

Editorial

The Journal and Publication Society, School of Law, Christ University, takes pride in placing on record, the tenth issue of the Christ University Law Journal. This issue of the journal comprises of articles spanning a variety of legal topics. The academic writings are authored by legal practitioners, academicians and students.

Articles

International Investment Law is a complex area of study especially since the scope for innovation in this field is immense. Economies across the world, in their constant effort to improve and develop themselves, will have to compromise on certain predetermined stances. Joseph Thaliath's article titled *Bilateral Investment Treaties and Sovereignty: An Analysis with Respect to International Investment Law*, focuses on one such fundamental aspect, i.e. the shift from a pro-sovereign to a pro-investor approach when it comes to Bilateral Investment Treaties. With numerous examples of economies across the world and their receptiveness to this developing concept, the paper is a reflection of the emerging trends across the world, with special reference to developing economies.

The paper titled *Third Gender Rights: The Battle for Equality*, authored by Akanksha Mishra, is timely, as conversations concerning one's sexuality and gender have become commonplace. In what can be termed as a very liberal outlook, this paper, seeks to revisit and deconstruct all existing notions and prejudices in the society and the debilitating impact it has had- not just on the transgender community, but on the society at large. With discussion of laws and the stance taken by the Supreme Court in a slew of judgments, the paper fortifies the assertion that there is a need for a colossal change.

The process by which federal Supreme Court judges in the United States of America are appointed, is examined in the paper titled, *A Critical Analysis of the Appointment of Federal Supreme Court Judges in the USA* authored by Dr. Rangin Pallav Tripathy. It studies the factors which have assumed relevance in the decision making process of both the President and the Senate. The author argues

that though the theoretical structure for the appointment of judges in the USA is sound, the greatest achievement has been the processes that have developed beyond a direct mandate of law. The conventional practices associated with judicial appointments have brought in a degree of transparency, which is elusive in many other countries. The author acknowledges the obvious political flavour in the entire process, but argues that the degree of transparency provides a substantial benefit.

The article titled *Olympics and Rule 40: A Marathon of Controversies* authored by Vidhi K. Tiwari and Suman Setty, highlights the controversy arising out of Rule 40 of the Olympic Charter. Although it intends to prevent ambush marketing, it affects athletes and their sponsors, thereby depriving them of the platform to gain benefit out of the event. The authors further describe that the recent amendment, which relaxes the stringent rule, has proved futile as it has added to the controversy already present. The authors urge that India should have a stance regarding the same and should play a vital role in the policy formation of the Olympics.

Affirmative Action and the Marginalized Population: A Study on the Creamy Layer and Its Relevance Today, the article authored by Pavan Srinivas, puts forth the concept of creamy layer and has covered all the controversies regarding the same in a very lucid manner. All relevant case laws have been covered and interpretations justified. The author argues in favour of intelligible differentia on the basis of economic status and justifies the same while proposing exclusion of the creamy layer from reservation. The broad topic of affirmative action in terms of the marginalized population has been dealt with clearly.

The article titled *Dharma and the Indian Constitution* describes the correlation between Dharma and law. The authors Leepakshi Rajpal and Mayank Vats have highlighted the manner in which the principles of Dharma are intertwined into the provisions of the Indian Constitution. The paper maps the meaning of Dharma according to Buddha, Kingship, Vedic and post-vedic sages and its incorporation into religion. The various judicial pronouncements

further confirm that the premise on which the Constitution is based is Dharma, and not any western concept. The authors have successfully concluded that though distinct, there is a correlation between Dharma and religion, and Dharma and law.

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.

Editorial Board