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**Chhatrapati Sambhajinagar (MS)**

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**SSR 2018-19 to 2023-24**

**3.2.2**

3.2.2 Number of Paper Published per teacher in the journals notified on UGC website during the last five years- List of the papers

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Impact of COVID 19 Pandemic on Higher Education an analysis of Paradigm Shift in teaching learning techniques in Urban and rural India	Mr. Abhay Jadhav	Law	Mukta Shabd Vo. 12 , Issue 5 May 2023	2023	2347-3150	
Implementation of CSR policies in India; Need to change the monitoring and regulating policy	Mr. Abhay Jadhav	Law	Strad Research international Journal of Research and Analytical Reviews (IJRAR)	2023	E-ISSN No.: 2348-1269, PISSN: 2349-5138	

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“Preventive Detention in India: An Intrusive Stride for human rights”	Dr. Sachin Deshmukh	Phy.edu. Teacher in Law College	International Journal of Research and Analytical Reviews (IJRAR)	2023	E-ISSN No.: 2348-1269, PISSN: 2349-5138	
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ISSN: 2454-5503

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ISSN-2278-  
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PRATIBHA RAMESH  
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ISSN:  
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ISSN 2278-8158  
AN INTERNATIONAL MULTIDISCIPLINARY  
HALF YEARLY RESEARCH JOURNAL

# ROYAL

Volume - XI

Issue - II

December - May - 2022-23

ENGLISH / MARATHI PART<sup>II</sup> I

Peer Reviewed Refereed  
and UGC Listed Journal  
Journal No. 47037



ज्ञान-विज्ञान विमुक्तये

IMPACT FACTOR / INDEXING  
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## 17. Bribery Type of Corruption

**Mr. Deepak Narayanrao Kolhe**

Research Student, M. P. Law College, Research Centre, Aurangabad.

**Prof. Dr. Aparna Kottapalle**

Professor of Law, M. P. Law College, Aurangabad.

### Abstract

The researcher has made an attempt to study the issue of bribe in this paper. Bribery is a kind of corruption. In this paper, what is corruption, its definition, its meaning, its concept, and what is bribery, its meaning, its definition, its types have been studied. What factors are responsible for it and what are its consequences have been studied in this paper.

**Keywords** - Bribery Corruption, Active, Passive, Corporate, Private.

### Objectives

The objective of this paper is to study the concept of bribery and the law of prevention of corruption act.

### Research Methodology

The research methodology of this research paper is doctrinal. The study of this topic has been ranging from researching books, case laws, articles and commentaries on corruption.

### Literature Review

The researcher has referred the following books, articles for preliminary understanding of the subject matter.

1. Shrinivas exclusive treats on Anti-corruption laws in India.
2. M. Maheshan vs state of Karnataka 1999 cri LJ 247.
3. Clifford, Walish. The Dictionary of English Law. London.
4. Corruption as a function of power motive, wellbeing and alienations Mr. Sanjeev Kumar, University of Delhi.
5. A Critical Study of Working and Functioning of Lokayukta in Prevention of Corruption in Karnataka. By Rangaswamy D.
6. World Bank work development report: The State in a changing world Washington DC: World Bank 1997).
7. Bryan A. Garner. Black's Law Dictionary. Thomson Business, U.S.A.

ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

# AJANTA

Volume - XII Issue - I

January - March - 2023

ENGLISH / MARATHI / HINDI PART - I

**Peer Reviewed Refereed  
and UGC Listed Journal**  
Journal No. 40776



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**2020 - 6.306**  
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M.Drama (Acting), M.Drama (Prod. & Dir.), M.Ed.

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## 1. Causes of Corruption

**Mr. Deepak Narayanrao Kolhe**

Research Student, M. P. Law College, Research Centre, Aurangabad.

**Prof. Dr. Aparna N. Kottapalle**

Professor of Law M. P. Law College, Aurangabad.

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### Abstract

Corruption is a serious crime against the humanity, nation and ultimately against the entire civil society. Corruption is dishonesty and illegal behavior of public servants in positions of authority or power. It exists where there is community indifference or a lack of enforcement policies. Corruption in the legal context said as a wrongful design to acquire, because some pecuniary or other advantage. Corruption in India is the connection between politicians, bureaucrats and criminals. Today, corruption has become something, respectable in India, because respectable people are involved in it.

The Researcher in this paper has made an attempt to study of causes of corruption. The prevention of corruption act, 1988 provides for prevention of corruption and for matters connected therewith.

**Keywords** - Corruption, Social, Economical, Administrative.

**Objectives** -The objective of this paper is to study the concept of causes of corruption and the law of prevention of corruption act.

### Research Methodology

The research methodology of this research paper is doctrinal. the study of this topic has been ranging from researching books, case laws, articles and commentaries on corruption.

### Literature Review

The researcher has referred the following books, articles for preliminary understanding of the subject matter

1. Sures kolhi, corruption in India.
2. Bishambha, N.Lal v/s State of Punjab ----AIR 1966 Punj.17.
3. Bryan Garners.Black's Law Dictionary.
4. Clifford walishs The Dictionary of English Law.
5. Mukherjee and Sing, K.K. Law Lexicon.



Special Issue  
UGC CARE LISTED PERIODICAL  
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## Right to Speedy Trial Still at Farce in India

Dr. Dinesh. B. Kolte

Associate Professor, M. P. Law College, Aurangabad, Maharashtra

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### Abstract:

Right to Speedy trial is in shambles in India even though recognized by Indian Judiciary in various judgments. A legal system which proclaims that a person is innocent until proven guilty, incarcerate two thirds of those in prisons without any guilt having been proved. The accused are kept behind the bars at length and spend days and nights awaiting Justice; some even die; Satan Swamy's case is the prominent example. The legal system has failed the expectations of many by making them wait for justice. 'Bail the rule and Jail the exception,' has turned to become opposite 'Jail the rule and Bail the exception' and bail too is given only to powerful and influential people.

In the present paper exploratory and analytical approach is adopted by the researcher to find out answers to certain questions such as when speedy trial is guaranteed under constitution then whether the laws hindering the same such as NSA, UAPA, AFSPA etc. Are constitutionally valid or not? Further the researcher has attempted to explore the Paradox that on one hand statutory provisions under Draconian laws permit detention of persons for months or years without trial and on other hand speedy trial is promoted by judicial activism-How can these two reconcile together?

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**Key Words:** Speedy-trial, Bail Judicial Activism, Draconian laws

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'Our justice system even in grave cases, suffers from slow motion syndrome which is lethal to 'fair trial' whatever the ultimate decision. Speedy justice is a component of social justice since the community, as a whole, is concerned in the criminal being condignly and finally punished within a reasonable time and the innocent being absolved from the inordinate ordeal of criminal proceedings.' - Justice Krishna Iyer<sup>1</sup>

---

### Introduction:

Speedy trial is a recognized fundamental right under Article 21 of Indian constitution in Hussain Ara Khatoon case.<sup>2</sup> According to the report of law commission a trial that is done as per the existing rules and procedures that take place devoid of irrational or undue delay or within a legal interlude is called speedy trial.<sup>3</sup> When someone is under judicial custody or on remand through investigation is known as 'under-trial'.<sup>4</sup> The right to a speedy trial was initially mentioned in English Magna Carta<sup>5</sup>. The constitutional philosophy relating to speedy trial has botched to accomplish

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<sup>1</sup> In Babu Singh's case AIR 1978

<sup>2</sup> 221st law commissions Report on Need for Speedy Justice

<sup>3</sup> 'Speedy trial' Merriam-Webster.com Legal Dictionary, Merriam-Webster, www.merriam-webster.com Accessed Nov.26, 2021

<sup>4</sup> The 78<sup>th</sup> Report of Law Commission

<sup>5</sup> 1215



### Message....!

Congratulations to the special issue of 'Education and Society' published on the occasion of 75th anniversary of the Indian Institute of Education..!

'Education is not preparation for life; Education is life itself'.

The Indian Institute of Education is established by the great pioneer educationist Padmabhushan Prof. J. P. Naik. Prof. Naik was a great humanist, freedom fighter, polymath, encyclopedic thinker and socialist educationist. He has been recognized by the UNESCO alongside Rabindranath Tagore and Mahatma Gandhi as three pioneering educationists. Born at very small village namely Bahirewadi in Kolhapur district. Since 1948; the institute has working for education and social development. The institute contributed in the development of indigenous education system.


Prof. Naik was known as institution maker. He founded the Indian Institute of Education in 1948. He founded Sri. Mouni Vidyapeeth in rural area nearby his native place namely, Gargoti in 1952. It facilitated all the rural students for their academic achievement from pre-school education to post graduation. It is the first learning centre that established in rural area which provides different type of skill education to all.

He served as Member Secretary of the Indian Education Commission from 1964 to 1966. This education commission is known as Kothari Education Commission. It has given the education structure of 10+2+3 to the nation and we are following it from long back ago. Now the NEP 2020 has introduced new structure of education; that we know, Prof. J. P. Naik contributed a lot in the non-formal education, distance learning, correspondence learning, open learning system, easy learning, Learning at leisure and health education.

He also was Educational Adviser to the Government of India. He served as educational advisor on the remuneration only 1 rupee per month.

Later; as the country's population grew, the educational needs grew and changed as well. As education was privatized, so was its decentralization. The old educational experiments stopped and education took a virtual turn through technology. Alternatively, the academic work of the Indian Institute of education slowed down. Considering the contribution made by the Indian Institute of Education till date in research in educational and social fields, the institution needs to broaden its scope and adapt the new changing dimensions. Considering the changing educational needs, the institute should make its mark in Indian education anew. For this, as the administrator of the institute, I give my best wishes forever!

With Regards..!

  
**Sanjeev S. Sharma**

Administrator  
Indian Institute of Education (IIE), Pune.  
(22/02/2023)



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Executive Editor,  
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Impact Factor-8.632 (SJIF)

ISSN-2278-9308

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Single Blind Peer-Reviewed & Refereed Indexed  
Multidisciplinary International Research Journal

Human Rights

March -2023

ISSUE No- (CDXV) 415 -B



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- Scientific Journal Impact Factor (SJIF)
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## Right to Receive Minimum Wage: A Basic Human Right of Workers and its Position in India

**Dr. Shital S. Barhate**

Assistant Professor, Manikchand Pahde Law College, Aurangabad , Maharashtra India

### Introduction:

Man works for money. In the industrial field Labour and capital are two partners of production. Labourer gives his manual skill, labour to the employer for which he receives wages as the consideration from his employer. This consideration in the form of wages must be equal to the manual work which worker performs for his employer. Worker must get at least minimum wage from which he should be able to live a decent life. As per the Universal Declaration on Human Rights, minimum wage is a human right. To ensure workers a minimum wage we have conventions at international level, Constitutional Provisions along with Judicial decisions in India supports the workers right to receive minimum wage. In India Minimum Wages Act, 1948 is enacted which obligates an employer to give minimum wages to his employees. However still some workers are not getting minimum wages. In this paper an attempt is made to analyze the position of minimum wages in India

### Wage: Concept

In general parlance, wage is a regular payment to an employee in return for his work or service. It is a kind of remuneration paid by the employer for the services of the worker. As per Benham, A wage may be defined as a sum of money paid under the contract by an employer to a worker for services rendered.<sup>44</sup>

### Concept of Minimum Wage, Fair Wage and Living Wage:

The Committee of Fair Wage which is constituted in India in the year 1948 classified wages in to three levels namely, minimum wage, fair wage and living wage.

Minimum wages have been defined as "the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract".<sup>45</sup> In Indian context minimum wage is means minimum amount which is necessary for the sustenance of life and preserving the efficiency of the workmen. In *Kamini Metals & Alloys Ltd. V. Their Workmen*<sup>46</sup> it has been held that, minimum wages set the lowest limit below which wages can not be allowed to sink in all humanity. The concept of fair wage defined by the majority of members of the committee on fair wage as something more than minimum wage and less than living wage. Living wage is the highest of the different categories of wages. Committee on Fair Wage, explained the living wage as, the living wage should enable the male earner to provide for himself and his family not merely the bare essentials of food, clothing and shelter but a measure of frugal comfort including education for children, protection against ill health, requirements of essential social needs and a measure of insurance against the more important misfortunes including old age.<sup>47</sup>

### Minimum wage as Basic Human Right:

Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights which set out for the first-time fundamental human rights to be universally protected. This UDHR among other rights establishes that all people have right to work, favorable work conditions, protection against unemployment, just and favorable remuneration, rest and leisure,

\*Assistant Professor, Manikchand Pahde Law College, Aurangabad , Maharashtra India

<sup>44</sup>Dr. S.R. Myneni, Labour Law II, Asia Law House, at. 3

<sup>45</sup> ILO: General Survey concerning the Minimum Wage Fixing Convention, 1970 (No. 131), and the Minimum Wage Fixing Recommendation, 1970 (No. 135), Committee of Experts on the Application of Conventions and Recommendations, 2014 taken from [https://www.ilo.org/global/topics/wages/minimum-wages/definition/WCMS\\_439072/lang-en/index.htm](https://www.ilo.org/global/topics/wages/minimum-wages/definition/WCMS_439072/lang-en/index.htm)

<sup>46</sup>AIR 1967 SC 1175

<sup>47</sup>Supra note 1 at 9.





# Mukt Shabd Journal

UGC CARE GROUP - I JOURNAL

ISSN NO : 2347-3150 / web : [www.shabdbooks.com](http://www.shabdbooks.com) / e-mail : [submitmsj@gmail.com](mailto:submitmsj@gmail.com)

Certificate ID : MSJ/6851



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## CERTIFICATE OF PUBLICATION

This is to certify that the paper entitled

**"IMPACT OF COVID-19 PANDEMIC ON INDIAN HIGHER  
EDUCATION: AN ANALYSIS OF PARADIGM SHIFT IN  
TEACHING-LEARNING TECHNIQUES IN URBAN & RURAL INDIA"**

Authored by

**MR. ABHAY DILIPRAO JADHAV, Assistant Professor**

From

**Manikchand Pahade Law College, Aurangabad, Maharashtra, India.**

Has been published in

**MUKT SHABD JOURNAL, VOLUME XII, ISSUE V, MAY - 2023**



## IMPACT OF COVID-19 PANDEMIC ON INDIAN HIGHER EDUCATION: AN ANALYSIS OF PARADIGM SHIFT IN TEACHING-LEARNING TECHNIQUES IN URBAN & RURAL INDIA

MR. ABHAY DILIPRAO JADHAV

Assistant Professor, Manikchand Pahade Law College, Aurangabad, Maharashtra, India

### ABSTRACT: -

*Education is the process that liberates the mind; it is liberation from all forms of darkness & ignorance. Education plays a vital role in shaping our lives & life styles. It is the most important element for growth & prosperity of a nation. Indian educational system has been classified in to different levels & Higher education is one important level. In a country's overall development, Higher education plays a very vital role due to reason that research is the crux of higher education and it positively affects every sector of any country. This research aptitude can be better developed amongst students through teaching-learning techniques adopted in higher education. At present burst of Pandemic COVID -19 has presented challenges throughout the world in the field of education and research. The impact of the COVID situation on higher education is not the same throughout the world. Students in developing countries are facing a lot crisis, same goes to the teachers and educators who are facing challenges owing to limitations. This made both at National & International Levels to rethink of Higher education policy including inclusion of changing teaching-learning techniques. Hence, analysis and assessment of teaching-learning techniques that can be adopted in Higher Education during or post pandemic has become a necessity. In this paper researcher has made an attempt to study the impact of COVID-19 pandemic on Indian higher education & analyse new teaching-learning techniques adopted to deal with situations caused by pandemic.*

**Keywords:** COVID-19, Higher Education, Teaching-learning techniques, e-learning, urban-rural India

### Introduction:-

Education is the process that liberates the mind; it is liberation from all forms of darkness & ignorance. Education plays a vital role in shaping our lives & life styles. It is the most important element for growth & prosperity of a nation. It is one of the important constituent units of the social system.<sup>1</sup> Indian educational system has been classified in to different levels & Higher education is one important level. In a country's overall development, Higher education plays a very vital role due to reason that research is the crux of higher education and it positively affects every sector of any country. This research aptitude can be better developed amongst students through teaching-learning techniques adopted in higher education. Indian Higher education system is one of the largest such systems in the world. India's higher education sector has supplied some of the world's best talent. The CEOs of some of the biggest Fortune 500 companies-Microsoft, Google, Mastercard, and Adobe- are a product of the Indian higher education system. The landscape has also expanded over the past decade from 436 universities in 2009-10 to 903 in 2017-18 and from 26,000 colleges to over

<sup>1</sup> Pininty Sridhar, "Women & Education" Indian Bar Review – A referred Journal vol.45 (2) 2018 p.205





## Strad Research

An UGC-CARE Approved Group - 2 Journal

An ISO: 7021 - 2008 Certified Journal

ISSN: 0039-2049, Website: <http://stradresearch.org/>  
email: [editorstrad@gmail.com](mailto:editorstrad@gmail.com)

CERTIFICATE ID: SR-4875

### CERTIFICATE OF PUBLICATION

This is to certify that the paper entitled  
Implementation of Corporate Social Responsibility policies in India: Need to change the Monitoring &  
Regulating Policy

Authored by

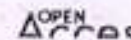
Abhay Diliprao Jadhav

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Manikchand Pahade Law College, Aurangabad, Maharashtra

Has been published in

STRAD RESEARCH, VOLUME 10, ISSUE 6, JUNE - 2023.



P.L.T

## **Implementation of Corporate Social Responsibility policies in India: Need to change the Monitoring & Regulating Policy**

Mr. Abhay Diliprao Jadhav

Assistant Professor

Manikchand Pahade Law College, Aurangabad, Maharashtra

India

### **Abstract:**

Companies have their core function to do business & earn profit. Business has primarily been seen as wealth creators for their shareholders, but it has the potential to go beyond that and induce inclusive socio-economic transformation. Law is major instrument to bring such transformation. The philosophy of giving back to the society is prevalent in Indian business since time immemorial. In order to integrate this into core business philosophy, India has obliged companies to undertake responsibilities for the society under the concept of Corporate Social Responsibility (CSR). India is the first Country of the world which made CSR a legal mandate. Now after ten years of legal mandate time has come to review CSR implementation policy. In this research paper an attempt has been made to overview implementation & monitoring CSR policy & to suggest some concrete suggestions to make it more efficient & effective.

**Keywords:** Corporate Social Responsibility, Company, CSR Policy, CSR Rules



## INTRODUCTION: -

It is rightly said by Aristotle that 'Man is a social animal and he cannot live in isolation and without Society.' In Primitive period to satisfy the needs, men came together and formed the Society. Likewise in Modern Period to satisfy their changing needs they came together and formed the Companies. In 1762 Jean Jacques Rousseau produced his book on Social Contract which was designed to explain legitimate relationship between an individual and society & its Government. In it he argued that individuals voluntarily gave up certain rights in order for the government of the state to be able to manage for the greater good of all citizens. More recently the social contract has gained a new prominence as it has been used to explain the relationship between a company & society. In this view company has obligations towards other parts of society in return for its place in society.<sup>1</sup> Companies have their core function or main target of earning profits. A company is considered to be an entity distinct from its members, therefore it is an artificial person in eyes of Law and like an individual, a corporate or company is also expected to fulfill its social obligations. Corporate Social Responsibility (hereinafter to be referred as CSR) is a form of social obligation of a Company towards society at large. Corporations take a lot from society in the form of resources for carrying out its functions and earning profits, hence it should also be able to return to society some of the benefits reaped.<sup>2</sup> As goes teaching in Gita, "Give back to the society what you earn from it, Indian culture has made industry routed out of India interested in overall growth of country and society as a whole."<sup>3</sup>

Business has primarily been seen as wealth creators for their shareholders, but it has the potential to go beyond that and induce inclusive socio-economic transformation. The Gandhian philosophy of trusteeship captures the business responsibility towards society. The philosophy of giving back to the society has been an integral part of the culture, which has also been imbibed in traditional Indian businesses since time immemorial. In order to integrate this into the core business philosophy, the Government has obligated companies to take responsibility for the

\* The author of this Article is Mr. Abhay Diliprao Jadhav, Assistant Professor, Manikchand Pahade Law College, Aurangabad, Maharashtra, India

<sup>1</sup> David Crowther & Gullar Aras, "Corporate Social Responsibility" Ventus Publishing Aps P.25

<sup>2</sup> <http://www.mondaq.com>

<sup>3</sup> A. Sethi, Corporate Social Responsibility (CSR): The Indian Perspective, Corporate Catalyst India Pvt. Ltd.



