



Editorial

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record, the twenty fourth issue of the *Christ University Law Journal*. This issue of the journal is non-thematic and comprises of five, articles authored by academicians, and research scholars.

Articles

Anuja Misra and Akriti Gupta's article titled Exploring Culinary Intellectual Property Protection: Safeguarding Creations and Unauthorised Transfer of Related Knowledge under Traditional IPR focuses on the need to protect culinary innovations and recipes through different forms of Intellectual Property safeguards. The authors examine whether unique dishes need legal protection just like any other artistic expression, as the process involves thorough research, experimenting and creativity. Beyond culinary appreciation, this amounts to cultural preservation as well. They also look into similar scenarios in the US and EU, to get a global perspective. The lack of legal frameworks and intellectual property protections for traditional knowledge are big challenges to this process. The authors analyse various case laws, where the courts concluded that recipes were ineligible for copyright protection. However, the authors conclude that the creative essence of dishes ought to be considered for copyright protection, when they are aligned with the expressive nature of culinary arts.

The Law of Eminent Domain and Forced Displacement in India, authored by Dristirupa Patgiri, makes an attempt to understand the human rights of development-induced displacement of people, in the absence of specific national and international protective mechanisms. The author examines the various displacements that have happened in India, over the past few years and highlights the loopholes in the Land

Acquisition Act of 1894. But, the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 2013, is a historic legislation, according to the author, as it addresses the issue of displacement caused by compulsory acquisition of land. However, the implementation of rehabilitation and resettlement continues to be a challenge, as established through various examples. The article concludes with the contention that there is a need to revisit the law of eminent domain through a human rights-based approach, rather than one solely focused on economic prosperity.

The article, *Exploring Possibilities for a Right Against Destruction for Architects*, by Jayadevan S Nair, tries to identify the limits on the right to destroy intellectual property in architecture, based on the case law *Raj Rewal v. Union of India*. The author then proceeds to examine the varied trends in France, USA, UK and Netherlands on the question of the prevalence of moral rights. The article concludes by emphasising the need to protect the moral-integrity rights of the artist and thus on a larger level, contributing to the preservation of the cultural heritage of a nation. The author finds the judgment in *Raj Rewal* flawed, as it does not take into consideration these factors, mandated by Article 49 of the constitution of India. Moreover, architectural marvels should not be allowed to perish at the behest of market forces, is his contention.

Latika Choudhary and Hardik Daga's article, *Analysing the Animal Euthanasia Scenario in India in Light of the Constitutional Provisions*, analyses the current scenario pertaining to ailing and terminally ill animals in India, and the legal provisions and judicial precedents in other countries. The authors refer to the *Jallikattu case*, where the Supreme Court ruled that animal life falls under the purview of Article 21 of the Indian Constitution. The paper also examines the animal euthanasia laws of various countries like USA, Denmark and Italy to understand how far these nations have succeeded in safe

guarding animal rights and welfare. The paper concludes with recommendations and the various methods of euthanasia that can be carried out.

The article, *Designing the Human Right to Peace: The UN Perspective and Challenges for Democratic Nations*, written by Harigovind P and Sarath Mohan attempts to understand the feasibility of the concept of peace as a Right and its legal and political implications. UN's Peace Declarations asserts that everyone has the right to enjoy peace. It was recently that the Right to peace was recognised as a human right and the paper analyses the jurisprudential aspects of the same. The paper then proceeds to understand the Indian legal framework on the right to peace and identifies various factors that could pose challenges to this. The paper concludes with the argument that Human Right to peace as envisaged by the UN is not a viable option for India and is an internal matter best left to respective countries to deal with.

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.

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