



Editorial

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record, the fifteenth issue of the *Christ University Law Journal*. This issue of the journal comprises of researched articles, spanning a variety of legal topics and a book review. The academic writings are authored by legal practitioners, academicians and students.

Articles

In the article titled *An Analysis of Section 15 of the Juvenile Justice Act, 2015*, author Deepak Singh examines the impact of transferring juvenile offenders to adult criminal courts. In order to substantiate his argument that such a provision serves to be detrimental to the interests of the child, the author has relied on observations made by the Apex Court in India, several international instruments pertaining to child rights as well as the legal practices adopted in other countries that are known to have a progressive policy regulating juvenile delinquency. This comparative approach adopted by the author is both insightful and convincing. After having thoroughly compared the jurisprudence of child rights across various countries such as Uganda, South Africa and France, the author concludes that the solution to juvenile delinquency lies in institutionalized reform and that Section 15 should be relied on rarely and only in severe cases.

Anushka Sharma in her article, *Contextualising Statelessness in the Indian Legal framework: Illegal Immigration in Assam*, brings out the issue of the lack of a comprehensive legislation that holistically addresses statelessness. With the impending publication of the National Register of Citizens (NRC) in Assam, the relevant and indispensable questions regarding the legal status of individuals who would be excluded from the final version are brought out and addressed jurisprudentially. This paper critically analyses the existing legal framework that addresses and governs statelessness, by taking into consideration, both the domestic laws, and the

international treaties which India is a party to, and argues that the contemporary legal system does not address the issue of statelessness effectively and requires an overhaul. The lack of a comprehensive legislative policy to address statelessness will prevent the presence of uniformity in the expulsion methods that are employed by the State. In the light of forced deportation and the subsequent expulsion, this paper highlights the significance of formulating a uniform policy that operates on established humanitarian principles and facets of natural justice.

The Article titled *Abuse of Dominant Position by Refusing to Issue Copyright Licenses*, by Pallavi Khanna, brings out the application of Intellectual Property Law in the sphere of Competition Law. The Article begins with a definition of the scope of dominance, and those activities that specifically amount to its abuse. The author engages in an in-depth analysis of various cases decided in the European Union and the United States, in order to discern the prevalent position with respect to abuse of dominance through refusal of copyright licensing, by highlighting various doctrines and approaches. The Author also compares and contrasts the two approaches, and emphasis is laid on the Intellectual Property-centric approach of the United States, as opposed to the, slightly more, competition-centred approach of the European Union. The paper goes on to deal with 'abuse of dominance' in the Indian scenario, by delving into its scope under the Competition Act, 2002 and by examining decisions of the Competition Commission of India. The author concludes by stressing on the need for unique treatment towards Copyright in the Competition Regime, and the need for uniform guidelines for deciding the ambit of abuse of dominance.

The article, *Maternity Benefits Amendment Act, 2017: Analysis and Implications on the Modern Industrial Discourse* by Manvendra Singh & Ankit Bhandari, addresses and appreciates the amendments made to the Maternity Benefit Legislation by virtue of the 2017 amendment. The author brings out the redundancy of the social welfare legislations that are drafted and interpreted in ignorance of the real and practical situations existing in the social and economic structures, through the analysis of several judicial precedents. The effect of reduction in the participation of women in employment,

due to lack of a wholesome framework, is brought out through a statistical analysis by the author. While there are several provisions that appropriately recognize and fulfill the needs of working women, both in the organized and the unorganized sectors, there are several lacunas that continue to subsist. These lacunas are a result of the unresolved debate between the realization of the commercial goals of the modern world, and the beneficial interpretation of the provisions of the law to facilitate the achievement of the objectives and the goals for which it was formulated. The author proposes the broadening of the scope of the legislation so as to succinctly bring women engaged in unorganized sectors, domestic servants, male parents and adoptive mothers under the ambit of the Act along with a variety of other suggestions to effectively fill the significant loop holes that exist in the legislation.

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 towards our humble mission of making effective contribution to legal research.

Sharmila N
Issue Editor