Impact Factor-8.632 (SJIF)

ISSN-2278-9308

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**Child marriage in India: Human Rights Perspective****Dr. Anju Singh**

Assistant Professor, Manikchand Pahade Law College

**Abstract:** Child marriage is a violation of human rights. Despite laws against it, the practice remains widespread in India. Child marriage threatens girls' lives and health, and it limits their future prospects. Girls who are forced into child marriage often become pregnant while still adolescents, increasing the risk of complications in pregnancy or childbirth. These complications are the leading cause of death among adolescent girls. Apart from this, child marriage also hampers education which is one of the main important reasons for college dropout and hurdle in path of achieving the goal of women empowerment. Through this research paper, an attempt is made to find out the reasons of child marriage and its' repercussion in the society. For better understanding of the paper, it is divided into few segments. The paper unfolds with introduction of the topic. Then in further segments the Human Rights, Constitutional provisions, existing laws, conventions if any, judicial response pertaining to the problem will be analyzed which will pave a path in formulation of concrete suggestions.

**Key words:** Child marriage, Human Rights, women empowerment

**Introduction**

According to K Ramaswamy, J in the case *Gaurav Jain v Union of India*<sup>1</sup> had aptly opined, "Children of world are innocent, vulnerable and dependent. They are all curious, active and full of hope. Their life should be full of joy and peace, playing learning and growing. Their future should be shaped in harmony and cooperation. Their childhood should mature, as they broaden their perspective and gain new experience. Abandoning the children, excluding good foundation of life for them, is a crime against humanity."<sup>2</sup> In this context, Child marriage is one of the social evils of society which is infringing the basic human rights. Despite of laws, still child marriage incidences are reported in our society. According to the National Family Health Survey (herein after referred as NFHS) 2019-21, 23% of women between the age of 20 and 24 were married before 18 years of age. This figure has reduced significantly over the years from 47% in NFHS-(2005-06) to 27% in NFHS (2015-16), and to 23% in the survey.<sup>3</sup> While child marriage affects both sexes, girls are disproportionately affected as they are the majority of the victims. The progress of country is not possible if women's mental, physical health is not good. Moreover, the well-being of women can also be found in the text of *Manu Smriti* as [G]ods are pleased where women are respected. Therefore, protection of human rights of girl child will be possible if child marriage is eradicated from our society. Now in the next segment the researcher tries to explain the concept of child marriage and unfold the reasons for the same.

**Concept of Child marriage and underlying reasons**

To have an insight of the research paper, it is necessary to analyze the existing personal laws defining child marriage. Accordingly, Hindu Law<sup>4</sup>, Christian Law<sup>5</sup> and Parsi Law<sup>6</sup>, child marriage refers to the marriage of a girl younger than 18 years old and a boy lesser than 21 years of age. However, the Muslim law refers the age of marriage when the boy or girl attains puberty. At this juncture it is pertinent to note that, apart from personal laws there is *The Prohibition of Child Marriage Act* which was passed in 2006 following the high number of child marriages and failure of the already existing *Child Marriage Restraint Act, 1929* to provide an adequate solution to this social menace. However, child marriage in India continues to thrive by and large in the rural areas more than elsewhere in the country. The factors that encourage its subsistence are a combination of poverty, the lack of education, continued perpetration of patriarchal relations that encourage and facilitate gender inequalities, and cultural perspectives that encourage the phenomenon to succeed. Moreover, a girl child

<sup>1</sup>(1997) 8SCC114 AIR 1997 SC 3021

<sup>2</sup> P Ishwar Bhatt, *Law and Social transformation in India*, p 604 1st edn., 2009, Eastern Book Company.

<sup>3</sup> [https://main.mohfw.gov.in/sites/default/files/NFHS-5\\_Phase-II\\_0.pdf](https://main.mohfw.gov.in/sites/default/files/NFHS-5_Phase-II_0.pdf) (accessed on 28-02-23)

<sup>4</sup>*Hindu Marriage Act, 1955*, .

<sup>5</sup>*The Indian Christian Marriage Act, 1872*

<sup>6</sup>*The Parsi Marriage and Divorce Act, 1936*





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E-ISSN: 2348-1269, P-ISSN: 2349-5138

The Board of  
International Journal of Research and Analytical Reviews (IJRAR)  
Is hereby awarding this certificate to

**Dr. Sachin S. Deshmukh**

In recognition of the publication of the paper entitled  
**PREVENTIVE DETENTION IN INDIA: AN INTRUSIVE STRIDE FOR HUMAN RIGHTS**

Published In IJRAR ( www.ijsar.org ) UGC Approved (Journal No : 43602) & 7.17 Impact Factor

Volume 9 Issue 4 November 2022, Date of Publication: 26-November-2022

PAPER ID : IJRAR22D2051

Registration ID : 256070



*R.B. Joshi*

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# PREVENTIVE DETENTION IN INDIA: AN INTRUSIVE STRIDE FOR HUMAN RIGHTS

Rishabh Raj, Dr. Sachin S. Deshmukh

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**Abstract:** There are a few countries accompanied with India that have laws pertaining to Preventive Detention. The same has been in existence since ancient times wherein some of those are putting preposterous constraint on Fundamental Rights. One of the most stringent and draconian as per its provisions is Unlawful activities prevention Amendment Act, UAPA 2019. Its section 43D and IV Schedule are specifically arbitrary in nature to that extent, where an individual loses his scope of life. The writ like Habeas Corpus is just a compensation on part of detenu as the detention period can be extended even after completion of 180 days, as per the existing provisions. Considering the humanitarian grounds, these laws are sheerly lacking in providing justice to the detenu. The author has tried to present same in terms of Indian context which has been discussed and analysed thoroughly in this paper. It contains in depth analysis of laws that were in effect before and after Independence. Special emphasis to current laws regarding Preventive Detention have been given and how it curtails Fundamental Rights has been substantiated through case laws and arguments.

**Keywords:** Detention, UAPA, Fundamental Right, laws, Amendment

## Introduction

It would be quite safe to say that preventive detention is unwanted and perilous hurdle in one's fundamental right to life and liberty and that which leads to absolute resistance in strides where the collective growth and one's protection to fundamental right is supremely valued. Preventive detention refers to an act wherein it is believed by the authorities that an individual is threat to law and order, regardless of the fact that he has not committed any crime yet and thus being kept into custody in order to prevent any mishappening. The law has been made for the security purpose, does it really seem correct on part of the one who is being detained? Humanity perishes, every time a person's self-interest is being degraded on the grounds of preventive detention.





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*An International Open Access, Peer-reviewed, Refereed Journal*

E-ISSN: 2348-1269, P-ISSN: 2349-5138

The Board of  
International Journal of Research and Analytical Reviews (IJRAR)

Is hereby awarding this certificate to

**Dr. Sachin Shivajirao Deshmukh**

In recognition of the publication of the paper entitled

**The State Originated from 'Her'**

Published In IJRAR ( www.ijrar.org ) UGC Approved (Journal No : 43602) & 7.17 Impact Factor

Volume 10 Issue 3 July 2023, Date of Publication: 18-July-2023

PAPER ID : IJRAR23C1467

Registration ID : 270847



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UGC and ISSN Approved - Scholarly open access journals, Peer-reviewed, and Refereed Journals, Impact factor 7.17 (Calculate by google scholar and Semantic Scholar | AI-Powered Research Tool) , Multidisciplinary, Monthly Journal

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International Peer Reviewed & Refereed Journals, Open Access Journal  
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database & Metadata, Citation Generator, Digital Object  
Identifier (DOI), UGC Approved Journal NO: 43602(19)

Publisher and managed by: IJ Publication

Website: [www.ijrar.org](http://www.ijrar.org) | E-mail: [editor@ijrar.org](mailto:editor@ijrar.org)



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# INTERNATIONAL JOURNAL OF RESEARCH AND ANALYTICAL REVIEWS (IJRAR) (E-ISSN 2348-1269, P- ISSN 2349-5138)

International Peer Reviewed, Open Access Journal  
E-ISSN 2348-1269, P- ISSN 2349-5138 | Impact factor: 7.17 | ESTD Year: 2014  
UGC and ISSN Approved UGC Approved Journal NO: 43602(19).

E-ISSN 2348-1269, P- ISSN 2349-5138

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INTERNATIONAL JOURNAL OF RESEARCH AND ANALYTICAL REVIEWS (IJRAR) is published under the Name of IJAR publication and URL: [www.ijrar.org](http://www.ijrar.org).



©IJRAR Journal

Published in India



E-ISSN 2348-1269, P- ISSN 2349-5138

Typesetting: Camera-ready by author, data conversion by IJAR Publishing Services – IJAR Journal.

IJAR Journal, [WWW.IJAR.ORG](http://WWW.IJAR.ORG)

E-ISSN 2348-1269, P- ISSN 2349-5138

INTERNATIONAL JOURNAL OF RESEARCH AND ANALYTICAL REVIEWS (IJRAR) (IJRAR) is published in online form over Internet. This journal is published at the Website <http://www.ijrar.org>, maintained by IJAR Gujarat, India.





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# The State Originated from 'Her'

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### ABSTRACT

As being a student of Political Science, 'The State' is the paramount of this discipline. As we move further, the State is oftentimes referred as "society that is politically constituted". As State being one of the formidable 'Institution' of the society, its formation has always been a debrief for the thinkers. Nevertheless, coming along the political history many eminent philosophers came up with assumptions and gave their hypothesis on how the state was originated. There are a few good theories that have been put forth on the word stage:

1. The Theory of Divine Origin
2. Social Contract Theory
3. Matriarchal and Patriarchal Theory
4. Force Theory
5. Evolutionary Theory

In this paper we will go through how the state originated from her that is The Patriarchal Theory and how much validation is proven in this contemporary world.

**KEYWORDS:** Origin of State, Social Institution, Patriarchal Theory, Matriarchal Theory

### INTRODUCTION

To be precise the definition of state hasn't universally agreed-upon and has been distinct and independent from author to author. The pioneer thinker that gave the word 'State' and formed the pedestal of the political theory was, 'Ni Cholo Machiavelli'. He was an Italian diplomat, author, philosopher and historian who existed in the Renaissance. He characterized state as "the power which has influence over mankind" in his distinguished book "The Prince", 1532.

In the face of all diverse opinion of political thinkers, there was a common thread among most of them that the state constituted of four significant components that are: its citizens, its territory, its administration and its sovereignty. Concerning to the rearmost component, the sovereignty- was the most conflicted and disagreed component.

Earlier we referred state as an 'Social Institution', as the social change occurs the State likewise keeps changing simultaneously accordance to the socio-economic agents. Just like other social institution, state emerged as a part of the society as a result of political consciousness among people. R.M. MacIver(1882-1970) an American political scientist defined state as "there are social formations, such as the family, church, or club, which do not owe their birth or inspiration to the state; social forces, such as customs or competitions, which the state may protect or modify, but surely does not create; and social motives, such as friendship or



# Novyi Mir Research Journal

An UGC Care Group-II ISSN No : 0130-7673

Website: <https://novyimir.net/>



## Certificate of Publication

Paper Id : NMRJ/4146

This is to certify that the paper titled  
A Review study on: Do we really need to walk 10,000 steps a day

Author by

Dr. Sachin Shivajirao Deshmukh

From

Manikchand Pahade Law College, Aurangabad, Maharashtra, India.

Has been published in

Novyi Mir Research Journal, Volume 8, Issue 2, Febuary 2023.

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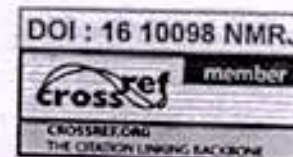


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## A Review study on: Do we really need to walk 10,000 steps a day

**Dr. Sachin Shivajirao Deshmukh**

Principal Author College Director Physical Education and Sports, Manikchand Pahade Law College, Aurangabad, Maharashtra, India

**Abstract:** Do we really need to walk 10,000 steps a day every move counts in fighting this pandemic and managing infectious disease in the future. 10,000 steps a day is widely recommended, although questions have been raised on how important it is for people to reach this exact figure. Research from Harvard Medical School suggests that an average of 4,400 steps a day is enough to significantly lower the risk of death for women. However, there is a scientific link between increased physical activity and longer life. People with more sedentary lives can start to improve their health by simply increasing their step count by about 2,000 each day. In ancient Rome, distances were actually measured by counting steps measured by counting steps. In fact, the word "mile" was derived from the Latin phrase *mila passum*, which means 1000 paces 1,000 paces – about 2,000 steps. It's suggested the average person walks about 100 steps per minute about 100 steps per minute – which would mean it would take a little under 30 minutes for the average person to walk a mile. So in order for someone to reach the 10,000 step goal, they would need to walk between four and five miles a day (around two hours of activity).

When it comes to being fit and healthy, we are often reminded to aim to walk 10,000 steps per day. This can be a frustrating target to achieve, especially when we're busy with work and other commitments. Most of us know by now that 10,000 steps is recommended everywhere as a target to achieve – and yet where this number did actually come from?

**Key Word:** Pedometer, Waking, Steps,

### Introduction:

Research has since investigated the 10,000 steps a day target. The fact that some studies some studies have shown this step target improves heart health, mental health, and even lowers diabetes risk, may, to some extent, explain why we have stuck with this arbitrary number.

In ancient Rome, distances were actually measured by counting steps measured by counting steps. In fact, the word "mile" was derived from the Latin phrase *mila passum*, which means 1000 paces 1,000 paces – about 2,000 steps. It's suggested the average person walks about 100 steps per minute about 100 steps per minute – which would mean it would take a little under 30 minutes for the average person to walk a mile. So in order for someone to reach the 10,000 step goal, they would need to walk between four and five miles a day (around two hours of activity).

But while some research has shown health benefits at 10,000 steps, recent research from Harvard Medical School has shown that, on average, approximately 4,400 steps a day is enough to significantly lower the risk of death in women. This was when compared to only walking around 2,700 steps daily. The more steps people walked, the lower their risk of dying was, before levelling off at around 7,500 steps a day. No additional benefits were seen with more steps. Although it's uncertain whether similar results would be seen in men, it's one example of how moving a little bit more daily can improve health and lower risk of death.





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UGC Care Group 1 Journal

An ISO: 7021 - 2008 Certified, ISSN No: 0474-9030

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## CERTIFICATE OF PUBLICATION

CERTIFICATE ID:HRJ-R1508

**We hereby certify that the paper titled**  
**Advantages & Disadvantages of Online Learning in Physical Education**

**Authored by**  
**Dr. Sachin Shivajirao Deshmukh**

**From**  
**Head Manikchand Pahade Law College, Aurangabad**

**Has been published in**  
**Heritage Research Journal, Volume 71, Issue 9, 2023**



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## Advantages & Disadvantages of Online Learning in Physical Education

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**Abstract:** As with most teaching methods, online learning also has its own set of positives and negatives. Decoding and understanding these positives and negatives will help institutes in creating strategies for more efficient delivery of the lessons, ensuring an uninterrupted learning journey for the students.

One of the most oft-used terms after the pandemic is the term "new normal." The new normal in education is the increased use of online learning tools. The COVID-19 pandemic has triggered new ways of learning. All around the world, educational institutions are looking toward online learning platforms to continue with the process of educating students. The new normal now is a transformed concept of education with online learning at the core of this transformation. Today, digital learning has emerged as a necessary resource for students and schools all over the world. For many educational institutes, this is an entirely new way of education that they have had to adopt. Online learning is now applicable not just to learn academics but it also extends to learning extracurricular activities for students as well. In recent months, the demand for online learning has risen significantly, and it will continue doing so in the future.

As with most teaching methods, online learning also has its own set of positives and negatives. Decoding and understanding these positives and negatives will help institutes in creating strategies for more efficiently delivering the lessons, ensuring an uninterrupted learning journey for students.

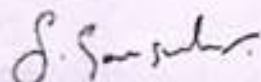
**Key Word:** Advantages Flexibility, Convenience, Cost-effectiveness, Lack of face-to-face interaction, Difficulty staying motivated, Technical difficulties

**INTRODUCTION:** In Physical Education it is very important that the closures promoted in life by COVID-19 pandemic, which created the opportunities for youth to be physically active and disproportionately impacted on the health disparities in the population. Physical Education provided the largest intervention to support the physical activities for college and school aged youth, nevertheless in the teacher's opinion a sizeable question is how to maintain quality programming during virtual training and learning sessions remains unexplored. Applying a diversely encompassing framework, this Article explores that how physical education teachers can perceive significance of various designed features for an online session as a teaching tool to promote physical activities uniformly during school and colleges closures.

During the COVID-19 pandemic I myself was experiencing all the virtual education pathways and did create videos promoting physical activities and in addition organized online workshops and which did include the following points of Benefits of Online Education in a Virtual Classroom. Like in-hand stepping out on a physical campus and learning in person, there are advantages and disadvantages of attending a virtual classroom and learning online. Amid the many benefits of online learning, you'll find that virtual education allows you to enjoy a more flexible schedule, can reduce the valuation of your degree, and can allow you to develop a career easily alongside furthering your education. While there are many pros to online learning



Certificate ID : MSJ/7600



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This is to certify that the paper entitled

**“Effect of Specific Training Program on Periodic Growth in Arm  
Strength of Gymnastics Players of 8 to 10 Years”**

Authored by

**Dr.Sachin Deshmukh**

From

**M.P. Law College, Aurangabad.**

Has been published in

**MUKT SHABD JOURNAL, VOLUME XII, ISSUE VIII, AUGUST - 2023**



### **'Effect of Specific Training Program on Periodic Growth in Arm Strength of Gymnastics Players of 8 to 10 Years'**

1. Dr. Sagar S. Kulkarni, Asst. Prof., MSM's College of Physical Education, Aurangabad;
2. Dr. Vishal V. Deshpande, College Director of Physical Education, S.B.E.S. College of Science, Aurangabad
3. Dr. Sachin Deshmukh, College Director of Physical Education, M.P. Law College, Aurangabad,

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#### **Abstract:**

Gymnastics is well known physical activity practiced all over the world in schools or private clubs. It is very useful in developing general fitness and motor fitness abilities. Gymnastics includes various apparatus that enhance various abilities. Strength being a key ability in any sporting activity, gymnastics develops all forms of strength through basic training. A novice player is subjected to skill training on various equipments as well as the coach designs a training plan as per the needs of the individual or group. A general conditioning plan is framed specifically for a group of novice players. It is important to monitor and evaluate the performance of the trainees for assessment and commencement of the training plan. A study was conducted to study the effect of specific training program on periodic growth in arm strength on 50 novice gymnasts of age 8 to 10 years. The training program was run over a period of year and quarterly tests were conducted throughout the year. There is no difference in the level arms strength in the Gymnasts undergoing specific training plan of the age between 08 to 10 years when tested periodically over the span of a year. 1 kg. Medicine ball throw was considered as standardized test. The collected data was analysed using statistical means. Mean, standard deviation and one way ANOVA with Scheffe post hoc test was applied. It was observed that significant difference exists in mean scores of the Medicine Ball Throw tests periodically conducted after every three months on the Gymnasts of the age between 8 to 10 years.

---

**Introduction:** Gymnastics is a globally recognized sporting event. It draws most spectators in any Olympics. In many countries gymnastics is practiced from schools and some countries have reputed gymnastics clubs. Though gymnastics is a competitive activity it serves as supplementary and developmental tool to other sports. Any individual doing gymnastics is bound to develop motor fitness components like strength, endurance, speed, agility and co-ordination. These motor abilities are most important in sporting event. Any discipline comprises of skill and fitness to constitute a performance. In order to develop a systematic and planned schedule of training sessions is chalked out by the coach. In elite cases the training plan is customized as per the needs and aims of the individual player. But for novice players who have just begun their skill training and are into beginner's phase a generalized training plan is usually followed. It becomes essential for a coach to administer the gradual growth so as to make necessary timely amendments whenever needed. Though motor abilities are developed in regular practicing gymnasts it is essential to study the effect of scheduled training program on gradual growth throughout the year. Strength being key factor was considered for the study. Quarterly tests within the year were conducted to collect the data and apply statistical treatment. Only novice gymnastics players of 8 to 10 years of age were considered for the study.





