a study of the different types of risks involved in over-the-counter derivative trading. The regulatory regimes relating to derivative market in different jurisdictions are also scrutinized for a better understating of the Indian milieu.

The courts in India are over burdened with litigation. Hence considerable delay is involved in disposing of cases pertaining to service matters of civil servants filed by them against the government. Administrative tribunals are constituted to adjudicate these issues and ensure speedy disposal of the same. Sanjay Gupta and Smriti Sharma in their article “Judicial Analysis of the Powers and Functions of the Administrative Tribunals” make a scrutiny of the powers and functions of the administrative tribunals as interpreted by the courts and debate how these adjudicatory bodies play an important role in dispensation of justice.

The international community has a vital role to play in checking the crimes against humanity. The Rome Statue of the International Criminal Court 1998 has come to be established to check international crimes and to promote international peace. Although many nation states have ratified this treaty, India, has not ratified it. Arjun Bhagi in his article, “India’s Tryst with International Criminal Law: Why Delhi Cannot Digest the Roman Pasta?” analyses the reasons behind India’s concerns which has prevented it from ratifying the treaty. The author dispels this concern of India and calls for ratification of this treaty by India in the larger interest of maintaining international peace and harmony.

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