

Editorial

Justice Sanjeev Kumar, the Hon'ble Judge, High Court of Jammu and Kashmir and Ladakh (India) in his paper titled "*Revering the legacy of Dr Babasaheb: Justice, Liberty, and Equality for all*" scholarly discusses the foundational principles of Indian Constitution and the legacy of Dr BR Ambedkar. The paper examines the constitutional vision of the Constituent assembly and remarkably stresses on the constitutional morality and civic responsibility required to understand the democratic ethos of the country. The author carefully presents his seasoned knowledge of constitution to understand what went into the drafting of the constitution and how relevant it is today. This work brings a complete analysis of the preamble and integrates it with the rest of the Articles that makes our constitution a complete code for ensuring and enforcing the lofty ideals of Justice, Liberty and Equality with Fraternity and calls upon all the stakeholders to imbibe, preserve, promote and uphold these values in order to protect the unity and integrity of our nation.

Syedah Fatima Zahara Jafri, Assistant Professor, School of Law, Lovely Professional University, Phagwara Punjab, **Syed Irfan Haider Jafri**, Assistant Legal Aid Defense Counsel, District Legal Services Authority, Poonch, Jammu and Kashmir, and **Mirza Juned Beg**, Assistant Professor, Faculty of Law, Integral University, Lucknow, Uttar Pradesh, in their paper titled "*Illegal Sand Mining in River Jhelum in Jammu and Kashmir: Environmental Law and Governance Challenges*", highlights the environmental and legal issues of illegal sand mining in the Jhelum River, Jammu & Kashmir. The paper brings about the illegal mining consequences in the region such as the damaging ecological integrity of the river, endangering public infrastructure and rural livelihoods. causing habitat destruction, bank erosion, groundwater depletion, and flood vulnerability. The paper examines the existing legal framework for environment protection and mining. The authors argue that notwithstanding the legal protections, field reports and court rulings have consistently shown extensive extraction in protected riparian areas, indicating lax enforcement and regulatory oversight. The study recommends strengthening of regulatory oversight, robust environmental clearance processes, community-based monitoring, reforming legal sanctions, etc.

Prof. Ishita Chatterjee, Professor and Dean, Faculty of Law, Marwadi University, Gujarat, and **Prof. Jai Shankar Singh**, Vice-Chancellor, RGNUL, Patiala, Punjab in their paper captioned, “*Review of the Consumer Protection Act, 2019 in light of the Lessons from the Transnational Jurisdictions*”, applaud the remarkable achievements of the Consumer Protection Act, 2019, especially incorporation of provisions pertaining to product liability, Central Consumer Protection Authority and regulation of e-commerce. The authors observe that despite having its roots in Indian law, the Consumer Protection Act, 2019 is inspired by worldwide best practices and offers insightful information from other countries that have influenced its provisions. The Consumer Protection Act of 2019 has a strong focus on responsibility, openness, and consumer empowerment. The work brings a comparative analysis to identify the similarities and differences between the Consumer Protection Act, 2019 and the regulations like the General Data Protection Regulation (GDPR) of the European Union and the Federal Trade Commission Act of the United States. The authors argue that the Consumer Protection Act, 2019 needs improvements, especially in the application of consumer protection in cutting-edge fields like artificial intelligence and international e-commerce and highlight that through progressive rules, nations like the European Union and Japan have started to address these issues. Therefore, the authors recommend that India can improve its legal frameworks and foresee future consumer difficulties by continuing to learn from similar places like the USA, Japan and the EU.

Gulafroz Jan, Assistant Professor, School of Legal Studies, Central University of Kashmir, in her paper titled, “*ICANN’s Uniform Domain Name Dispute Resolution Policy: A Critical Analysis*”, highlights the issues of cybersquatting and conflicts between trademark holders and domain registrants. The study provides a historical context to the domain name system and the formation of the Internet Corporation for Assigned Names and Numbers (ICANN). The author provides a comprehensive critical analysis of the Uniform Domain Name Dispute Resolution Policy (UDRP) and argues that, though the Policy offers a swift, cost-effective, and uniform process that deters cybersquatting, yet it provides limited procedural safeguards. There is absence of appeals, and an inherent bias towards trademark owners. The paper

proposes necessary and feasible suggestions to be incorporated in the Uniform Dispute Resolution Policy.