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# A COMPREHENSIVE STUDY OF HACKING AND ITS LEGAL FRAMEWORK

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Anoushka Singh\*\* -BLS LLB, Third Year student, Government Law College, Mumbai

### ABSTRACT

*In the past two decades technology has evolved rapidly. This evolution has questioned the outlook that technology has in our lives today. Is it a boon or a bane? The advancement in technology has numerous benefits like ease of communication, accessibility and advancement of educational facilities, rapid growth in the Information Technology sector, advancement in medical services and so on. The benefits of technological advancement are uncountable. Despite its numerous benefits, one cannot ignore its dark side. Misuse of technology has led to cybercrimes which have a dreadful impact on the cyberworld. A cybercrime could be any criminal activity that involves a computer and a network. It includes phishing, identity theft, cyberstalking, and hacking. Thus, it is evident that the cyberworld is being exceedingly abused. Hacking is an omnipresent issue in today's digital world. It has a significant impact on individuals, entities and the society at large. This research paper explores the multifaceted world of hacking, with emphasis on its impact on society. Thereafter, the researchers focus on the relevant legislation and the judicial interpretation of landmark case laws. Moreover, to pave a path to tackle the crime of hacking, the researchers have suggested some constructive steps that one must follow to protect oneself from hacking. Lastly, the research paper enlists the findings of the researchers followed by the conclusion.*

Keywords: Hacking, IT Act, Impact on society, Hacker

### INTRODUCTION

In the contemporary world, technology pervades every facet of our lives. This advancement has brought forth convenience and vulnerability. One of the most menacing threats that has emerged is hacking. Hacking is identifying and exploiting weaknesses in a computer system or network, usually to gain unauthorized access to personal or organizational data.<sup>1</sup> The statistics with respect to hacking are alarming. According to Astro Security, nearly 4,000 new cyberattacks occur every day. Every 14 seconds, a company falls victim to a ransomware

<sup>1</sup> 'What is hacking? And how to prevent it', (Kaspersky) <<https://www.kaspersky.com/resource-center/definitions/what-is-hacking>> accessed 2 October 2023



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## UNFOLDING THE JOURNEY OF FEMINISM IN INDIA

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Anoushka Singh\* Dr. Anju Singh\*

### ABSTRACT

*Feminism has been described by G.D. Anderson<sup>1</sup> as: "Feminism isn't about making women strong. Women are already strong. It's about changing the way the world perceives that strength." The concept of feminism has been prevalent since ancient times. The epics of Mahabharat and Ramayandepicted equality of rights amongst men and women. For instance, 'Swayamvar', a practice where the bride had the right to choose her 'Var' i.e., the groom. With the lapse of time, the concept of feminism was lost in the oppression by the patriarchal society. Through this paper, an attempt is made to analyse the concept of feminism as seen in the contemporary world. To have an insight of the research paper it is divided into a few segments. The research paper unfolds with the introduction of the topic. The next part of the research paper discusses the history of feminism in India. The paper illuminates various feminist Constitutional provisions and programmes introduced by the government to support the development of women. The research paper primarily discusses the issue- 'Why do women have to fight for their rights even though there are ample laws to protect them?'*

**Keywords:** Feminism, Women, Equality.

### INTRODUCTION

The word feminism was first used in 1851 which meant the state of being feminine. However, by 1895, as the feminist movements began to spread globally, 'feminism' had evolved to become a word to describe the activity of advocating women's rights. Thus, today one may say that feminism is the belief that men and women should have equal rights and opportunities. It talks about political, economic, and social equality for both men and women. It is about respecting every woman's experience, knowledge, identity and strength, and endeavouring to empower all women to realise their full rights. Today, fighting for women's rights has become synonymous with 'man-hating'. In today's chaotic period where women's rights have been repetitively questioned the responsibility of the judiciary as the custodian of

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<sup>1</sup> G.D Anderson is the pseudonym for Geena Dunne, an Australian feminist writer



Impact Factor-8.632 (SJIF)

ISSN-2278-9308

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Single Blind Peer-Reviewed & Refereed Indexed

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Human Rights

March -2023

ISSUE No- (CDXV ) 415 -B



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## Maharashtra's Social Boycott Act 2016: Tool for Protection of Human Rights

Ms. Pratibha R. Girbane

Asst.Prof. M.P. Law College Chhatrapati Sambhaji Nagar

### 1.Introduction:

India is a vast country having very long history. Based on generous concept of Vasudhaiva Kutumbakam Indian society possesses a great cultural heritage. India is a land of multiple religions. However Ancient Indian society was governed by caste system. They had practice of imposing social boycott on the member of group if he did any act contrary to established norms of his caste. Sometimes Social boycott was done by members of superior caste to establish superiority. Reference can be given to Sant Dnyaneshwar from Maharashtra who along with his family were socially boycotted and compelled to live in isolation. Reason for their social boycott was that his father was sanyasi who returned to his family life on instructions of his guru and had four children after returning to family life<sup>14</sup>. Both his parents later committed suicide and four children lead life of sufferings. Similarly there were many more other incidences of social boycott prevalent during different time. During course of its evolution Indian society has undergone many changes, it assimilated many cultures and has accommodated and integrated many communities and their ways of life from time to time. However practice of social boycott which is a shame and curse to humanity did not stop even after independence. By imposing social boycott Jati Panchayat and Khap Panchayat challenge individual freedom in the guise of religion, caste and custom. For preventing this evil practice which violates basic human right of individual, some attempts were made by the government by passing different laws but these laws were inadequate to cover all cases of social boycott. In 2016 Maharashtra becomes first state in India to enact law for preventing social boycott. This is welcome and progressive step of the state government. This law has important role in protecting basic human right i.e. human dignity. In this research paper attempt is made to analyze provisions of this Act along with its shortcomings and some suggestions to overcome it.

### 2. What is social boycott?

Social boycott is an act whereby a person or group of person are continuously ignored or avoided by other members of the society. It is a collective refusal by society to involve a person in commercial and social relations. Social boycott is imposed with the object that individual should get uncomfortable and voluntarily leaves the society<sup>15</sup>.

According to Maharashtra Prohibition of People From social Boycott ( Prevention, Prohibition and Redressal ) Act 2016 Social Boycott means the gesture or an act, whether oral or written, of any social discrimination between the members of the community specified in section 3 of the Act<sup>16</sup>.

Different kinds of acts are deemed as social boycott under the Act namely, Preventing an individual to observe or practice social or religious custom, usage, ceremony, community functions, congregation, assembly, meeting or procession; Refusing an individual the right to perform marriage, funeral or other religious ceremonies and rites ; Commission of social ostracism ; Shunning a community member resulting in making the life of such member miserable ; Prohibition on access and use of place maintained by community for charitable, religious or public purpose or facilities of any school, educational institution, medical institution, community hall, cementery, burial ground or any other place used for the benefit of his community or any other public place ; Severance of social,

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<sup>14</sup> Dnyaneshwari: Biography of Saint Dnyaneshwar (weeklydnyaneshwari.blogspot.com) retrieved on 20<sup>th</sup> February 2023

<sup>15</sup> What are the laws related to social boycott in India? - iPleaders retrieved on 20<sup>th</sup> February 2023

<sup>16</sup> Section - 2(g)





**INTERNATIONAL**  
**Journal of Fitness Health,**  
**Physical Education & Iron Games**



*Dr. Kamlesh AZHIM*  
President, International Federation  
for Fitness, Health, Physical Education  
& Iron Games

**Volume : 08 - No: 02**  
**Half - Yearly**  
**July 2021 to December 2021**

**ISSN**  
**2349-722X**

**Published by:**  
**International Federation for Fitness,**  
**Health, Physical Education & Iron Games**

**Refereed & Peer Reviewed**  
**International Journal**  
**Indexed and Impact Factor**  
**SJIF: 7.324. Cite Factor: 2.59.**  
**IP Indexing : 2.64. ISRA: 2.816**  
**Thomson Reuters ID - 6684 - 2015**

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## A REVIEW OF FUTURE NEW TRENDS IN PHYSICAL EDUCATION AND SPORTS

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Received: 4-06-2021. Reviewed: 04-06-2021 to 20-06-2021. Accepted: 18-06-2021

### ABSTRACT

Last year of Pandemic the Sports and fitness is importance for each person in life and after lockdown the new trends of teaching and Sports are evolving year after year and today we will look out and outline the top future trends in the sports industry that will rule the world in the future. From traditional to non-traditional sports, Globalisation, E-Sports more popular, Artificial Intelligence, Sensors and data analytics, Block chain, Fan engagement and Media etc. The sports will unite with the technology to take the experience to the next level according to reports. Either we talk about the development of smart stadiums with added features like hologram displays, video walls, social media follower-based seating, and virtual reality applications or we talk about the evolution of E-sports in recent years there is a sense of evolution we can clearly outline in recent past. The advancement of technology like virtual reality augmented reality is a major boost in the sports industry. One thing for sure the technology will be a greater impact on the sports industry in the future.

**Keywords:** Future Trends, Globalisation, E-Sports more popular, Artificial Intelligence, Sensors and data analytics,

### INTRODUCTION

Last year of Pandemic the Sports and fitness is importance for each person in life and after lockdown the new trends of teaching and Sports are evolving year after year and today we will look out and outline the future trends in the sports industry that will rule the world in the future. The sports will unite with the technology to take the experience to the next level according to reports. Either we talk about the development of smart stadiums with added features like hologram displays, video walls, social media follower-based seating, and virtual reality applications or we talk about the evolution of E-sports in recent years there is a sense of evolution we can clearly outline in recent past.

The advancement of technology like virtual reality augmented reality is a major boost in the sports industry. One thing for sure the technology will be a greater impact on the sports industry in the future. The Important future Trends in the world of Sports as explain below around 13 trends.

**Trend of from traditional to non traditional sports:** Over the last couple of years, traditional sports such as football, baseball, hockey and soccer have seen steady declines in participation rates. This mainly has to do with demographic changes. The new Generation is less interested in traditional sports. These sports are taking up too much of their time, are boring to most of them





**INTERNATIONAL**  
**Journal of Fitness Health,**  
**Physical Education & Iron Games**



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President, International Federation  
Saudi Arabia

**Volume : 08 - No: 02**  
**Half - Yearly**  
**July 2021 to December 2021**

**ISSN**  
**2349-722X**

**Published by:**  
**International Federation for Fitness,**  
**Health, Physical Education & Iron Games**

**Refereed & Peer Reviewed**  
**International Journal**  
**Indexed and Impact Factor**  
**SJIF: 7.324. Cite Factor: 2.59.**  
**IP Indexing : 2.64. ISRA: 2.816**  
**Thomson Reuters ID - 6684 - 2015**

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## SPORTS LAW IN INDIA: PRESENT STATUS AND FUTURE

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Received: 12-06-2021. Reviewed: 12-06-2021 to 20-06-2021. Accepted: 20-06-2021

### ABSTRACT

In India, sports have never been a mainstream issue for policy makers. Sports have received the attention mostly as a source of entertainment in Indian social space. Even the approach of the common person in India towards the sports traditionally has been casual and emotional rather than rational. In other words, the sports and related issues have always occupied a secondary place in Indian socio-political-legal sphere. It is well known fact that barring few sports, India has not been doing very good in the realm of the sports. This approach of the Indian society towards sports has been main cause for its underperformance at the global level in the field of sports. The reason for the underperformance is not only rooted in human resources but certainly an issue and structure of sports governance in India. The vacuum in the sphere of sports governance need to be addressed urgently on priority basis to come out of present state of inertia. The researchers through this paper intend to examine the present status of sports law in India and suggest future roadmap for the sports governance as well.

**Key words:** Sports law, sports governance, sports welfare, sports policies, sports commission

### INTRODUCTION

Sports activities have been an integral part of human life since the time immemorial and necessary component of human development, good health, and the spirit of friendly competition. Sports emerged for mere entertainment in the ancient time. Primarily, games were invented by the man as a means to meet socially with others, to display skills and physical prowess and to entertain. Some form of running, throwing and jumping acrobatics was involved in most of the games, all of which developed from basic hunting skills. Religious and political elements were also combined into their games in many early cultures, but a desire for recreational play eventually lead to the codification of early games and the invention of new ones.

Sports Law as an independent of Law been debated for long. Some consider it to be others consider it to be a separate field of Law that is developing and is likely to come into its own with the increasing significance of the sports industry as well as rising number of cause related to the field. There are Laws and regulation on Sports in a number of countries and even the United Nations has framed conventions related to Physical Education, Sports, Countering doping and discrimination in Sports. In view of this Indian has a long way to go as it does has not have a comprehensive Law to deal with sports issues.

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Annual Subscription: Rs. 1000/-

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# POWER OF KNOWLEDGE

An International Multilingual Quarterly Peer Review Refereed Research Journal

**Volume I, Issue IV**

**Jan to March 2022**

**Editorial Officer**

**Kranti Publication**

Georai Dist. Beed

Beed -431 127

Contact : 7875827115

E-mail : Sarkate.lata@gmail.com

**Published By :**

Mrs. Lata Sadashiv Sarkate

**Price : Rs. 300/-**

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## **Cyber Stalking**

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### **ABSTRACT**

The cyberspace is being taken up by a new form of crime that contains repetitive attempt by one person to contact another thereby causing a sense of threat in the mind of such other person. This emerging crime is popularly known as "cyber stalking". The researcher in this paper has made an attempt to study with the issue of cyberstalking which is a newly coined phenomenon and its relevant provisions as per Information Technology (IT) Act 2008 and India Penal Code (IPC) 1860. Cyberstalking is a new set of crimes in cyber crime beneath cyberspace which fundamentally and centrally falls below the application of information and communication technologies.

**Keywords:** Cyber Crime, Cyber Stalking

**Objectives-** The objective of this paper is to study the concept of cyber stalking and the law of cyber stalking in India.

**Research Methodology-** The research methodology of this research paper is doctrinal. The study of this topic has been ranging from researching books, case laws, articles and commentaries on cyber stalking.

### **INTRODUCTION**

Cybercrimes are increasing nowadays. The security and privacy of a person in the cyber world is in danger due to the misuse of technology and due to this technology, that is a major threat to women on the cyberspace. As technology gets more advanced and constantly it's becoming a bigger part of our lives online abuse and various cybercrimes are becoming more prevalent cyber stalking is in a nutshell online stalking and harassment this is where various technologies such as email, instant messages, phone calls and social networks are used to harass somebody. This harassment may include things such as false accusations, monitoring, threats, identity theft and data destruction or manipulation these activities are usually unwanted, repeated and often obsessive and illegal. The perpetrators may be strangers, but they are often somebody that the victim knows such as ex, former friend a colleague or even just an acquaintance. It is an important global issue and also an increasing social problem, which creates new criminals and victims too.<sup>1</sup>

### **STALKING**

Stalking in general term means a harassing behavior which one person exhibits towards the other and is not necessarily sexual in nature, but it harasses, terrorizes, tortures, and intimidates the victim. It is a vigilant intrusion into a person's privacy, where the stalker has an attempt to make relationship with the victim without her consent... Stalking behaviors are related



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Price : Rs. 300/-

Annual Subscription: Rs. 1000/-

# POWER OF KNOWLEDGE

An International Multilingual Quarterly Peer Review Refereed Research Journal

**April Special Issue 2022 - VI**

**Editorial Officer**

**Kranti Publication**

Georai Dist. Beed

Beed -431 127

Contact : 7875827115

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## Defamation On The Internet

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Dr. Babasaheb Ambedkar Marathwada  
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**Prof. Dr. Aparna Kotpalle**  
M.P. Law College, Aurangabad

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### Abstract

The growth and development of the technology have brought many changes in day to day life. The Internet is the fast means of world communication of text, sound and images, Social networking, shopping, job searching, recruitment etc is possible through the medium of Internet in these days, but it has become a new medium for the bad elements to commit crime. The Internet has made it easy to put defamatory statements to a worldwide audience with impunity. The researcher attempt to study about cyber defamation and its legal provisions in tort law as well as in other statutes in India. The term defamation basically means the publication of a false statement that depreciates the reputation of a person. The depreciation to an individual can be through libel or slander.

Cyber defamation is considered to be the act of defaming, insulting, offending or otherwise causing harm through false statements pertaining to an individual in cyberspace'. The tort of defamation is committed to the publication of wrong defamatory statements by an individual through the Internet. The issue is that Internet defamation is covered under IT Act 2000 and even not in 2008 amendment Act.

**Keywords-** Cyber Defamation, Internet, Information Technology Act, Tort

**Objectives-** The objective of this paper is to study the concept of cyber defamation and the law of cyber defamation in India.

**Research Methodology-** The research methodology of this research paper is doctrinal. The study of this topic has been ranging from researching books, case laws, articles and commentaries on cyber defamation.

### Literature review

The researcher has referred the following books and articles for preliminary understanding of the subject matter where in some aspects of defamation on the Internet has been discussed.

Collins, M. (2011) the law of defamation and the Internet will stop Oxford University Press, Inc.

This book giving the general principles of defamation and its law which includes the authorities from jurisdictions and covers application of common law principles of defamation law to material published online.

### Introduction

Defamation may be defined as the intentional false communication either oral or written that harms the person's reputation, decreases respect of a person. Cyber defamation occurs when defamation takes place with the help of computers and from the Internet. E.g. email



containing defamation about that person by making a false statement to another.

Defamation is the intentional infringement of another person's right to his good name. It is around full and intentional publication of words or behavior concerning another person which ensures the person status, good name or reputation in this society. The crimes committed on Internet are not radically different from conventional crimes.

#### **Defamation in cyberspace**

Defamation of cyberspace is also a crime. Internet can be used to spread misinformation in forums and chat rooms where users can post the information without verification. The low cost of connecting to the Internet and even establishing once on website has led in the increase of defamation cases.

Due to the Internet use the messages can be circulated to masses within less time. Internet has made communication and access to information easily through emails, chat groups, various social networking sites etc wherein individuals can publish and disperse information but some users can misuse such facility for publishing statements in the cyberspace which are derogatory in nature due to its larger influence and interpretation.<sup>1</sup>

#### **Definition of Defamation**

- Defamation is defined as "an intentional false communication, either published or publicly spoken comma that injures another reputation or goods name." [Dixon v. Holden, 1869]
- Black stone - "every man has a right to have his reputation preserved inviolate."
- According to Lord Atkin defamatory statement is; a statement which tends to lower the claimant in the estimation of right thinking members of society generally, and in particular to cause him to be regarded with feelings of hatred, contempt, ridicule, fear and disesteem."
- As per Salmond "defamation is a publication of a false and defamatory statement concerning another person without lawful justification".

#### **Cyber Defamation**

In general terms cyber defamation is a crime in cyberspace usually through the computer networks such as Internet with intention to cause injury to the reputation of a person by defaming that person in the eyes of another person.

Cyber defamation can be broadly defined as any act, deed, word or gesture or thing on the Internet concerning cyberspace which is designed to harm a person's reputation or goodwill on the Internet with a malafide intention so that the others in the community, whether offline or online would view the person contempt, hatred, indifference or with any other attribute. A person can file a civil or criminal suit of defamation. Due to this feature defamation is considered to be a crime as it affects the health and material welfare of the society.

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1. Gavin Sutter, 'Don't Shoot the Messenger? The UK and Online Intermediary Liability', (2003) 17 (1) International Review of Law, Computers & Technology.



