



Editorial

Articles

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record, the twenty sixth issue of the *Christ University Law Journal*. This issue of the journal is non thematic and covers a variety of topics ranging from the rights of mentally ill offenders in Nigeria, to the need for children's participation in custody disputes.

Chegwe and Esevwe's article titled, *Nigeria's Criminal Justice System: Legal Gaps, Human Rights Concerns and Comparative Lessons for Reform*, examines the human rights violations that arise because of inadequate provisions in the law to address issues related to mentally ill offenders. The authors engage in a comparative analysis of the systems in South Africa, The United States and Canada and using various case laws highlight that Nigeria lacks formal structures for addressing these issues. The paper concludes by recommending reforms with respect to legal and procedural reforms, the need for enhancing mental health services and the urgency in ensuring Nigeria's prison systems comply with the Mandela Rules.

Analyzing Gender Gap in Recognition of IPRs of Women in the Indian Handloom Sector, authored by Saumya Verma, focuses on the challenges that women face in getting copyrights for their artistic creations, especially in the handloom sector. Through various instances, the paper demonstrates how there is a marked gender discrimination in the domain of intellectual property because of the patriarchal influence on law. The author emphasizes how the existing intellectual property framework is insufficient for protecting Traditional Knowledge and Traditional Cultural Expressions as it promotes private ownership. The article concludes arguing for creative freedom beyond gender prejudices.

Ayushi Kushwaha & M.P. Chengappa's article titled, *An Analysis of the Conflict between the Right to Information Act 2005 and Official Secrets Act 1923 in India*, examines the legal tussle between official secrecy and transparency in the light of the provisions of the Right

to Information Act of 2005. The paper begins by tracing the evolution of right to information in India through landmark judicial decisions that affirm the importance of transparency as a part of good governance and also linking it to Article 19 (1)(a) of the Constitution. The authors also highlight the glaring overlap and contradictions between the provisions of the Official Secrets Act (OSA) of 1923 and Right to Information Act (RTI) of 2005 and the importance of upholding transparency without compromising the stability and security of the state. The paper concludes by highlighting the dire need to harmonise the OSA 1923 with the provisions of RTI Act of 2005 with the aim of engineering an ecosystem of collaboration between the state and its citizens.

Richa Kaur's article, *Prisoners' Rights in India: A Human Rights Perspective*, delves into the myriad problems faced by undertrial prisoners languishing in jails, and the loopholes in the Indian Criminal Justice system that fail to provide relief to such prisoners as procedural delays plague the system. The paper then proceeds to examine in detail the challenges faced by undertrials. The author substantiates her arguments using statistical data from various sources and concludes urging all institutions, including the courts, to focus on the basic human rights of prisoners.

In the article titled, *A Critique on the Legal Framework for 'Guardian Ad Litem' in India with Specific Reference to the Principle of Participation in Child Custody Disputes*, Sugandh Saxena examines the inadequacies in India's legal framework concerning the representation of children through a Guardian ad Litem (GAL), in custody disputes. The paper begins by outlining the principle of participation under the United Nations Convention on the Rights of Child 1989 (UNCRC) and analyses how GAL can serve as an aid in achieving this right. The author also provides comparison between jurisdictions like the U.S. and U.K., where GALs possess specialized qualifications, with India's limited and paternalistic approach that prioritises natural guardians. Throughout the paper the legal and procedural gaps that act as a hindrance to effective child representation has also been highlighted by analysing the provisions of the Juvenile Justice (Care and Protection of Children) Act 2015 (JJ Act 2015) and the Protection of Children from Sexual Offences Act, 2012 (POCSO Act 2012). The paper concludes by advocating for

statutory reforms to bring in child-centric adjudication and uphold the principle of meaningful participation of children in custody disputes.

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

Sharmila N

Editor-in-Charge

Ashok Johnson Rodrigues

Issue Editor