Prof. Mohd Ashraf, Professor, Department of Law, Aligarh Muslim University, Aligarh, and **Shagufta Kahkeshan**, Research Scholar, Department of Law, Aligarh Muslim University, Aligarh, in their paper bearing title, “*Emergence of Robot-Assisted Surgery and the Evolving Legal Landscape in India*”, highlights the present status of robot-assisted surgery in India. The paper brings an analysis of legal issues, such as obtaining informed consent from patients, determining liability in cases of medical malpractice, and protecting intellectual property rights, and ethical public policy issues, like the accessibility and affordability of robot-assisted surgery, training and certification of surgeons, the impact on traditional surgical practices, and balancing patient safety with medical innovation. The paper examines the Indian legal architecture governing medical devices and robotic surgical systems. The authors opine that the existing legal framework provide a foundation for the regulation of robotic surgical systems, but the legal framework needs to be updated and expanded to accommodate the unique challenges posed by this technology.

Naveen Kumar, Associate Professor, Department of Law, North-Eastern Hill University Shillong, Meghalaya, and **Raajdwip Vardhan**, Research Scholar, North-Eastern Hill University, Shillong, Meghalaya, in their paper titled, “*Digital Footprints and the Right to Be Forgotten: An Analysis in the Indian Context*”, undertake an analysis of the “right to be forgotten” in India, specifically examining its dual genesis in judicial pronouncements (as a derivative of privacy right under Article 21 of the Constitution) and the statutory recognition of the “right to erasure” under the Digital Personal Data Protection Act, 2023. The authors identify the core tension between the right to be forgotten and the right to free speech within Article 19(1)(a) of the Constitution. The paper sets out to analyze the coherence between these twin fundamental rights, the necessary balance with free speech, and the operational challenges posed by the jurisdictional issues, AI, and the ‘Streisand Effect’. The authors argue that data protection and a robust “right to be forgotten” can be considered the *sine qua non* of the present society, therefore, in the absence of a concrete legal framework, either represented by legislation or promulgated by the Supreme Court, the right will remain a ‘paper tiger’, subject to whims of the judicial bench before which the matter is placed.

Umeshwari Dkhar, Assistant Professor, National Law University Meghalaya, and **Rushika**, Research Fellow National Law University, Meghalaya, in their paper captioned, “*Navigating Legal Pluralism: The Dual Justice Systems and Conflicts Between the Traditional and Modern Courts in Meghalaya’s Khasi Hills*”, provide a comprehensive overview of the legal landscape in the State of Meghalaya. The paper highlights the concept of legal pluralism in the Khasi Hills, Meghalaya, explaining how traditional and modern legal systems co-exist. The paper traces the origins of legal pluralism back to British colonial rule and its continued evolution post-independence with the adoption of the Sixth Schedule of the Constitution. The paper offers an analysis of the Khasi traditional justice structures, highlighting their emphasis on community participation and restorative justice and the preservation of social harmony. The paper links the traditional systems to the Indian Constitution, particularly the Sixth Schedule and the role of the Khasi Hills Autonomous District Council, demonstrating the constitutional recognition of these traditional practices. The paper presents a balanced view, acknowledging the benefits of traditional systems (community harmony) but at the same time pointing out their limitations when juxtaposed with the modern legal principles. The authors argue that despite the legal recognition, tribal communities remain vulnerable, facing numerous challenges that demand enhanced legal protection. The paper includes a comparative analysis with the pluralism legal system exists in Bolivia and recommends that the challenges of legal pluralism in the Khasi Hills can be better resolved by making a comparative study of pluralistic legal systems in Bolivia and learning from their experiences and limitations.

Iftikhar Hussain Bhat, Assistant Professor, School of Law, University of Kashmir and **Gazala Gul**, Research Scholar, School of Law, University of Kashmir, in their paper titled, “*Access to Speedy Justice in India: A Mirage or Reality*”, highlights the idea of speedy justice as an important element of social fairness and its importance for the community as a whole to make sure that offenders receive just punishment and innocent people to get protection from drawn out and onerous legal processes. The work investigates the various obstacles that prevent Indians from accessing prompt justice. The authors opine that, in India, an enormous backlog of cases, complex procedural issues, and structural inefficiencies are the contributing factors for the delayed justice. The authors argue that delayed Justice has wider

ramifications for public trust, social order, and the legitimacy of the legal system as a whole. The authors recommend a few constructive suggestions to ensure speedy justices, such as, use of technology, virtual hearing, e-filing, more use of ADR mechanisms, etc.