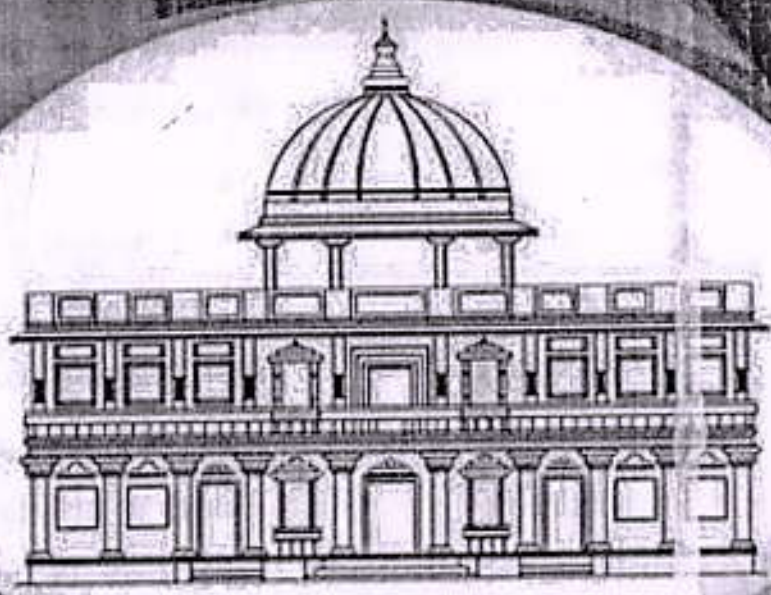
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## Woes of Minorities under the rule of Majority

- Dr. Dinesh Kolte, Aurangabad

### Abstract :

India is a democratic nation with multi-religious, multi-cultural and multi-linguistic diversity. The essence of democracy lies in protection of minority rights. The rights of minorities are especially protected under the Indian constitution in the form of various fundamental rights. Minority rights are rights that are guaranteed to everyone, even if they are not a part of the majority. The abuse of power by majority is threat to freedom of minorities. In present democratic era of India, minorities are being oppressed by the "tyranny of the majority". After Independence, several Indian governments repeatedly passed laws that were increasingly draconian, which were widely abused by investigating agencies and the executive against minorities. This paper presents an overview of the implementation of earlier draconian laws through which minority communities were targeted.

### Introduction :

Majority rule with respect to minority rights is crucial for a democratic government to survive. This process allows for citizens to enjoy individual rights while respecting the decision of the majority. However minorities in India have always been the silent sufferers under the majority rule in the name of National security. The communal divide laid by the Britishers is still evident in India's political system in which minorities are treated as second class citizens. The Constitution of India has not defined the term 'minority', but had provided them with all the opportunities needed for their survival in the form of fundamental rights.

### Constitutional and Statutory Provisions relating to Minorities :

Article 29 and 30 protects the interests of minorities by ensuring them right to conserve their language, culture and script; and by ensuring them right to establish and administer educational institutions.





In addition to the constitutional provisions for the protection of interest of minorities the government of India established National Commission for minorities but it sans constitutional backing or status. According to the Commission religious minorities are Muslims, Christians, Sikhs, Buddhists and Parsi later in 2014 even Jain community was included. Apart from the above some states too have constituted State Minority Commissions for safeguarding and protecting the interests of minorities provided under the Constitution and other Statutes.

### **Problems faced by Minorities in India :**

The problems of minorities vary according to its type; such as religious minorities had to bear the brunt of disproportionate sterilization, during emergency imposed by Late Prime Minister Indira Gandhi. Linguistic and religious minorities face discrimination with respect to job opportunities. As per Sachhar committee report (2006), representation of Muslim minority in jobs, bank loans is abysmal, and so its representation in the political process. Minorities are forced to conversion to other faiths in the name of 'Ghar Wapsi' and is linked to the notion of India being a homeland only for majorities; other problems which they face are poverty; unlawful detention under preventive detention laws and compulsory chanting of 'slogans'. The instances of such issues have increased manifold in the recent times. They are targeted by hate crimes like Mob lynching incidents in the name of cow protection, 86% of victims since 2010 were from minority communities.

Analysis of implementation of laws and Statutes in the name of National security and abuse of power by executive authorities.

TADA (The Terrorist and Disruptive Activities (Prevention) Act 1985) came into force in 1985 for fighting against terrorism. This legislation created a new set of legal procedures and systems to deal with terrorism. A person could be detained under this act, with no evidence required, on the mere suspicion that an individual may have





performed an act not in the national interest and increased powers of detention, witness protection and speedy trial.

The law asks to produce a detainee before a judicial magistrate within 24 hours .but an accused under TADA could be detained for up to a year. The rampant misuse of TADA was difficult to miss. In 1990, the Gujarat police booked over five thousand people; most of them were Muslims , under the act. Babri Masjid demolition and obtaining terror training eleven men all Muslims were detained .However after 25 years they were acquitted for lack of evidence. Extraordinary powers to investigative authorities, and was also misused thoroughly. In Rajasthan, of 115 TADA detainees, 112 were Muslims and three Sikhs.

POTA (The Prevention of Terrorism Act 2002) was enacted with the aim of protecting Indian nation as a whole from extraordinary terrorist threats, but unfortunately it was captured by state-level political elites and used as a weapon against rival political groups. Section 49(2) of POTA allowed police to detain a suspect for up to 180 days without a formal charge; whereas right to speedy trial was recognised as Fundamental right under Article 21 in Husain Ara Khatoon's case .Frequent abuses of the law were witnessed in the form of prolonged detentions with no formal cases being filed and the targets were often Muslim minorities. Gujarat had a worse pattern under POTA, when all but one of the 200-plus detainees was Muslims, the remaining one a Sikh. Ninety Nine point nine percent arrested under this Act were Muslims in Kashmir.

The Citizenship (Amendment) Bill, 2019 was taken for consideration and passed by Lok but is still awaiting the approval of the upper house of parliament, seeks to amend the 1955 Citizenship Act to make Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from three Muslim-majority countries namely: Bangladesh, Pakistan and Afghanistan eligible for Indian citizenship. This bill intends to protect

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**Volume 9, Issue 2 (XII)**

**April – June 2022**

**ISSN: 2394 – 7780**



**International Journal of  
Advance and Innovative Research**

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## HOW TO PREPARE AND DELIVER A LAW LECTURE?

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### ABSTRACT

*Lecture method of teaching is most prominent method since times immemorial. The method and mode of delivering lecture varies upon the teacher as well as subject. In Legal Education there are various forms of law teaching Such as seminar method, case study, problem solving or discussion, and a teacher has to adopt a particular form depending upon the topic to be covered during session. Lecture method is still popular among law teachers as well as students as it has survived all odds and challenges and remains suitable and convenient even in online education era. However, the lecturer delivering the lecture must prepare the lecture beforehand and must be well versed on the topic to be covered in particular session; equally important is the mode of delivering the lecture. To be a good lecturer the person needs to have good oratory skills and must be able to communicate effectively so that attention of the students is retained in the class and students gain valuable insights through the lecture.*

### INTRODUCTION

Lecture method is viewed as the most extensively used educational method within all the educational institutions almost at all levels of higher education and so in law teaching. In this method of teaching the instructors has to impart information to the pupils in terms of lesson strategies and theoretical concepts during the classroom teaching<sup>1</sup>. Lectures usually refer to the lessons delivered to a group of students where the teacher's role is active, and the students are the passive listeners<sup>2</sup>. The role of a lecturer is to plan the lecture and delivering it<sup>3</sup>. Lecture refers to a period of continuous explanation by the lecturer where distinct learning activities are used by the lecturer after careful self-assessment about personal strengths, the learning capabilities of the students<sup>4</sup>, the nature and content of subject to be taught and learning objectives. The law lecturer has to focus on core areas while preparing for the lecture<sup>5</sup> and must cover the topic right from its historic aspect till present situation. The steps while preparing for Law lecture must include following contents in the lecture

- Objectives of the lecture
- Outcome of the Lecture
- Historical perspective
- Constitutional Aspect
- Jurisprudential perspective
- International treaties and conventions
- Critical assessment
- Research based Empirical data if any
- Concluding remarks

**Objectives of the Lecture-** the lecture must not be limited to teach the norms of the legal system. The lecture must be focused on potential use of the knowledge of law and its applicability as per the situation. The students must be made aware as to why they need to know about the law and what approach they need to adopt to

<sup>1</sup>Hall, Jerome, "Teaching Law by Case Method and Lecture" (1955). Articles by Maurer Faculty 1469 [www.repository.law.indiana.edu/facpub/1469](http://www.repository.law.indiana.edu/facpub/1469) P-101

<sup>2</sup> As accessed from [www.futurelearn.com/info/courses/prepare-to-study-uk/0/steps/48553](http://www.futurelearn.com/info/courses/prepare-to-study-uk/0/steps/48553)

<sup>3</sup> R.H.Binns, "What do lecturers actually do?" June 10, 2019 [www.allaboutlaw.co.uk/law-careers/what-can-i-do-with-a-law-degree/what-do-lecturers-actually-do](http://www.allaboutlaw.co.uk/law-careers/what-can-i-do-with-a-law-degree/what-do-lecturers-actually-do)

<sup>4</sup>Effective Lectures from Baylor's Academy Teaching guides [www.baylor.edu/atl/index.php?id=965135](http://www.baylor.edu/atl/index.php?id=965135)

<sup>5</sup> B. F. Butler, "Plan for the Organization of a Law Faculty and for a System of Instruction in Legal Science, in the University of the City of New York", University Press, 1835 p-25-26



006-CAH-11111

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Published by : The Secretary, The Kuppuswami Sastri Research Institute  
No. 81, Thiru. Vi Kal Road, Mylapore, Chennai - 600 004

Web Site : www.kari.in; www.kari.edu.in

Printed at : Sri Harish Printers, Chennai - 600 028



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## Deportation of Rohingya Refugees by India -Vis-a-Vis Principles of International law

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### Abstract

Refugees are stateless persons. Most states, particularly in the Global North, are slow to close their borders and restrict access to international protection, contrary to their obligations under international law. International refugee law is at the very core of our most fundamental human right to seek protection from persecution and the customary law of non-refoulement. Statelessness is a source of human insecurity, forced displacement and serious conflict, which may pose a threat to national as well as regional stability. Respect for international law and human rights forms the essence of the protection of refugees, returnees and stateless persons. This paper attempts to highlight various international norms concerning refugees. It further presents an analytical view of violation of international law and principle of non-refoulement with reference to deportation of Rohingyas by India. Though India had an open door policy earlier and it accepted refugees and Asylum seekers but it has reversed its earlier practice in case of Rohingyas and it fails to follow international law and India's constitutional norms. This paper gives a brief analysis of treatment of refugees under Indian law and examines the impact of absence of specific legislation with respect to refugees, which leads to differential treatment to refugees in different cases. On the basis of the above analysis, it is suggested to adopt specific legislation with respect to Refugees.

**Key words:** Refugees, Deportation, International law, non-refoulement  
"Refugees cannot be stopped, but they can and must be managed better, more humanely, protect migrants' human rights whilst accepting states' rights to control their borders"

Kofi Annan

**Aims:** The aim of the present research is to find out whether India violated the norms of International law by deporting Rohingyas

**Objectives:** the core objectives of this research are:

- To study international norms relating to refugees
- To analyse the principle of non-refoulement with respect to deportation of refugees

### Researchable questions

- Q1: Whether India is obliged to abide by International customs?
- Q2: Whether India's decision to deport Rohingyas is violative of international norms?

### Research Methodology

The present research is purely doctrinal in nature. The data is collected from various secondary sources, such as international conventions, customs, and constitutional provisions relating to refugees. The other sources referred include news reports, web content and scholarly journal articles. In order to above contain decided cases are analysed with reference to rights and protection granted to refugees through judicial activism in absence of special legislation in India.

### Introduction

The definition of refugee has evolved in recent past. The word 'refugee' is derived from the French word 'refugier' which means 'gone in search of refuge'. A number of treaties have been made to define the term refugee through various regional and international instruments. But various states interpret the term according to their whims and fancies. The lack of consensus amongst states with respect to definition of the term refugee adversely affects the rights of the refugees. From practical perspective, interpretation of the term 'refugee' by a particular state decides the fate of refugees seeking protection or facing prosecution. The issue of Rohingyas refugees has become debatable. Several thousand Rohingyas Muslims have escaped Myanmar due to increasing atrocities and fearing genocide in past.

and tried to seek refuge in India. However, India has categorised the Rohingyas as illegal immigrants and a security threat, siding with the Burmese government. The Indian government has, in fact, appealed to Myanmar to take back the Rohingyas refugees. The government is reluctant to abide by the principle of non-refoulement, stating that, it is not applicable to India as it is not a signatory to the 1951 refugee's convention. However, a report in The Indian Express notes, "India's claim to send the Rohingyas back to Myanmar rests on the notion that the refugees are of Burmese stock".

International law and its sources

The term International law was first coined by Jeremy Bentham. It is defined as the body of legal rules, norms, and standards which sovereign states consider as legally binding upon them. Public International Law is sometimes called the "law of nations" or just simply International Law. Public international law governs primarily the relations between states at international level, and determines states' rights and obligations in relation to each other. International law is also considered as weak law due to lack of enforcement mechanism. The nations consider it binding upon themselves hence they accept International law to main relation with each other. The Charter of the United Nations is the main document for the International Court of Justice (ICJ) as the principal judicial organ of the UN. Article 38(1) of the Statute of the International Court of Justice lists the sources of International law.

- a) International conventions,
- b) International custom, general practice accepted as law,
- c) The general principles of law recognized by civilized nations,
- d) Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations,

of the primary sources international law under Article 38 of the Statute of the International Court of Justice is International custom, as evidence of general practice accepted as law. Under this customary practice principle non-refoulement is adopted and applied by various nations for protecting refugees.

### International law on Refugees

International law defines refugees, subject to minor variations across different illegal instruments, as persons who have been forced to flee the country of their origin and are unable or unwilling to return there due to the fear of persecution on account of their race, religion, ethnicity, political beliefs. "International law assumes that every human being belongs to a state, which is the norm," said Shiller, a lawyer from Vienna, who wrote his doctoral thesis about statelessness, told United Nations convention 1951, Article 1 defines refugee as a person who 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular

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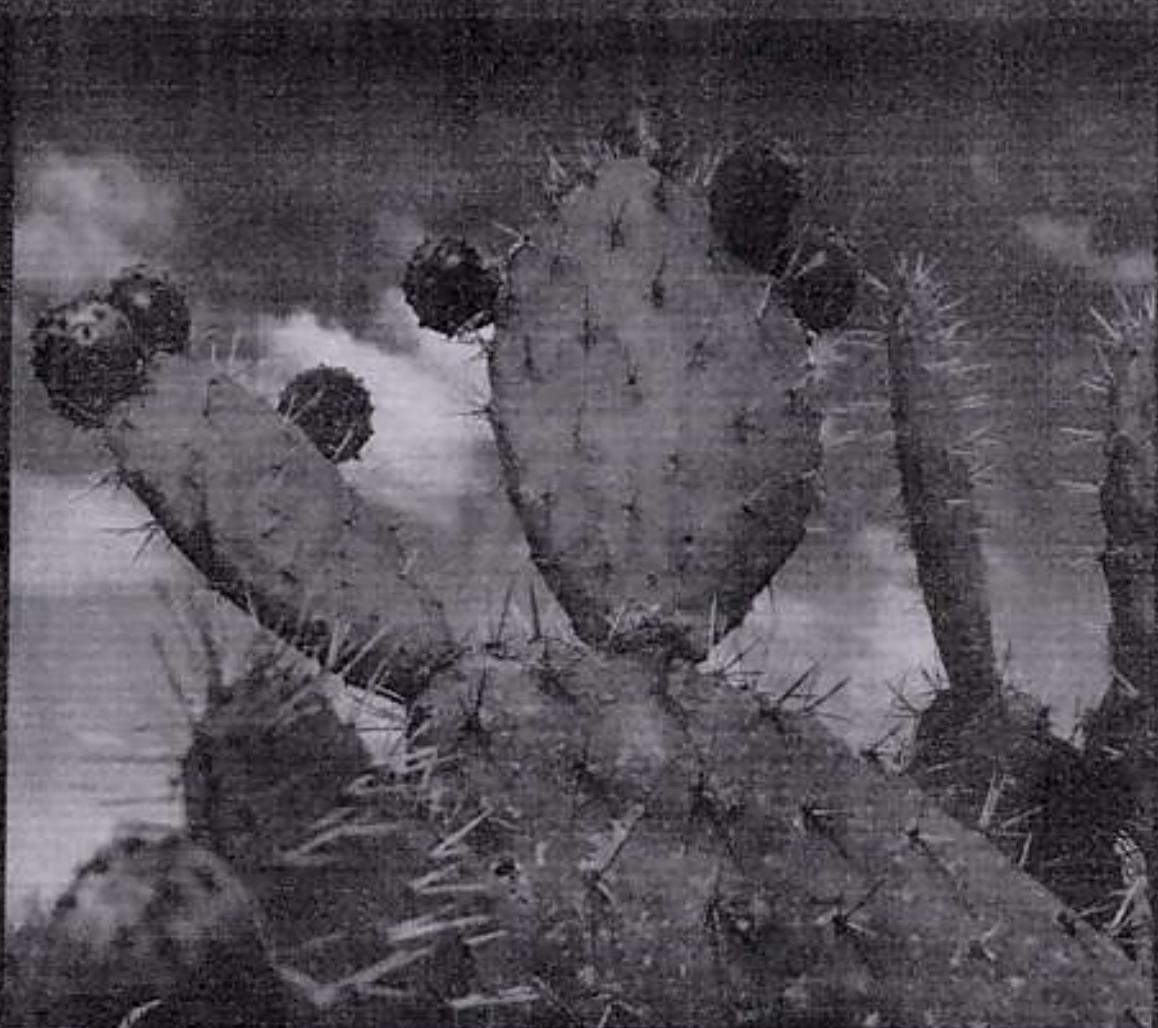
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## Rights of Refugees and Humanitarian obligation of world at large

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### DECLARATION

I Dinesh B. Kolte do hereby declare that this research paper entitled, "Rights of Refugees and Humanitarian obligation of world at large" is my original work and

I hereby transfer my copyright to the publisher for the purpose of publication.

Rights of Refugees and Humanitarian obligation of world at large

### Abstract

International humanitarian law, refugee law and human rights law are complementary bodies of law having a common goal, of protecting the lives, health and dignity of people. They form a complex set of connections of related protections, they recognize international law with respect to seeking asylum but states are not bound to give the same. In such circumstances people can be promptly permitted to safer countries, but without any promise of constant asylum. Thus 'temporary protection' is helpful for both governments as well as asylum seekers in unambiguous situation. Earlier human rights issues were considered outside the ambit of global discourse on refugees as humanitarian problem; because both were considered as distinct but with the advent of time the human rights law and humanitarian law with refugee law are now considered to be supplementary and complimentary to each other. It is vital for countries to safeguard human rights of the refugees and provide permanent and viable solution for the same. Since refugee crisis is a global phenomenon concerning relationship between refugees and their relationship with host state as well as the one of its origin, there is necessity of law for recognising the legal status of refugees, protective mechanism for them as a collective responsibility of all states on humanitarian grounds. If the refugee crisis is handled with human rights perspective and legal basis is provided to them the issue will be resolved amicably.

The present research is descriptive in nature and analytical in

approach. The co-relationship of humanitarian law, refugee law and human rights law is described. The approach of states providing asylum or protection to refugees and that of the state of their origin is analysed with the help of policies of certain states towards refugees and their problems Vis-à-vis international covenants relating to human rights and Refugee conventions. The rights of refugees and obligations of world at large are discussed. Further attempt is made to analyse 'Global Compact on Refugees' adopted in December 2018. Finally author's perspective on the above subject is presented with probable suggestions.

Aim: To analyse whether the world at large is rendering its obligation to protect rights of refugees from Human rights perspective.

### Objectives

- To study the problems of refugees at global level
- To study the relationship between Humanitarian law, human rights law and Refugee law
- To critically evaluate 'Global Compact on Refugees'

### Researchable Questions

- Q1. What are the issues due to which States are denying permanent protection to refugees?
- Q2. While denying permanent protection whether states are violating international norms relating to human rights and humanitarian law?
- Q3. What will be the impact of 'Global Compact on Refugees'?

### Methodology adopted

The present research is purely based upon doctrinal method. The descriptive research design is adopted. The concerned issues are analysed on the basis of International conventions, research



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ISSN-2321-1504 Nagfani

RNI No. UTTHIN/2010/34408

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UGC Care Listed त्रैमासिक साहित्यिक पत्रिका  
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regeneration. It is a critical step in women's liberation and searches for equal rights and position in African society. Conclusion Ngugi's writings are influential to the regeneration of women characters and how they begin to assume new identities. The women go from a state of self-ignorance to one of self-assurance and self-reliance. In the novel, Ngugi's female protagonists expand their horizons and conquer new territories. As the story develops further, Ngugi's female characters demonstrate a growing ability to improvise. The recurrence of identical female characters in the novel by Ngugi might give the impression that the reader is reading the life narrative of a woman characters at various phases of her life, which is best reflect their African society where they lived.

\*\*\*\*\*

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## Role and use of Narratives in Legal research

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### Abstract

Legal research implies logical perception about the law in consideration of its development. Law functions within the society and both have close proximity with each other. A legal research problem often originates in the form of a problem or a story about a series of events happening in society. Narration has a crucial role in legal discourse and sanctions law to be conversed, adjudicative acts to be acceptable, and their principles to be explained. Narrative analysis is a form in which data is collected from case studies, surveys, observations and other identical methods and it is analyzed. The researchers put forth their findings, then review and analyze them. Many social scientists have used narrative research as an important mechanism for analyzing the concepts and theories. This is primarily for the reason that narrative analysis is a more meticulous and versatile method. It helps researchers in understanding the subject and for figuring out why people in particular manner. Even in legal research especially in case of action research or analytical, narratives add value to it.

In the present paper the researcher has discussed the concept, importance, types, processes, role and uses of legal narratives in legal research and also the methods of data collection and analysis in narrative legal research. The research is descriptive in nature.

**Key Words:** Narrative Legal Research Importance Role Use

"Law has implicitly recognized the power of storytelling in the courtroom through formulas by which the law attempts to impose form and rule on stories" Brooks

### INTRODUCTION

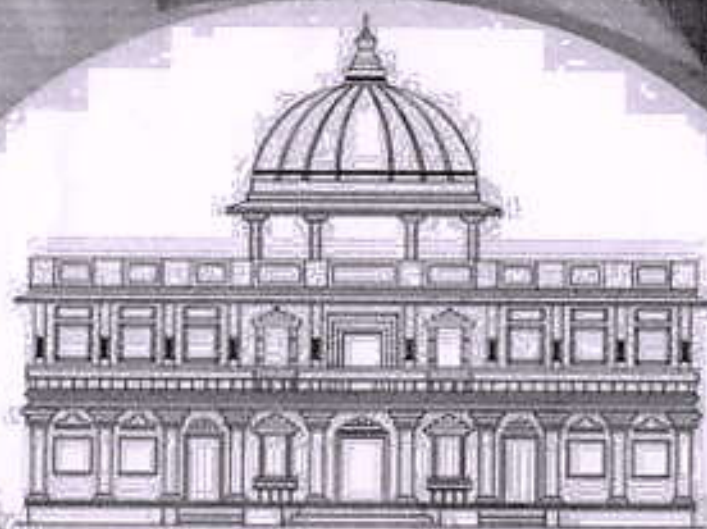
Narrative inquiry was first used by Connelly and Claninin as a methodology to describe the personal stories of teachers. Narratology is the theory of narrative; narrative is a form of communication presenting events chronologically that is experienced by characters. Narrative inquiry is a subdivision inside the qualitative or interpretive research tradition. The narrative approach is enclosed with references, reflects the entire inquiry process, a method of research, and a style for representing the research study. Narrative research aims to explore and conceptualize human experience as it is represented in textual form. The researchers work with small samples of participants to find rich and free-ranging conversation. In this method generally people are interviewed on the concerned topic and even documents are analyzed by the researchers. This mode of inquiry is used by researchers from multiple disciplines including Law. In Narrative inquiry the researchers systematically gather the data by analyzing and representing people's narration about stories or facts thereby challenging traditional and modernist views of truth, reality, knowledge and personhood. The researchers pursuing Narrative inquiries adopt various strategies for understanding and presenting real-life



# संशोधक

UGC CARE LISTED  
ISSN No. 2394-5990

• वर्ष : ९० • मार्च २०२२ पुरवणी विशेषांक



इतिहासाचार्य वि. का. राजवाडे संशोधन मंडळ, धुळे





## **Constitutional Morality vis-a vis practice of Promulgation and re-promulgation of Ordinances in India**

-Dr. Dinesh Kolte, Aurangabad.

### **Abstract :**

The Ordinance making power of the executive is such a provision, which is not favorable to democratic ethos but still it is part of the Indian constitution to overcome the exigencies of time. It has been used time and again under various regimes of governments as per the demand of the time, yet it is equally true that it has been misused many times as per the whims and fancies of ruling parties as it is an undeniable fact that law and politics cannot be totally segregated completely. Constitutional moralities the foundation of constitutional law; accordingly, an ordinance needs to be approved by the Union cabinet and then President must give his assent to it and must be promulgated rarely rather than making it a practice.

The present research is Doctrinal in nature and analytical in approach. Through this paper the researcher hatred to access the use and abuse of ordinance making power in the light of Constitutional morality. In the first part constitutional provisions relating to ordinance making power of executive are discussed in the second part constitutional mandate for promulgating the ordinances are discussed than statistical data of promulgated ordinances since independence is presented followed by Judicial review of ordinance making power is discussed in the light of landmark judgments and final conclusions are drawn and appropriate measures to adopted are suggested for upholding constitutional morality by preventing abuse of the power.

**Key words :** Ordinance promulgation Re-Promulgation Constitutional Morality.

"The ordinance route, particularly for matters that affect the society,

साहित्य, कला आणि लोकसंस्कृतीला वाहिलेले त्रैमासिक

# तिफण

वर्ष १२ वे, अंक - चौथा; जानेवारी-फेब्रुवारी-मार्च २०२२

UGC Care Listed Journal

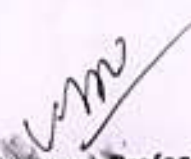
ISSN 2231 - 573X

● संपादक ●

डॉ. शिवाजी हुसे

पत्ता : संपादक, तिफण, 'शिवार', श्रीराम कॉलनी,  
हिवरखेडा रोड, कन्नड, जि. औरंगाबाद - ४३११०३

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UGC Care Listed Journal ISSN 2231 - 573X  
साहित्य, कला आणि लोकसंस्कृतीला वाहिलेले त्रैमासिक

# तिफण

MAH MAR 34737/13/1/2009-TC

कुळवाडीभूषण छत्रपती शिवाजी महाराज विशेषांक

वर्ष १२ वे, अंक - चौथा; जानेवारी-फेब्रुवारी-मार्च २०२२

● संपादक ●

डॉ. शिवाजी हुसे

● अतिथी संपादक ●

डॉ. सर्जेराव जिगे

● संपादक मंडळ ●

डॉ. फुला बागूल

डॉ. अनिल गर्जे

डॉ. ताहेर पठाण

डॉ. वंदना महाजन

डॉ. रामचंद्र झाडे

डॉ. ममता इंगोले

डॉ. वामन जाधव

डॉ. यशवंत सोनुने

मूल्य : २०० रुपये

या अंकातील लेखकांच्या मताशी संपादक सहमत असतीलच असे नाही. या नियतकालिकास महाराष्ट्र राज्य साहित्य आणि संस्कृती मंडळाकडून अनुदान प्राप्त झाले आहे; परंतु या नियतकालिकात प्रसिद्ध झालेली मते मंडळास मान्य असतीलच असे नाही.

पत्ता : संपादक, तिफण, 'शिवार', श्रीराम कॉलनी, हिवरखेडा रोड, अहमदनगर  
कन्नड, जि. औरंगाबाद - ४३११०३, मो. ९९०४००३२९४  
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कुळवाडी-भूषण पवाडा गातो भोसल्याचा ।  
 छत्रपती शिवाजीचा ॥१०॥  
 लंगोटायांस देई जानकी पोषोड कृष्ण्याचा ।  
 काल तो असे यवनांचा ॥  
 शिवाजीचा पित्त राजाजी पुत्र मालोजीचा ।  
 असे तो डोल जहागिरीचा ॥  
 पंधराशें एकूणपन्नास साल फळलें ।  
 जुन्नर तें ठदयासी आलें ॥  
 शिवनेरी किल्ल्यामध्ये बाल शिवाजी जन्मलें ।  
 जिजीबाईस रत्न सांपडलें ॥  
 हातापायांची नख बोटं शुभ प्याजी रंगीलें ।  
 ज्यांनीं कमळा लाजिलें ॥  
 बरछालीं टिर्पाळ पोटायां गांठी गोळे बांधले ।  
 स्मृतिवरि भासले ॥  
 सान कटी सिंहापरी छाली मांस दुनावलें ।  
 नांव शिवाजी शोधलें ॥

- पद्मनाभ आहिराव कुले



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 छत्रपती शिवाजी महाराज  
 शिवाजी





## छत्रपती शिवाजी महाराज : कर्तृत्व

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या भारतभूमीच्या पटलावरती अनेक महानाव, क्रांतिकारक, समाजसुधारक, नव्या विचारांना समाजाच्या हितासाठी स्वीकारणारे, लढवय्या, मानवतावादी, न्यायदृष्टी असलेले असंख्य राजे-महाराजे होऊन गेलेत; परंतु छत्रपती शिवाजी महाराज हे नाव जेव्हा प्रामुख्याने समोर येते त्यांच्या कर्तृत्वाचा आणि विचारबुद्धीचा, न्यायबुद्धीचा आपण जेव्हा शोध पेतो तेव्हा प्रचंड दूरदृष्टी व न्यायदृष्टी असलेले धर्म, जात या शिक्तापलीकडे जाऊन विचार करणारे छत्रपती शिवाजी महाराजांचे कर्तृत्व आम्हाला दिसायला लागते. 'कर्तृत्व' हा शब्द छाप व्यापक अर्थाचा आहे. तो फक्त वैयक्तिक आयुष्यालाच धरून आपण त्याचा अर्थ घेऊ शकत नाही. तसा मर्यादित अर्थ घेतल्यास छत्रपती शिवाजी महाराजांना आपण संपूर्णपणे समजावून घेऊ शकत नाही.

कर्तृत्वामध्ये चारित्र्य, दृष्टिकोन, विचार क्षमता, नियोजन, नेतृत्व यासारख्या असंख्य अनमोल अशा गुणांचा समावेश होत असतो. आदर्श कर्तृत्व असणाऱ्या लोकांची प्रेरणा ही असंख्य पिढ्यांना लढण्यासाठी, जगण्यासाठी बळ देत असते. म्हणूनच १६ व्या शतकाच्या अगोदर आणि त्यानंतरही अनेक राजे-महाराजे उदयास आले; परंतु सर्वगुणसंपन्न कर्तृत्व म्हणून भारतभूमीला प्रेरणा देणारे कर्तृत्व ठरले ते छत्रपती शिवाजी महाराजांचे. त्यामागचे कारण शोधले असता असे आढळून येते की, छत्रपती शिवाजी महाराजांना सामान्य माणसांचे स्वातंत्र्य हवे होते. ना की, वतनदारांचे किंवा ठरावीक लोकांचे सर्व जातीधर्माच्या लोकांना सोबत घेऊन फक्त रयतेचे, जनतेचे राज्य असावे हा त्यांचा विचार स्पष्ट होता. म्हणूनच त्यांच्या शब्दांवर माणसे मरायला तयार होती. अगदी

शून्यातून कोणतेही पाठबळ नसताना सर्व समाजाच्या मावळ्यांना घेऊन स्वराज्याची शपथ घेणे आणि सर्व धर्माच्या लोकांनी ठरून मावळ्यांनी त्यांच्या म्हणण्यानुसार काम करणे यासाठी माणूस खरंच कर्तृत्ववान, चारित्र्यवान असावा लागतो, हे मात्र सत्य आहे.

### छत्रपतींचे कर्तृत्व -

छत्रपती शिवाजी महाराजांना अनेक विशेषणे सामान्य जनतेने लावली. त्यांना देवाचा दर्जा आजही दिला जातो. एखाद्या राजाला देवाची उपमा देणे हे इतिहासामध्ये कदाचितच पाहायला मिळते. छत्रपती शिवाजी महाराज हे खरंच देव होते का? असा प्रश्नच प्रश्न विचारला असता त्याचे उत्तर नाही असेच आहे. छत्रपती शिवाजी महाराज हे एक आदर्श राजे होते; परंतु त्याचबरोबर ते एक आदर्श माणूस होते. हे सत्य आहे आणि एका चांगल्या माणसाला देवमाणूस म्हणण्याची आपली संस्कृती आहे; परंतु इतिहासाचे संशोधन सांगते की, तेव्हाच्या जनतेनेही देव मानले आणि ३०० ते ४०० वर्षांनंतर आजही छत्रपती शिवाजी महाराजांना देव मानले जाते, यासाठी आदर्श कर्तृत्वाची देण लागते हे समजून घ्यावे लागेल.

महाराज एक अष्टपैलू व्यक्तित्व होते, असे जेव्हा आपण इतिहासात डोकावतो तेव्हा साहजिकच जाणवते. महाराज लढाया, तलवारबाजी, भालाफेक, गनिमी कावा यामध्ये तर सर्वगुणसंपन्न होतेच; परंतु राजकारण, समाजकारण, अर्थकारण, जलव्यवस्थापन अशा अनेक बाबींमध्येही तरबेज होते. प्रखर बुद्धिमत्ता अलौकिक शौर्य याबरोबरच बोलण्यात वेग, स्पष्टपणा या प्रभावी गोष्टी महाराजांमध्ये होत्या. त्यामुळे समोरच्या माणसांवर क्षणातच छाप पडत असे.

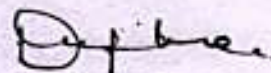


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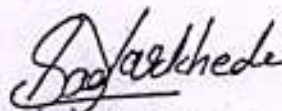
This is to Certify

**Dr. Sachin Shivajirao Deshmukh**

Has Published his/her chapter in the edited book on  
**Current Trends in Physical Education & Sports**  
bearing ISBN " 978-93-91331-33-7" Entitled  
**New Trends, Future challenges And Innovative Practices**  
**in Physical Education And Sports in India**



**Dr. D. R. Yawale**  
Convener



**Dr. Sagar P. Narkhede**  
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**DnyanPath®**  
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ISO 9001 : 2015

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# Current Trends In Physical Education and Sports

Edited By  
Dr. Sagar P. Narkhede



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## **New Trends, Future challenges And Innovative Practices in Physical Education And Sports in India**

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### **Abstract :**

The aim of this paper is to identify the current trends and challenges in physical education and sports and based on these current challenges, future trends and challenges would be discussed. There are various factors which are diminishing the interest of students in physical education activities. Although the physical education is being taught as a part of curriculum in all the schools but lack of adequate time and trained teachers, good facilities are responsible for little interest in this field. The future challenges to make this field interesting involves an adequate curriculum, sufficient funds allotment for holding various competitions and role of technology to create awareness about the importance of physical activities and sports in our daily life. All these issues have been discussed in the present study.

**Keywords :** Physical education, sports, curriculum, technology, Sports psychology.

### **Introduction :**

The importance of physical education has never been emphasised more than it is today. It is widely recognised that physical education (PE) and sports is relevant and important in developing an active and healthy lifestyle and the solution to rising obesity rates worldwide. Although in most countries, physical education is part of the school curriculum, lessons are not given, thus leading to a reduced experience of physical activity for children and youth. The practice of a physically active lifestyle in combination with healthy nutrition, however, needs to be started in early childhood. Therefore, ensuring that all children engage in regular physical activity is crucial, and the schools are the only place where all children can be reached. Quality Physical Education is the most effective and

inclusive means of providing all children, whatever their ability/disability, sex, age, cultural, race/ethnicity, religious or social background, with the skills, attitudes, values, knowledge and understanding for lifelong participation in physical activity and sport and is the only school subject whose primary focus is on the body, physical activity, physical development and health. The present study will identify the current trends, issues and challenges in PE and sports based on which future challenges will be addressed. Current trends, issues and challenges in school PE and sports The "reality check" reveals several areas of continuing concern regarding current trends in PE and sports. These are embrace: physical education not being delivered or delivered without quality, insufficient time allocation, lack of competent qualified and/or inadequately trained teachers, inadequate provision of facilities and equipment and teaching materials, large class sizes. It is noted that the amount of time dedicated to physical education has been diminished in the school curriculum throughout the world. Physical educators have failed to ensure that the linkage between their efforts in the classroom and the health and cognitive development of their students. The responsibility rests directly on the shoulders of physical educators to ensure that the importance of their subject matter is understood and embraced as a part of their schools' overall curriculum. Today, more than ever, the physical education curriculum needs to be linked to the overall well-being of children and youth as they matriculate through the curriculum. As has been noted, lessons learned at an early age carry into adult life. Furthermore, the importance of physical activity as a way of creating greater attentiveness in the classroom has not been recognized. The opportunity for schools to provide Brain Breaks, which stimulate students and reenergize their efforts, has largely been ignored in the overall



# INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

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Volume 4 | Issue 2

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2022

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# Standard Form of Contracts in E-Commerce: Position at USA, EU and India

SIVAKUMAR KOMARAGIRI<sup>1</sup>

## ABSTRACT

*A Standard form of Contract (SFC) is a contract between two parties which doesn't allow a scope for the parties to negotiate the terms of the contract concerned. The Article Tries to Compare the Standard Form of E contracts Of US and UK along with the Present Indian Scenario, the Approaches which led to the formation of Standard forms of Contract, the subsequent issues which arise when SFC are taken into the internet. The author also gives an insight on the new E-commerce rules released by the Department of Consumer Affairs and the impact it would have on E-commerce players.*

**Keywords:** E-Commerce Directive, Consumer, UETA, UCITA, unconscionable terms of contract

## I. INTRODUCTION

In India, most Contract Agreements are governed through Standard Terms which are incorporated in Standard Form Contracting (SFC). It is likely that SFC will continue to dominate the market given that advancements in technology and new developments in the field are adding improved practices in the market. For example, online contracting has been reaching new heights and its scope is increasing vastly.<sup>2</sup>

## II. SCHOOLS OF THOUGHT

According to the basic principles of Contract Law, the formation of any contract is preceded by the process of negotiation by parties to the contract who exercise the liberty to enter into a contractual agreement. SFCs operate differently, in the sense that there is no room for negotiation and the other party can either accept the contract or leave it. The terms of an SFC are predetermined, generally by the party that has more power in terms of bargaining.

SFCs are rarely altered since consumers do not deal with contracts on a daily basis, unlike

<sup>1</sup> Author is an Advocate, India.

<sup>2</sup> 2004, total online consumer spending in the US rose by 26%, from \$93.2 billion (in 2003) to \$117.4 billion. See eMarketer.com, Online Consumer Spending Up in 2004, Jan. 12, 2002, <http://www.emarketer.com/Article.aspx?1003212>. Consumer online spending in 2005 rose constantly, amounting to \$143.2 billion. See Jack Loechner, Consumer Spending Out of the Gate Fast in 2006, Feb. 8, 2006, <http://publications.mediapost.com/index.cfm?fuseaction=Articles.showArticle&artid=39442>. Total consumer online spending continued to increase in 2006. See, e.g., Metrics 2.0, <http://www.metrics2.com/blog/2006/10/16/online-consumer-spending-to-hit-170-billion-in-2006.html> (Oct. 26, 2021).





**INTERNATIONAL**  
**Journal of Fitness Health,**  
**Physical Education & Iron Games**



**Dr. Karim AZZEM**  
President, International Federation  
of Fitness, Health, Physical Education & Iron Games

**Volume : 08 - No: 02**  
**Half - Yearly**  
**July 2021 to December 2021**

**ISSN**  
**2349-722X**

**Published by:**  
**International Federation for Fitness,**  
**Health, Physical Education & Iron Games**

**Refereed & Peer Reviewed**  
**International Journal**  
**Indexed and Impact Factor**  
**SJIF: 7.324. Cite Factor: 2.59.**  
**IP Indexing : 2.64. ISRA: 2.816**  
**Thomson Reuters ID - 6684 - 2015**

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## SPORTS LAW IN INDIA: PRESENT STATUS AND FUTURE

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Received: 12-06-2021. Reviewed: 12-06-2021 to 20-06-2021. Accepted: 20-06-2021

### ABSTRACT

In India, sports have never been a mainstream issue for policy makers. Sports have received the attention mostly as a source of entertainment in Indian social space. Even the approach of the common person in India towards the sports traditionally has been casual and emotional rather than rational. In other words, the sports and related issues have always occupied a secondary place in Indian socio-political-legal sphere. It is well known fact that barring few sports, India has not been doing very good in the realm of the sports. This approach of the Indian society towards sports has been main cause for its underperformance at the global level in the field of sports. The reason for the underperformance is not only rooted in human resources but certainly an issue and structure of sports governance in India. The vacuum in the sphere of sports governance need to be addressed urgently on priority basis to come out of present state of inertia. The researchers through this paper intend to examine the present status of sports law in India and suggest future roadmap for the sports governance as well.