Koushik Bagchi, Assistant Professor, National University of Study & Research in Law, Ranchi, and **Sonu Choudhary**, PhD Research Scholar, in their paper bearing title, “*Empirical Analysis of Competition Law Enforcement in India: A Case Study of the District Varanasi (UP)*”, highlights the objectives, enforcement and functioning of the Competition Law in India. The study provides an empirical analysis of the awareness and understanding of antitrust laws among consumers, students, and small business owners in Varanasi, Uttar Pradesh. The authors argue that although the Competition Act, 2002 aims to promote fair competition and protect consumers, the lack of public awareness of its provisions and enforcement mechanisms limits its effectiveness. The study recommends, *inter alia*, enhanced competition advocacy by the Competition Commission of India, simplification of complaint mechanisms and publication of market awareness reports.

Shriya Badgaiyan, Assistant Professor, Shri Rawatpura Sarkar University, Raipur, Chhattisgarh, in her paper titled, “*Tradition Meets Trade: An Analysis of Symbiotic Relationship of Geographical Indications (GIs) and Cultural Conservation in India*”, highlights the ethical issues related to Geographical Indications (GIs) such as commercialisation, cultural imperialism, and social injustice and the Indian legal structure with respect to GIs. The author opines that, on the one hand, GIs bring about a revolutionary change in the concerned producing regions especially in the rural and tribal belts of India, the benefits that flow from a GI are in many cases reflected in a higher market value of these products, as consumers are willing to pay a premium for the so-called “original”, “genuine”, or “high-quality” goods, but on the other hand, economical utilization of these products tends to eradicate them or compromise them and their social and cultural significance. The author recommends that there is a need for the rightful ownership and ethical management of the GI products which include the exercise of control by various communities over their use as well as gain fairly from the commercialization of the products.

Ashish Kumar Singhal, Associate professor, ICFAI University, Dehradun, **Eakramuddin**, Associate Professor, Jamia Millia Islamia University, New Delhi, and **Seema Sharma**, Research Scholar, ICFAI Law School, ICFAI University, Dehradun, in their paper titled, “*Legal Analysis of the Prevention of Cyber Abuse Among Children and the Role of Digital Communication Tools*”, provide a clear analysis of how modern digital platforms influence harmful online behaviour among children. The paper highlights how social media, messaging apps, and gaming platforms can both support communication as well as expose children to risks like bullying, harassment, and misuse of personal information. The paper brings out analytical study which explains the psychological and social factors behind such abuse. It also stresses the need for digital literacy, parental guidance, and strong legal policies. The authors argue that cybercriminals demonstrate a strong inclination towards targeting young adults in modern society. Several factors can heighten the probability of an individual becoming a target of cybercrime, such as gender, educational attainment, financial circumstances, etc. The paper gives insights to the issues and challenges and offers practical suggestions for creating safer online spaces for children.

Prof. Savita Nayyar, Professor, Department of Law, University of Jammu, and **Madhvi Sudan**, Research Scholar, Department of Law, University of Jammu, in their paper titled, “*Role of Religious and Cultural beliefs in Shaping Animal Welfare Laws in India: A Critical Appraisal*”, explore the intersection of religious principles, cultural practices, and legal obligations in shaping animal welfare laws in India. The paper provides a systematic analysis of historical, religious, cultural contexts and legal evolution with respect to animal welfare in India. The paper raises contemporary issues which are inbuilt in cultural practices and also proposes future prospects of animal laws in India. The authors opine that the challenge lies in balancing cultural practices with the need for reform in animal welfare laws. The authors recommend that the influence of grassroots cultural movements, religious leaders, and local communities can play a critical role in shaping the evolution of animal welfare laws in India.

Prof. S.C. Roy (Chairman) and **Dr. P.V.V.S Murthy** (Secretary General) of the Consumer Advocacy Group (CAG), following the recommendation of the Think Tank Group of the CAG, via a letter addressed to **Hon’ble Minister, Ministry of Consumer Affairs**,

Government of India have presented some suggestions for framing new rules under the Consumer Protection Act, 2019 for the appointments in the Consumer Commissions. The letter highlights Hon'ble Supreme Court's recent judgment on the structure and functioning of Consumer Commissions. In the light of the Judgement, the letter recommended many changes in the existing structure and nature of appointments in the Consumer Commissions.

Chief Editor

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