**Key words:** Sports law, sports governance, sports welfare, sports policies, sports commission

### INTRODUCTION

Sports activities have been an integral part of human life since the time immemorial and necessary component of human development, good health, and the spirit of friendly competition. Sports emerged for mere entertainment in the ancient time. Primarily, games were invented by the man as a means to meet socially with others, to display skills and physical prowess and to entertain. Some form of running, throwing and jumping acrobatics was involved in most of the games, all of which developed from basic hunting skills. Religious and political elements were also combined into their games in many early cultures, but a desire for recreational play eventually lead to the codification of early games and the invention of new ones.

Sports Law as an independent of Law been debated for long. Some consider it to be others consider it to be a separate field of Law that is developing and is likely to come into its own with the increasing significance of the sports industry as well as rising number of cause related to the field. There are Laws and regulation on Sports in a number of countries and even the United Nations has framed conventions related to Physical Education, Sports, Countering doping and discrimination in Sports. In view of this Indian has a long way to go as it does has not have a comprehensive Law to deal with sports issues.

*[Signature]* Professor Of Law  
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2341146



India is fast rising as a preferred venue for major sporting events such as Commonwealth Games, Asian Games and World Cups of Hockey and Cricket which attracts a lot of attention from around the world.

There are different federations in India that provide sports amenities but India is worsening in every major sport event except the cricket. Even a large amount of private and public investment in sports has been unable to attain any noteworthy progress. The failure in sports field is often attributed to the model of governance of sports and the law regulating the sports in India.

The international sports system operates as a self-regulating private legal order. The international non-governmental organizations, namely the International Olympic Committee (IOC), the World Anti-Doping Agency (WADA), and international sports federations play the central role in this framework. International sports federations are the bodies in charge of the organization of sports activities at the international level which are private associations from legal viewpoint and are formed in accordance with private domestic law whose members are national sporting associations that have been admitted into membership. They organize and coordinate their own international competitions.

### Meaning of the Sports Law

The British sports council has identified the following set of prerequisites which "Sport" comprises of Physical Skills, Physical effort, accessibility, strategy and Tactics essential Purpose Physical Challenge, risk, uniqueness and political moral or other ethical considerations.

A definition of sport in the Indian Context would Be:

" A non-scripted activity, involving human being(S) requiring some mental and /or Physical exertion on his part towards achieving a specific aim under the supervision of a pre-assigned person, while being governed by a defined set of rules in conformity with public morality"

Sports Law as an independent branch of Law has been debated for long. Some consider it to be a mere aggregation of Law of several areas. Others

### Sports Law in India

Sports law in India is a collection of some Court Cases and Policy decisions under the auspices Government of India. India has never enacted a statute in the field of sports like many countries. What we called Sport's law is a borrowed term in Indian legal field. Sport is listed as State subject under the Constitution of India under the entry 33, and as such Central Government has no locus standi to legislate on Sports. It is one of the most challenging tasks while addressing sports law reforms at national level.

The Ministry of Youth Affairs & Sports was set up by the Govt. of India to create the infrastructure and promote capacity building for broad-based sports as well as for achieving brilliance in various competitive events at the national and international levels. It is primarily the responsibility of the various National Sports Federations (NSFs), which are self-ruling in nature, to promote sports.



शिक्षण आणि समाज

वर्ष ५५, अंक २, जानेवारी ते मार्च २०२२  
Year 55, Issue 2, January to March 2022

विक्रम ११६०१/-

‘दूरदर्शी शिक्षणयोजी जे. पी. नाईक’



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• बंधाची पुढ माहिती १०००, • आवकांमधील १०००, १०००  
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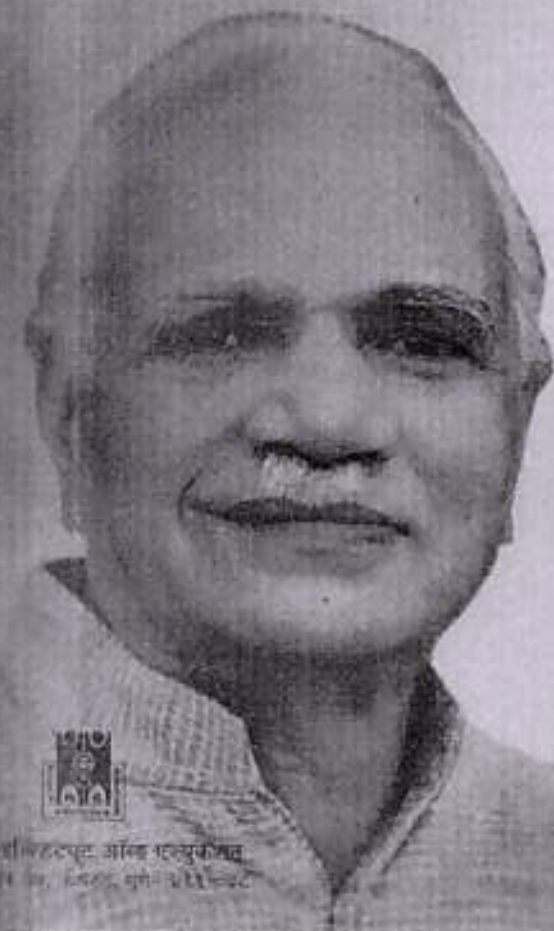
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फोन नं. : २५४२३३३६, २५४३३३३७

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UOC CARE LISTED PERIODICAL  
ISSN 2278-6884

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वर्ष ५५, अंक २, जानेवारी ते मार्च २०२२  
Year 55, Issue 2, January to March 2022



होमलन इन्स्टिट्यूट ऑफ एज्युकेशन  
१२८/२, जे. पी. नाईक रोड, कोल्हापूर, पुणे - ४११ ००८

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१२८/२, जे.पी. नाईक पथ,  
कोपरगड, पुणे ४११०३८.
२. प्रकाशनाचा निष्पत्तीकाल : दिवाही (वैमानिक)
३. मुद्रकाचे नाव : अमित ठोकरे  
राष्ट्रीय : भारतीय  
पता : प्रतिमा ऑफिस  
१ बी, वेवगिरी इस्टेट, रावळीनं, १०/१ बी,  
प्लॉट नं. १९, कोपरगड इन्स्टिट्यूट एरिया,  
कोपरगड, पुणे - ४११०३८.
४. प्रकाशकाचे नाव : इन्स्टिट्यूट ऑफ एज्युकेशन,  
राष्ट्रीय : भारतीय  
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१२८/२, जे.पी. नाईक पथ,  
कोपरगड, पुणे ४११०३८.
५. संपादकाचे नाव : डॉ. जयसिंग नानासाहेब कळके  
राष्ट्रीय : भारतीय  
पता : इन्स्टिट्यूट ऑफ एज्युकेशन  
१२८/२, जे.पी. नाईक पथ,  
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जर दिलेला संपादक माहितीप्रमाणे सापडत नाही तर मी,  
डॉ. जयसिंग नानासाहेब कळके प्रतिज्ञापूर्वक जाहीर करतो.



डॉ. जयसिंग नानासाहेब कळके  
संपादक

UGC CARE LISTED PERIODICAL  
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Since 1977

वर्ष ४५, अंक २, जानेवारी ते मार्च २०२२  
Year 45, Issue 2, January to March 2022

Quarterly dedicated to the policy of 'Education through Social  
Development and Social Development through Education'

'सामाजिक विकासातून शिक्षण आणि शिक्षणातून सामाजिक विकास'  
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Publisher:

Indian Institute of Education, J.P. Naik Path, 128/2, Kothrud,

Pune 411038. Contact No. 8805159954

Web-site: www.iiepune.org

E-Mail: shikshanaisamaj1977@gmail.com, iiepune1948@gmail.com

Cover Page: Dr. Murzban Jal

Proof Reading: Prof. V. N. Bhandare

Printing Press: Ajit Thombare, Pratima Offset,

Devgirl Estate, Kothrud, Pune 411038

Single Issue: Rs. 100/-

Annual Subscription Fees: Rs. 400/- (Including Postage)

'शिक्षण आणि समाज' (Education & Society) the educational Quarterly journal is owned, printed and published by the Indian Institute of Education, Pune and Published at Indian Institute of Education, J. P. Naik Path, 128/2, Kothrud, Pune-411038 by the Editor, Dr. Jayasing N. Kalake. It is printed at Pratima Offset, 1B, Devgirl Estate, s. No. 17/1B, Plot No. 14, Kothrud Industrial Area, Kothrud, Pune 411038.

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वर्ष ४५, अंक २, जानेवारी ते मार्च २०२२

Year 45, Issue 2, January to March 2022

Quarterly dedicated to the policy of 'Education through Social Development and Social Development through Education'

'सामाजिक विकासद्वारे शिक्षण आणि शिक्षणाद्वारे सामाजिक विकास'

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## Fundamentals of Literature Review in Legal Research

Dinesh B. Kolte\*

### Abstract:

Literature review is the foremost requirement for conducting research. It helps the researcher to draw the road map for conducting research. It includes several key fundamentals to conduct a proper literature review. This article summarizes some basic information about literature review for legal research. It begins with the meaning of literature review and legal research, presents purpose of literature review in legal research, classification of literature reviews, structure and elements of literature and then discusses the sources of literature review for conducting legal research and organization of the same. The article concludes with a discussion of common tips for researcher for writing literature review. Thus the present paper puts forth a framework for the self-evaluation of a literature review.

### Introduction:

A literature review is a study of scholarly sources on a specific topic for research. Research synthesis, Meta analysis are the synonymous words often used interchangeably to describe the term literature review. Systematic review methodology is used for rapid review and scoping review. Literature review is a combination of two different terms 'Literature' that refers to pieces of writing that are valued as works. The term 'review' refers to the comparative study or analysis of existing information. So the word literature review itself has the meaning of comparative analysis of past or existing piece of written work. Literature reviews are summary of sources explored by the researcher during his research journey and explains the readers about the relevancy of present approach in a larger field of study. It is a part of research with reference to existing theories in the arena of related research topic. Literature review includes analysis of books, erudite piece of writing, and any other significant sources related to the topic of research. It provides a brief overview and critical assessment of the literary works related to research problem. It begins with the question. Literature review consists of collection of existing documents related to the research topic, it puts forth information, ideas, data and evidence that are written from a particular perspective in order to achieve aims and objectives concerning the topic and the manner in which

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it needs to be examined along with proper evaluation of those literary works related to the proposed research topic.

### Legal Research:

According to Black's law dictionary, legal research means finding and assembling of authorities that bear on a question of law.

Thus Legal research comprises of inquiries and investigations made by judges, lawyers, and legal researchers in the quest for facts while finding solution for legal problems. Legal research encompasses within its ambit thorough investigation for understanding and interpreting a legal fact. It is an innovative course of action that involves normative activities. It seeks to find appropriate answer to a legal inquiry. It consists of various activities ranging from factual analysis of an existing problem till discovering suitable measures to tackle the same.

### Literature review in Legal research:

Literature review bequeaths with an abstract of existing information which helps in identifying relevant theories, methods, and gaps in the existing research. It helps to evaluate and synthesize the research previously done by former researchers in the specific area of research. It provides complete information about the research problem and helps researchers to prick into a vital venture with the help of existing knowledge about the research topic.

Legal research is crucial for ascertainment of laws on research topic and assists in highlighting the vagueness and inherent flaws in the law, and even for critically examining the existing legal provisions, principles, in order to make appropriate suggestions for bringing in reformation in the law. Undertaking a literature review is known as secondary research where in work of previous authors is critically evaluated and helps the researcher in finding the loopholes or gap in existing knowledge on the subject; it helps the researcher to design appropriate research methodology. Legal Research is a skill that requires suitable course for exploring legal information and resources on the subject. Initially the researcher has to select the broad of research. Literature review aid the legal researcher in exploring the canvas of research area where the researcher can have a insight to existing literature available on the concerned area of research in the forms of books, commentaries, journal articles, blogs, parliamentary debates, critical appraisal of judgments, conference proceedings etc. A Law library makes available a good compilation of variety of legal resources relating to subject area of research. Literature review in legal research helps in preparing a concrete base for further development in research based upon their problem statement and purpose of the study. For several research questions, a literature review may be the best methodological tool to provide answers.



विश्वविद्यालयी शिक्षण

वर्ष ४५, अंक ३, एप्रिल ते जून २०२२  
Year 45, Issue 3, April to June 2022

ISSN 2278-6884

‘दूरदर्शी शिक्षणयोगी जे. पी. नाईक’



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## शिक्षण आणि समाज Education and Society

वर्ष ४५, अंक ३, एप्रिल ते जून २०२२  
Year 45, Issue 3, April to June 2022



UGC CARE LISTED PERIODICAL  
ISSN 2278-6864

# शिक्षण आणि समाज Education and Society

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वर्ष ४५, अंक ३, एप्रिल ते जून २०२२  
Year 45, Issue 3, April to June 2022

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Publisher:

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Web-site: www.iiepune.org  
E-Mail: shikshanaisamaj1977@gmail.com, iiepune1948@gmail.com

Proof Reading: Prof. V. N. Bhandare

Printing Press: Aji Thombare, Pyatima Offset,  
Devghri Estate, Kothrud, Pune 411038

Single Issue: Rs. 100/-

Annual Subscription Fees: Rs. 400/- (Including Postage)

'Education & Society' (शिक्षण आणि समाज) the educational Quarterly journal is owned, printed and published by the Indian Institute of Education, Pune and Published at Indian Institute of Education, J. P. Naik Path, 128/2, Kothrud, Pune 411038 by the Editor: Dr. Jayasing N. Kalake. It is printed at Pyatima Offset, 1B, Devghri Estate, S. No. 17/11B, Plot No. 14, Kothrud Industrial Area, Kothrud, Pune 411038.

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३

## Overview of Qualitative Legal Research Methods and Approaches

Blanch B. Kolbe\*

### Abstract:

Research in every field is essential for further development and legal field is not an exception. There are two main prominent methods of research that are qualitative and quantitative. Qualitative research is commonly used in the subjects of law, humanities and social sciences. Qualitative Legal Research is a subjective form of research that relies on the analysis of controlled observations of the legal researcher. In qualitative research, data is obtained from a relatively small group of subjects. Data is not analyzed with statistical techniques. The present paper gives a brief overview of the characteristics, methods, uses and tools of Qualitative legal research and explores various techniques of data analysis of qualitative research including approaches for data analysis and computer assisted tools for qualitative research.

### Key Words: Qualitative Legal Research Methods Approaches

### Introduction:

Qualitative legal research is exploratory in nature as it aims to study things in their natural settings, understand and interpret their social realities and provide input on various aspects of social life. It is focused on people's feelings, perceptions, and experiences. Well organized qualitative understand the problematic world naturally. Qualitative researchers research augments fluidity of social phenomenon. Qualitative researchers develop explanations and theories on the basis of their observation. The qualitative research presents a rich and detailed narrative report. It is focused on explanation, interpretation, and understanding of phenomena or issues, or things. It is concerned with the subjective evaluation of the socio-legal problems and basically relies upon human perception and understanding. The perspective is used in this study that examines the complexity of a problem. Qualitative research explores the fields in natural environments, rather than theory. The data is collected primarily and descriptive analysis is done. The technique used in the selection of data collection depends on the research question, leading to the research strategy that best fits the research objective.

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### Characteristics of Qualitative Legal Research:

availability/access to particular data sources, and available resources. While various beliefs are held in common between the qualitative and the quantitative, a researcher must first assess the purpose and nature of the project, in order to come to a determinate conclusion as to which approach is best suited for the research to be conducted.

1. Subjective - Qualitative research is a subjective form of research relying on the analysis of controlled observations of the researcher. In qualitative research, data is obtained from a relatively small group of subjects.

2. Narrative-Data is not analyzed with statistical techniques. Usually, narrative data is collected in qualitative research. Data is analyzed by summarizing, categorizing and interpreting the collected information.

3. Case Study - Qualitative research produces information on the particular case studied. Qualitative research can be adopted as a method to study people or systems by interacting with and observing the subjects regularly.

4. Focuses on exploring ideas and formulating a theory or hypothesis - Qualitative research adds meat to our understanding of the world and to what you'll use when trying to develop theories.

5. Ethical Considerations - Considering the nature of qualitative studies, the interaction between researchers and participants can be ethically challenging for the former, as they are personally involved in different stages of the study. Researchers face ethical challenges in all stages of the study, from designing to reporting. These include anonymity, confidentiality, informed consent, researchers' potential impact on the participants and vice versa.

6. Inductive and deductive logical considerations - Exploratory qualitative studies adopting an inductive approach do not lend themselves to a priori theorizing and building upon prior bodies of knowledge deductive, exploratory research is more intentionally connected to previous research. Some kind of initial framing device is located or designed using the literature. This may be very important for new scholars who are developing research skills and exploring their field and profession.

### Uses of qualitative legal research

Research problems that can be approached particularly well using qualitative methods include assessing complex multi-component interventions or systems (of clinics), addressing questions beyond "what works", towards "what works for whom, when, how and why", and focusing on intervention



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Published by : The Secretary, The Kuppuswami Sastri Research Institute  
No. 84, Thiru - Vi Ka Road, Mylapore, Chennai - 600 004

Web Site : [www.ksri.in](http://www.ksri.in) [www.ksri.co.in](http://www.ksri.co.in)

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# Tryst with Tyranny of Women's rights in religious institutions

Dr. Dinesh B. Koli

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## Abstract:

Religious institutions from the basis to end gender inequalities and injustice there are several areas where women's rights and religious freedom support each other. Religious freedom empowers the woman to make her own decisions, with respect to any of dressing, choosing life partner, and choosing religion as well. Likewise, telling a woman that she cannot change her religion, that she cannot fall in love and choose her own husband, that she cannot be educated or have political rights all this is not only violating her rights as a woman, they are violating her rights to believe and act on her own beliefs. Freedom of religion for women should be a strongly articulated goal of feminists who believe that women have the right to make their own decisions. The rights of women, who are most vulnerable to religious discrimination, should also be a strongly articulated goal of religious freedom advocates who believe that all people, especially vulnerable populations, should have the right of religious freedom.

In present research women's rights and status in Hinduism and Islam is discussed. It has further presented an analysis of concept of religious freedom; attempt is made to find out the reasons why these doubts about gender discrimination in religious institutions are suddenly raised in Indian society. Finally attempt is made to eradicate misconceptions about gender discrimination in religious institutions.

**Aim:** The present research aims to find out whether religious institutions have discriminatory principles with respect to women; which violate their fundamental, civil and political rights.

## Objectives:

- To find out whether religious freedom empowers women to take her own decisions.
- To understand women's rights in religious institutions of Hinduism and Islam.
- To analyse why all of a sudden a breakthrough is witnessed in Indian society raising doubts about religious discrimination relating to women.

## Researchable Questions

Q1. What amounts to religious freedom, whether freedom to choose and adopt religion or to choose which religious principles to adopt or deny?

Q2. Whether in India, gender justice is manipulated in the name of religion for political gain.

## Introduction

Religion is a matter of faith and belief. Several religions exist across the globe. India too has diversity of religions within its territorial area. Among several religions Hinduism and Islam are more prominent in India owing to largest majority and largest minority. Each religion has different concept

of God as well as different lifestyles as guided by the religious leaders. It can be clearly observed that every person has distinctive lifestyle either as per religious belief or as per their own interests and attitudes. All the religions teach respect for human rights and guide on righteous path. Still in Indian society there exists certain intolerable attitudes towards some religions or religious practices giving rise to conflicts that often remain unresolved.

A theoretical account of the relations between religion and gender requires an acknowledgment that both serve to represent, embody and distribute power within society, plus an account of how these two systems of distribution may relate to each other.

**Women's status and rights in Hinduism**

In Hinduism women enjoyed equal status and rights as that of men. Women were able to survive for themselves of the highest learning and became philosophers. In the ancient times Sargi, wife of Mandanamisra, was appointed as judge. Warrior queens like Kaakey helped their husbands on the battlefields. A woman was supposed to be the manifestation of Goddess/Shakti and the male (Shaktiman) was supposed to be incomplete without the female (Shakti) with him. Male deities of the Divine Trinity has female counterpart, Saraswati (learning), Lakshmi (wealth) and Parvati (power). The auspicious rituals are to be performed by both the spouses together. Dharma to women was tantamount to dishonour of the Almighty. In the Vedic period, women enjoyed near-equal status. The practice of Swayamvara shows that women could choose their husband. Gandharva yava, or love marriage, was common. The goddesses in Hindu mythology are worshipped similar to the practice of worshipping male deities.

## Women in Islam

As per Islamic law to seek education is a sacred duty for both men and women without discrimination; women own the right to inherit property; women's consent is essential condition for legitimate marriage contracts. The Quran also encourages women to work and earn money (Prophet's wife Hazrat Khadija was a successful business woman) by entitling them to fair pay. According to Islamic religious principles men and women have equal regulations or matters pertaining to prayer, fasting, and charity, pilgrimage, doing good deeds, and promises equal rewards and punishments. The relationship between husband and his wife is that of companions. Polygamy was permitted for the sake of widows and orphans having no means of survival. Wife is also having the right to ask for a divorce herself since otherwise, a divorce generally cannot be completed without the husband's consent.

Woodhead Linda, "Les différences de genre dans la pratique et la signification de la religion", *Terrain*, genre et sociétés, 70(201) (No 27), p. 33-54, DOI : 10.3904/tg.027.033 URL : <https://www.cairn.info/revue-terrain-genre-et-societes/2014-3-page-33.htm> March 18, 2019 2:37 P.M. IST

Rishi Sharma, Blog, "Status of women in Hindu society", Aug 10, 2015 04:17pm

<https://www.speakingtree.in/blog/status-of-women-in-hindu-society> March 18 2019 8:49 P.M. IST

Pavan K. Varma, "The equality of women is integral to Hinduism", <https://www.hinduismtoday.org/intro/newspapers/2010/03/03-the-equality-of-women-is-integral-to-hinduism/> P.M. IST

Surah Al'Alaq 96:1

Surah Nisa' 4:2

Hazrat Mirza Asadullah Khan

Rayana Khalid, "This is how Islam led the world with women's rights", <https://theislamconnection.com/this-is-how-islam-led-the-world-with-women-s-rights/>



Article - 25 guarantees Freedom of conscience and free profession, practice and propagation of religion but Subject to public order, morality and health.

Article - 26 gives Freedom to manage religious affairs- Subject to public order, morality and health

Article - 28 Freedom of conscience and free profession of religion, or worship, throughout the territory of India.

### Faith versus equality

**Justice in Sabarwal Temple entry case:** The entry of women on the basis of their religious beliefs

There are several temples in India which restrict entry of women on the basis of their religious beliefs like: *Laxmi Narayana Temple* in Puskur; women entry in this famous temple is prohibited on the belief that if they do so they will be cursed; temple, *Pathari Sairi* in Assam prohibits females from visiting because of the old belief that the temple will become impure with women's entry in it; The *Bharung Deeksha Mandapam Temple* of Virayawada restricts women's entry. See Padmanabhaiah, *Temple of Kerala* too bans women from entering the chamber, though worshipping is duly permitted.<sup>2</sup>

Yet there are several other such temples that prohibit even a entry like: The religious shrines of Goddess Bhadrakali (Kannali) prohibits men from entering the temple. The shrine of Goddess Durga, Chakkulimalayur Temple is known for its renowned annual 'Naari Puga' where the female priests worship and wash women's feet who have fasted for 10 days. That holy day is called Bhatri when only women can enter the temple; Lord Brahma temple prohibits married men from entering its premises; The Bhagyalakshmi Temple prohibits married men from entering its premises and allows unmarried ones all the year; Mata Temple in Meashtapur, Bihar strictly prohibits men during a particular period of time. The rules and regulations of this shrine are so strict that even male priests are not allowed to enter the premises.

that even male priests are not allowed to enter the premises. Only women or unmarried girls are allowed to observe the Santosh Maw 'vrat'. The males are kept out of the premises of Santosh Maw's shrines on Fridays.<sup>10</sup>

prohibited from entering the premises of Santosh Ma's shrine on Fridays. Millions of women devotees of Sabarimala have joined the #ReadytoWait movement, pledging to wait until menopause before entering Sabarimala.

These above examples present a picture whereby entry for male as well as females in various temples is prohibited and it is based upon the principles of right to practice one's religion where faith is more important than other issues and concern in the name of gender inequality doesn't take prohibitions are imposed on both genders as a matter of faith.

the-world-with-woozie-singha-0000 March 12, 2019 9:10 PM EST

\* Sakshi, "These 16 Gender Assured Temples Tell Us More Customs Are Extremely Important In India", Nov 19 2018, <http://www.sakshi.com/news/india/these-16-gender-assured-temples-tell-us-more-customs-are-extremely-important-in-india-71433> March 18 2019 4:21 P.M IST

<sup>22</sup> *Madre women are 28/02/2017* <https://www.aljazeera.com/news/2017/02/28/madre-women-are-28/02/2017/1517955-1447-11e9-b660-6751b641c2de.html> [cited March 12, 2019]. 1:20P.MIST

Article 25 of the constitution permits right to practice, profess, propagate one's religion as a fundamental right. Wearing particular attire forms a part of one's fundamental right. Wearing scarf or covering hairs is considered essential practice of Islam and women willingly choose to wear the same denying the same is nothing but violation of religion as well as fundamental freedoms. A trustee of Jamia Millia Islamia was not allowed to appear for the UGC-NET for wearing a hijab.<sup>12</sup> Fundamental rights and religious freedoms of women where she willingly wish to wear a hijab are violated as women seldom get an opportunity to make decisions on the basis of free choice. The nation's feminist believe religious laws to be of discriminatory nature and advocate for women's rights but when such incidents happen barely someone comes for protection of right to religion. Gender justice in the name of religion.

Gender justice in the name of religion – manipulated for political gain

### Subarinala Issue

In the name of gender justice religious freedom has been ignored. Justice Indu Malhotra, sadly stated: "Judicial review of religious practices ought not to be undertaken, as the Court cannot impose its morality or rationality with respect to the form of worship of a deity. Doing so would negate the freedom to practice one's religion according to one's faith and beliefs."<sup>15</sup> It's a story about woeful ignorance of Hindu teachings and practices. But the key elements of the plot are ignored.<sup>16</sup> However, the objective here is not to claim that the benefits or the impact of such practices have been demonstrated using objective, scientific standards. Rather, it is simply to point out that these temples, and the associated rituals, are exceptions based on certain unique, long-standing, and spiritually-grounded Hindu traditions. Since the declaration of Supreme Court's verdict on issue of gender discrimination, political parties are engaged in a battle of perception. Some of the political parties are defending the judgment and some opposing; by threatening to stage mass suicides.<sup>17</sup> The Chief Electoral Officer in Kerala warned political parties from soliciting votes in the name of the *Kabirama temple*.<sup>18</sup>

Agitations were launched and government was criticised for not filing a review petition against the Supreme Court verdict.<sup>17</sup>

**National Controversy** relating to issue of Tripple talan

Triple Talaq Bill is a politically motivated one in the name of religious practices being gender discriminatory. Though in Islam women can seek divorce and there are several other forms of divorce, the new triple Talaq is contended in the name of gender justice. Court in its verdict declared triple

4PM IST

Julia Saji, "Schumann Projects: Politics, Misheard?" <https://www.newyorker.com/culture/schumann-projects> (last visited March 20, 2019 7:45).

Why Substantive is becoming a big issue for all political parties in Kerala...

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BBK-2127-12 chapters

ISSN: 0022-3301

THE JOURNAL OF  
ORIENTAL RESEARCH

MADRAS

(Founded by Mr. P. L. N. K. Appachari, Sankar)

2012

VOL. XCV



GOVERNMENT OF MADRAS

THE JOURNAL OF ORIENTAL RESEARCH INSTITUTE

MADRAS - 600 004

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UGC-CARE List

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Published by : The Secretary, The Kuppuswami Sastri Research Institute  
No. 84, Thiru. Vi Ka Road, Mylapore, Chennai - 600 004

Web Site : [www.ksr.in](http://www.ksr.in); [www.ksr.co.in](http://www.ksr.co.in)

Printed at : Sri Harish Printers, Chennai - 600 028



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# Tryst with Tyranny of Women's rights in religious institutions

Dr. Dinesh B. Kulkarni

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## Abstract:

Religious institutions form the basis to end gender inequalities and injustice there are several areas where women's rights and religious freedom support each other. Religious freedom empowers the woman to make her own decisions; with respect to way of dressing; choosing life partner; and choosing religion as well. Likewise, telling a woman that she cannot change her religion, that she cannot fall in love and choose her own husband, that she cannot be educated or have political rights all this is not only violating her rights as a woman, they are violating her rights to believe and act on her own beliefs. Freedom of religion for women should be a strongly articulated goal of feminists who believe that women have the right to make their own decisions. The rights of women, who are most vulnerable to religious discrimination, should also be a strongly articulated goal of religious freedom advocates who believe that all people, especially vulnerable populations, should have the right of religious freedom.

In present research women's rights and status in Hinduism and Islam is discussed. It has further presented an analysis of concept of religious freedom; attempt is made to find out the reasons why these doubts about gender discrimination in religious institutions are suddenly raised in Indian society. Finally attempt is made to eradicate misconceptions about gender discrimination in religious institutions.

**Aim:** The present research aims to find out whether religious institutions have discriminatory principles with respect to women, which violate their fundamental, civil and political rights.

## Objectives:

- To find out whether religious freedom empowers women to take her own decisions
- To understand women's rights in religious institutions of Hinduism and Islam
- To analyse why all of a sudden a breakthrough is witnessed in Indian society raising doubts about religious discrimination relating to women

## Researchable Questions

Q1. What amounts to religious freedom; whether freedom to choose and adopt religion or to choose which religious principles to adopt or deny?

Q2. Whether in India, gender justice is manipulated in the name of religion for political gain

## Introduction

Religion is a matter of faith and belief. Several religions exist across the globe. India too has diversity of religions within its territorial area. Among several religions Hinduism and Islam are more prominent in India owing to largest majority and largest minority. Each religion has different concept

of God as well as different lifestyles as guided by their religious leaders. It can be clearly observed that every person has distinctive lifestyle either according to religious belief or as per their own interests and attitudes. All the religions teach respect for humanity, and guide on righteous path. Still in Indian society there exists certain intolerable attitudes towards some religious or religious practices giving rise to conflicts that often remain unresolved.

A theoretical account of the relations between religion and gender requires an acknowledgement that both serve to represent, embody and distribute power within society, plus an account of how these two systems of distribution may relate to one another.<sup>1</sup>

## Women's status and rights in Hinduism

In Hinduism women enjoyed equal status and rights as that of men. Women were able to avail for themselves of the highest learning and became philosophers. In the ancient times Gargi, wife of Mandanamisra, was appointed as judge. Warrior queens like Kaikeye helped their husbands on the battlefields. A woman was supposed to be the manifestation of Goddess/Shakti and the male (Shaktiman) was supposed to be incomplete without the female (Shakti) with him. Male deities of the Divine Trinity has female counterpart: Saraswati (learning), Lakshmi (wealth) and Parvati (power).<sup>2</sup> The auspicious rituals are to be performed by both the spouses together. Dharma to women was tantamount to dishonor of the Almighty.<sup>3</sup> In the Vedic period, women enjoyed near-equal status. The practice of Swayamvara shows that women could choose their husband. Gandharva vivah, or love marriage, was common. The goddesses in Hindu mythology are worshipped similar to the practice of worshipping male deities.<sup>4</sup>

## Women in Islam

As per Islamic law to seek education is a sacred duty for both men and women without discrimination<sup>5</sup>; women own the right to inherit property<sup>6</sup>; women's consent is essential condition for legitimate marriage contract. The Quran also encourages women to work and earn money (Prophet's wife Hadrat Khadija was a successful business woman) by entitling them to fair pay. According to Islamic religious principles men and women have equal regulations in matters pertaining to prayer, fasting, and charity, pilgrimage, doing good deeds, and promises equal rewards and punishments. The relationship between husband and his wife is that of companions. Polygamy was permitted for the sake of widows and orphans having no means of survival. Wife is also having the right to ask for a divorce herself since otherwise, a divorce generally cannot be completed without the husband's consent.<sup>7</sup>

<sup>1</sup> Wimalatond Lenda, "Les différences de genre dans la pratique et la organisation de la religion", *Travail, genre et sociétés*, 2012/1 (no 77) p. 73-84. DOI : 10.3917/tgs.027.0053 URL : <http://www.cairn.info/travail-genre-et-societes-2012-1-page-53.htm> March 18, 2019 2:57 P.M IST

<sup>2</sup> Nisha Sharma, Blog, "Status of women in Hindu society", Aug 10, 2013 04:13pm <https://www.speakupindia.in/blog/status-of-women-in-hindu-society> March 18, 2019 3:49 P.M IST

<sup>3</sup> Pavan K. Varma, "The equality of women is integral to Hinduism", <https://www.indiantribune.org/analysis/indian-history/20181013/the-equality-of-women-is-integral-to-hinduism-1335659-2018-10-03> March 19, 2019 10:37 P.M IST

<sup>4</sup> Kersh AT Alag 36:1

<sup>5</sup> Surah Nisa' 4:2

<sup>6</sup> Hadrat Mithab (Peace be upon him)

<sup>7</sup> Rayana Khalaf, "This is how Islam led the world with women's rights", <https://stepford.com/this-is-how-islam-led>



## Deportation of Rohingya Refugees by India Vis-a-Vis Principles of International Law

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### Abstract

Refugees are stateless persons. Most states, particularly in the Global North, are doing what they can to close their borders and restrict access to international protection, contrary to their obligations under international law. International refugee law is at the very core of our most fundamental human right to seek protection from persecution and the customary law of non-refoulement. Statelessness is a source of human insecurity, forced displacement and serious conflict, which may pose a threat to national as well as regional stability. Respect for international law and human rights forms the essence of the protection of refugees, returnees and stateless persons. This paper attempts to highlight various international norms concerning refugees. It further presents an analytical view of violation of international law and principle of non-refoulement with reference to deportation of Rohingya by India. Though India had an open door policy earlier and it accepted refugees and Asylum seekers but it has reversed its earlier practice in case of Rohingya refugees and it falls foul of international law and India's constitutional norms. This paper gives a brief analysis of treatment of refugees under Indian law and examines the impact of absence of specific legislation with respect to refugees, which leads to differential treatment to refugees in different cases. On the basis of the above analysis, it is suggested to adopt specific legislation with respect to Refugees.

**Key words:** Refugees, Deportation, International law, non-refoulement.  
"Refugees cannot be stopped, but they can and must be managed better, more humanely, protecting migrants' human rights whilst accepting states' rights to control their borders".  
Kofi Annan

**Aim:** The aim of the present research is to find out whether India violated the norms of International law by deporting Rohingyas.

**Objectives:** the core objectives of this research are:

- > To study international norms relating to refugees
- > To analyse the principle of non-refoulement with respect to deportation of refugees

### Researchable questions

- Q1. Whether India is obliged to abide by International customs?
- Q2. Whether India's decision to deport Rohingyas is violative of international norms?

### Research Methodology

The present research is purely doctrinal in nature. The data is collected from various secondary sources, such as international conventions, customs, and constitutional provisions relating to refugees. The other sources referred include news reports, web content and scholarly journal articles. In addition to above certain decided cases are analysed with reference to rights and protection granted to refugees through judicial activism in absence of special legislation in India.

### Introduction

The definition of refugee has evolved in recent past. The word refugee is derived from the French word 'refuge' which means 'gone in search of refuge'. Attempts have been made to define the term refugee through various regional and international instruments, but still various states interpret the term according to their whims and fancies. The lack of consensus amongst states with respect to definition of the term refugee adversely affects the rights of the refugees. From practical perspective, interpretation of the term 'refugee' by a particular state decides the fate of refugees seeking protection or facing prosecution. The issue of Rohingya refugees has become debatable. Several thousand Rohingyas Muslims have escaped Myanmar due to increasing atrocities and fearing genocide in past couple of years and tried to seek shelter in India. However, India has categorized the Rohingyas as illegal immigrants and a security threat, siding with the Burmese government. The Indian government has, in fact, appealed to Myanmar to take back the Rohingyas refugees. The government is reluctant to abide by the principle of non-refoulement, stating that, it is not applicable to India as it is not a signatory to the 1951 refugee's convention.

However, a report in The Indian Express notes, "India's claim to send the Rohingyas back to Myanmar rests on the notion that the refugees are of Burmese stock".<sup>1</sup>

**International law and its sources**  
The term International law was first coined by Jeremy Bentham.<sup>2</sup> It is defined as the body of legal rules, norms, and standards which sovereign states consider as legally binding upon them. Public International Law is sometimes called the "law of nations" or just simply International Law.<sup>3</sup> Public international law governs primarily the relations between states at international level, and determines states' rights and obligations in relation to each other. International law is also considered as weak law due to lack of enforcement mechanism. The nations consider it binding upon themselves hence they accept International law to maintain relation with each other. The Charter of the United Nations is the main document for the International Court of Justice (ICJ) as the principal judicial organ of the UN. Article 38(1) of the Statute of the International Court of Justice lists the sources of International law.<sup>4</sup>

- a) International conventions,
- b) International custom, general practice accepted as law;
- c) The general principles of law recognized by civilized nations;
- d) Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations.

One of the primary sources international law under Article 38 of the Statute of the International Court of Justice<sup>5</sup> is International custom, as evidence of general practice accepted as law. Under this customary practice principle non-refoulement is adopted and applied by various nations for protecting refugees.

### International law on Refugees

International law defines refugees, subject to minor variations across different illegal instruments, as persons who have been forced to flee the country of their origin and are unable or unwilling to return there due to the fear of persecution on account of their race, religion, ethnicity, political beliefs.<sup>6</sup> International law assumes that every human being belongs to a state, which is the norm.<sup>7</sup> Louis Stoller, a lawyer from Vienna, who wrote his doctoral thesis about statelessness, told UN (United Nations convention 1951), Article 1 defines refugee as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular



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- Publisher and Managed by: IJPUBLICATION
- UGC Approved Journal no 63975(19)

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**International Journal of Emerging Technologies and Innovative Research** is published under the name of JETIR publication and URL: [www.jetir.org](http://www.jetir.org).



©JETIR Research Journal

Published in Gujarat, Ahmedabad India

Typesetting: Camera-ready by author, data conversion by JETIR Publishing Services.

JETIR Journal, [WWW.JETIR.ORG](http://WWW.JETIR.ORG), [editor@jetir.org](mailto:editor@jetir.org)



ISSN (Online): 2349-5162

International Journal of Emerging Technologies and Innovative Research (JETIR) is published in online form over Internet. This journal is published at the Website <http://www.jetir.org> maintained by JETIR Gujarat, India.

ISSN : 2349-5162







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NEED SEPARATE LEGISLATION**

Published In JETIR ( www.jetir.org ) ISSN UGC Approved (Journal No: 63975) & 7.95 Impact Factor

Published in Volume 8 Issue 8 , August-2021 | Date of Publication: 2021-08-16

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## ANALYSIS OF VICTIMOLOGY IN INDIAN CRIMINAL JUSTICE SYSTEM: NEED SEPARATE LEGISLATION

**Dr. Amol Deo Chavhan**

Assistant Professor of Law

Manikchand Pahade Law College, Aurangabad MS

### ABSTRACT

The aim of criminal law is to promote peace and security among individuals. It provides protection to victim of crime. The term victim is defined under Cr.P.C. in very narrow sense. The term victim has wide meaning, one who directly or indirectly affected by the crime. Victim is main component of crime who suffers lot. The branch of victimology is part of criminology and for the reason it is necessary to understand the relationship between two streams of criminal law. The criminal justice system normally concern with punished the accused. There is need to take utmost attention of victim but in reality the victims sometime will not consider the part of crime. The Indian criminal justice system provides schemes for compensation to victims but it is quite inadequate. Mere providing compensation to victim will not serve the purpose of criminal administration. There is need to think in the context of complete justice with victims. No doubt the various landmark decision of apex court tries hard to provide protection to victims in terms of compensations, yet due concern need to understand the psychological, economic, social, emotional condition of victims. There is need to immediate changes in mechanism of criminal justice system and concept of victimology

In reality the Victims have no rights under the criminal justice system and the state undertakes the full responsibility to prosecute and punish the offenders by treating the victims as mere witnesses. Present article has attempted to analyse the 'the place of victim under criminal justice system.' The analysis is from legal point of view of victims whether really victim gets justice under the criminal law? This article also focused existing laws policies about victimology which is prominent area of understanding the problem of victims in real sense. Additionally, the researcher also focuses on various observation and opinion given by apex court for the protection of victims. With this, researcher wants to analysis and to verify the practical and real problem faced by the victims under administration of criminal justice.

**Key words:** - Criminal Justice system, victimology, Penal law, compensation of victims, human rights.





# High Technology Letters

ISSN NO : 1006-6748, IMPACT FACTOR : 2.7, PEER REVIEW,  
INTERNATIONAL JOURNAL

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Certificate ID : HTL/6031

This is to certify that the paper entitled

**“ THE PROBLEMS OF EARLY MARRIAGES: EFFECT ON SEXUAL AND REPRODUCTIVE RIGHTS  
OF GIRL CHILD -A CASE STUDY IN MARATHWADA REGION OF MAHARASHTRA STATE ”**

Authored by

**Dr. Amol Deo Chavhan, Assistant Professor**

From

**Manikchand Pahade Law College, Aurangabad MS**



ज्ञान-विज्ञान विमुक्तये

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Has been published in

**HTL JOURNAL, VOLUME 27, ISSUE 8, AUGUST - 2021**



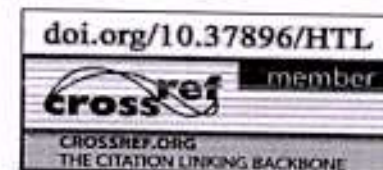
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**“THE PROBLEMS OF EARLY MARRIAGES: EFFECT ON SEXUAL AND  
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MARATHWADA REGION OF MAHARASHTRA STATE”**

**Dr. Amol Deo Chavhan**

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**Abstract**

Marriage is social institution which creates family as well as legalised the procreation of children for social preservation. Marriage during adult age leads healthy relationship among partners. The early marriage amounts to unhealthy and poor relationship among the couple. Considering social and religious trends the children forced for marriage at their early age. More specifically the village girls were forced and compel to marry before 18 year of their age.

Marriage before attaining sufficient physical and mental maturity trigger crucial problems including domestic violence, health problems, early and impulsive pregnancy, death during pregnancy etc. early marriage is one of the social stigmas which we can continue from generation to generation. Girls having no maturity to handle the responsibility arising after marriage and for the reason there are ample problems faced by girls as well as family.

Present article has attempted to analyse the ‘problem of early marriage and its effects on sexual and reproductive rights of women in Marathwada Region.’ The region comprise eight districts i.e. *Aurangabad, Beed, Hingoli, Jalna, Latur, Nanded, Osmanabad and Parbhani*. The analysis is from legal and social point of view and various aspects whether really early marriage cause effect on the reproductive and sexual life of girls?. This article also focused existing situation in *Marathwada* region which is prominent area of state of *Maharashtra*. Additionally, the researcher also focuses on various instances and problem of girls due to early marriage. With this, researcher wants to analysis and to verify the practical and real problem faced by the girls who are victim of early marriage.

**Index Terms:** Child Marriage, Reproductive Rights of Women, Sexual problems, *Marathwada* Region, Human Rights etc.





# High Technology Letters

ISSN NO : 1006-6748, IMPACT FACTOR : 2.7, PEER REVIEW,  
INTERNATIONAL JOURNAL

Certificate ID : HTL/6048

## CERTIFICATE OF PUBLICATION

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ERA: AN ANALYSIS"**

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**HTL JOURNAL, VOLUME 27, ISSUE 8, AUGUST - 2021**



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## **SOCIO-LEGAL JOURNEY OF FAMILY FROM ANCIENT TO GLOBALISED ERA: AN ANALYSIS**

**Dr. Amol Deo Chavhan**

Assistant professor of Law

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### **ABSTRACT**

Human civilization begins with family development. The family system exists and traced from ancient sages and religious text. The early aim of family was only concern with food and shelter. With the passage of time the family was shaped in new forms and facets. The family structure drives through various vicissitudes at culture, religion, language, relationship, emotion level. The new concept of marriage changes the structure of family at globe level. The live-in-relationship, gay marriage, lesbian marriage etc. are responsible practices for changing the structure of family in different period. Additionally the old concept of family structure was changed and emerged in new forms of family. The Indian legislative efforts try to hold the existence of family by providing various laws partnering to various matters of family.

Present article has attempted to investigate the sociological journey of family from ancient period to modern period. The analysis is from legal and social point of view and various aspects responsible for changes in family structure. This article also focuses existing new practices adopted which change the structure of family. Additionally, the researcher also focuses on various factors responsible for changing in family system from ancient period to till date. The objective of this analysis is to verify the practical and real changes in family structure.

**Key Words:** Family structure, Stone Age, Live-in-relationship, Gay and Lesbian marriage, historical development, Family law, Judicial decisions

### **I. INTRODUCTION**

The concept of family was existed and developed with human civilization. The root of development of family was traced in ancient sages and text. The early civilization of human beings was only concern with food and shelter without concern of family system. The relations, emotions, bondage etc. was secondary and for the reason the establishment of family or like institution was not felt necessary. If we consider the history of human civilization about 12000 year ago the people was lived by hunting and gathering their food has spread to most regions of the earth, except for





ISSN No. - 2348 -2702

Impact Factor : 3.2661

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Apoorv Publishing House  
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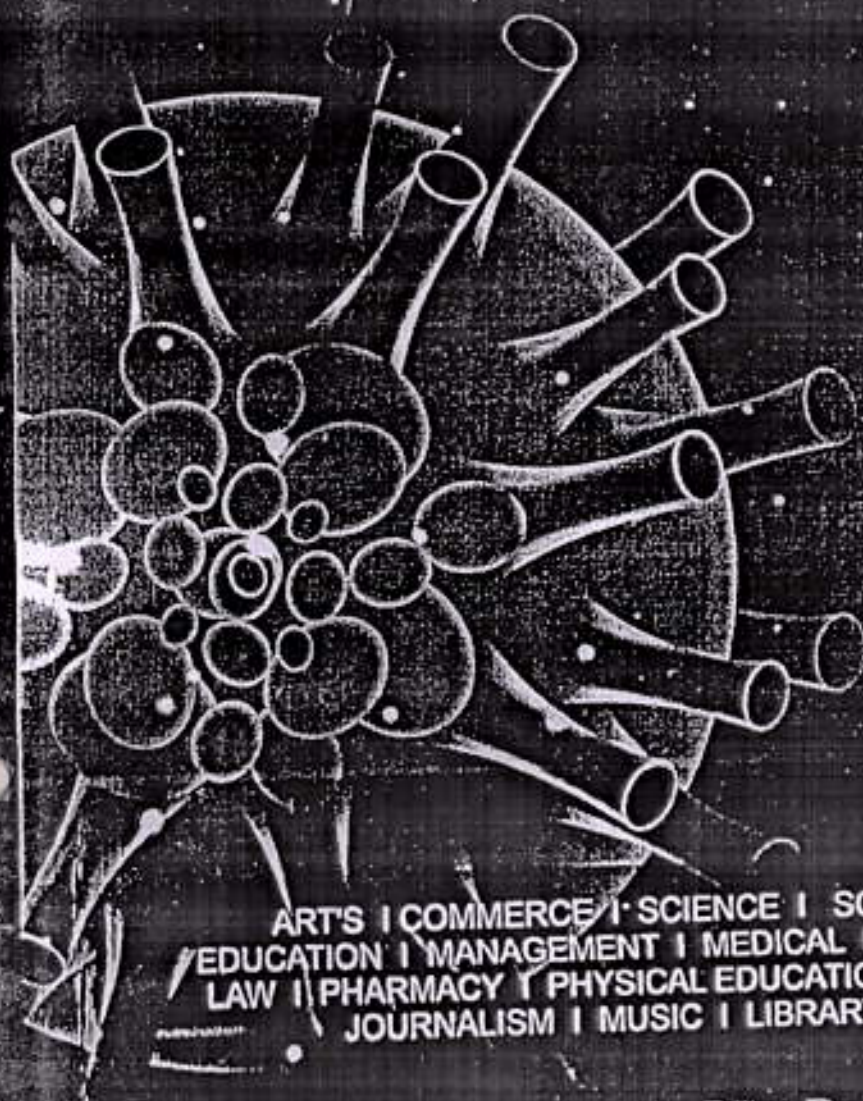
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## Role Of Electronic Media During Covid-19 Pandemic

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### ABSTRACT

This paper explores that mass media plays role as a facts-communicator and an influential tool to influence the minds of people. Media has become part of day-to-day's life like food, cloth and shelter. We can't imagine life without media. World is facing health crisis due to COVID-19 pandemic. This is the crucial time when living generation of the world is experiencing a pandemic and going through lockdown which might never had been imposed on such a level worldwide.

2020 is the year in which people are facing novel coronavirus for which social distance and lockdown are being implemented, everything is being closed for preventing the spread of COVID-19. The current lockdown has been imposed under the Disaster Management Act, 2005. Only media has remained as a source of information for people. The researcher has tried to present the role & responsibility of electronic media specially television during pandemic. Key words: Electronic media, Television, COVID-19, Pandemic, Lockdown.

### 1. INTRODUCTION

Communication is source of knowledge and media is tool of knowledge. Many people became acquainted about COVID-19 through television. Electronic Media i.e. television played a very significant role in creating awareness among people about the new virus and the precautionary measures to be taken for it. Media works as a bridge between the people and real-facts. Media is mirror of the society. News channels have updated the people about the latest news during the pandemic. Providing genuine data is duty of media because most of the people rely on television and it has great impact on the people. Television channels are available in every regional language, national language and international languages.

Media refers to print media, electronic media and the social media but the researcher is going to deal with electronic media specifically with television only. During this pandemic, social media and its use flooded tremendously with information, on the contrary print media has affected badly. Print media has been hampered during COVID-19. People have avoided to take newspaper from the vendors due to fear of virus but the use of television has not been affected. In fact, the number of its viewers have increased. However, in this research paper, the researcher has focused on electronic news media specially referring to television during COVID-19.

The objectives of present research paper are to study & analyse the role of electronic media during pandemic of COVID-19, to verify media manipulation and negative impacts of



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# Time to revisit India's Criminal Justice System

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Aurangabad.

## Abstract

The Criminal Justice System in India carries forward the legacy of Britishers. The purpose of criminal justice system is to protect the rights and personal liberty of individuals and the society against its invasion by others. Criminal procedure code; Indian Penal Code; Evidence Act are the basic constituents of India's criminal justice system. Apart from these there are several other laws relating to anti social activities. The criminal justice system is focused on the relationship between crime and punishment; which is based upon the principle of rule of law. The main components of criminal justice system are police, courts, and prisons. Their primarily role of components of criminal justice has diverted from protection of rights and liberties of individuals towards furtherance of the cause of the ruling party and striking terror among masses. Mob lynching has become order of the day in India and in absence of legal provisions is ultimately displaying the harsh reality of even an imperfect protective State withering away. The Indian Penal Code doesn't have any provision to punish a murderous collective.

This paper presents the analysis of the country's Criminal Justice System, relating to mob lynching, role of police in protecting life and personal liberties of victims of mob lynching and role of authorities in protecting offenders involved in mob lynching. Finally in the light of the Malimath Committee recommendations analysis is made whether there is need for reforming the system.

Keywords: criminal justice system, criminal law, crime, punishment, Indian Penal Code, personal liberty

*"Mob lynchings in India are 'horrendous acts of Mobocracy'"*

## Introduction

Lynching, a form of mob violence in which a presumed offender is tortured, under the pretext of administering justice without trial. The term lynch law refers to a self-constituted court that imposes sentence on a person without due process of law<sup>1</sup>.

According to Cambridge dictionary mob lynching means, "A group of people who want to attack someone who they think has committed a serious crime".

Oxford English dictionary defines lynching, "the act of killing/s done by a mob without any legal authority or process involved".

<sup>1</sup> www.civilserviceindia.com April 26, 2019 8:10 P.M IST





**Journal of Emerging Technologies and Innovative Research**

An International Open Access Journal

www.jetir.org | editor@jetir.org

17/11/2020

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The Board of

Journal of Emerging Technologies and Innovative Research (ISSN : 2349-5162)

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**E-commercial Transactions in India- bane or boon to Consumer Protection**

Published In JETIR ( www.JETIR.org ) ISSN UGC Approved (Journal No: 63975) & 5.87 Impact Factor

Published in Volume 7 Issue 11 , November-2020 | Date of Publication: 2020-11-05

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Paper ID : JETIR2011014

Title of Paper : E-commercial Transactions in India- bane or boon to Consumer Protection

Impact Factor : 5.87 (Calculate by Google Scholar)

Licence : UGC,ISSN,DOI and Creative Common Approved

DOI :

Published in : Volume 7 | Issue 11 | 2020-11-05

Publication Date: 2020-11-05

Page No : 87-92

Published URL : <http://www.jetir.org/view?paper=JETIR2011014>

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Editor In Chief

International Journal of Emerging Technologies and Innovative Research  
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# Commercial Transactions in India- bane or boon to Consumer Protection

By Jadhav Abhay Diliprao\*

\* Assistant professor in law in M.P. Law College, Aurangabad(M.S).

## Abstract:-

Today's Information Technology (IT) has become the need of everyone. At a point of time one need a market place for purchasing goods. But, now using Information Technology along with Internet one can purchase anything by sitting at home. No doubt this has benefited everyone but it has many drawbacks too. This system of purchasing goods online is popularly called as e-purchase which is one of the types of e-commercial transactions. E-commerce means practice of buying and selling of goods online and consumer service on the internet. The 'e' used before the word 'commerce' is a shortened form of 'electronic'. The effectiveness of E-Commerce is based on electronically made contracts known as E-Contracts. Although E-Contracts are legalized by Information Technology Act, 2000 but still majority feels uneasy while dealing online. The reason being lack of transparency in the terms & conditions attached to the contract and the jurisdiction in case of a dispute that may arise during the pendency of a transaction in an offshore site.<sup>1</sup>

Due to emergence of e-commercial transactions, a consumer can purchase anything within a fraction of time without going to market. On internet you will find hub of companies like flipkart, snapdeal, amazon etc. who are engaged in sale of goods to consumers. In India e-commercial transactions has increased significantly since last two decades. Though consumers find it more convenient to purchase goods online but the problems which persist at the time of online purchase and after purchase cannot be overlooked. More particularly the problem of terms and conditions of sale are not legible and consumer clicks the button of acceptance even without reading it. Again the problem of Jurisdiction in case dispute arises is another concern. This list is not exhaustive. In India The Consumer Protection Act, 1986 was enacted with an objective to protect the interest of Consumer. These problems have created a huge blow to the concept of consumer protection. In this paper an attempt has been made to highlight how e-commercial transactions have dissatisfied and frustrated the Consumers in India.

## Objectives of the Study:-

- 1. To understand the Concept of Consumer Protection
- 2. To identify complications created by increasing E-commercial Transactions
- 3. To understand adverse implications of e-commercial transactions on consumer Protection
- 4. To find out some solutions on complications created by e-commercial transaction

<sup>1</sup> Ashish Mishra, "Determining Jurisdiction over E-commerce disputes in India"





**INTERNATIONAL**  
**Journal of Fitness Health,**  
**Physical Education & Iron Games**



**Volume : 08 - No: 01**  
**Half - Yearly**  
**January 2021 to June 2021**

**Dr. Kaukab AZEEM**  
President, International Federation  
Saudi Arabia

**ISSN**  
**2349-722X**

**Published by:**  
**International Federation for Fitness,**  
**Health, Physical Education & Iron Games**

**Refereed & Peer Reviewed**  
**International Journal**  
**Indexed and Impact Factor**  
**SJIF: 7.324. Cite Factor: 2.59.**  
**IP Indexing : 2.64. ISRA: 2.816**  
**Thomson Reuters ID - 6684 - 2015**

**icrtfhss@gmail.com**



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## A REVIEW OF DOPING IN SPORTS AND PROFESSIONAL SPORTS

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Received: 01-12-2020. Reviewed: 04-12-2020 to 14-12-2020. Accepted: 17-12-2020

### ABSTRACT

Association of the notion of doping with the first-class, professional sport by the bulk of physicians, coaches and psychologists brought to the epidemical expansion of the use of doping substances and methods by nonprofessional sportsmen. Data obtained from the investigations conducted in the country and abroad, points to the necessity of prevention and reduction in the incidence of doping drug use in this numerous sportsmen category. Considering the motives for doping drug use in professional and nonprofessional sport, authors wanted to contribute to a better understanding of this problem. At the same time, authors propose a comprehensive plan of prevention and reduction in doping drug use incidence in nonprofessional sportsmen. As a base, the plan contains 1. Informative-educative work on the effect of doping on health, 2. Optimal nutrition planning, 3. Supplementation planning, and 4. Individual training system planning, all in accordance with the personality features, sports discipline and goals that a nonprofessional sportsman sets for himself.

**Key words:** *doping, nonprofessional sport, prevention, incidence*

### INTRODUCTION

Enhancement of physical abilities has always been wished by people who participated in some sort of a contest that required such ability. In ancient times, competitors resorted to the usage of various substances or methods believing that it might bring them an advantage or victory and for gaining various privileges, awards, posts or advancements. In that regard, the situation has not changed up to the present time. Doping in sport, represents the use of all substances and methods which enable competitors to acquire dishonest advantage in a competition, with no regards to kind, quantity or way of usage of those substances or methods. Doping as a concept is most frequently attributed to the professional engagement in sport. Such attitude accepted broadly by the public, but also by experts such as physicians, coaches, and psychologists, brought to the inadequate and insufficiently serious comprehension of doping and all associated consequences. At the same time, this enabled a sudden expansion of various substances and methods abuse and took on the epidemiological proportions. According to the investigations conducted up to now, and data obtained at doping tests, the most frequently used doping substances are anabolic-androgenic steroids (AAS), recombinant human erythropoietin stimulants (the most frequent are



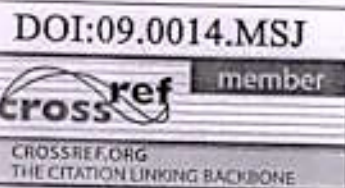


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Certificate ID : MSJ/3614



## CERTIFICATE OF PUBLICATION

This is to certify that the paper entitled

**“Flatfoot Information, Identification and Treatment of Exercise”**

Authored by

**Dr. Sachin S. Deshmukh**

From

**Manikchand Pahade Law College, Aurangabad, Maharashtra, India.**

Has been published in

**MUKT SHABD JOURNAL, VOLUME X, ISSUE IV, APRIL - 2021**

*S. Ganguly*

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## Flatfoot Information, Identification and Treatment of Exercise

**Dr. Sachin S. Deshmukh**

Principal Author College Director Physical Education and Sports, Manikchand Pahade Law College, Aurangabad, Maharashtra, India

**Abstract:** The controversy about the relation of foot morphology and foot function is still present. We find it surprising that there are no studies published dealing with motor skills and athletic performance in flat-footed. Our aim in this study was to determine if there is an association between the degree of foot flatness and several motor skills that are necessary for sport performance.

**Types of flat foot:** There are two general types of flatfoot: Flexible flatfoot and rigid flatfoot.

**Causes of flat foot:** Physical therapy is often one of the primary components in the overall management of arch pain, as the most common cause of arch pain is associated with injury and inflammation of the connective tissue in the arch of the foot.

It is important for people that are likely to be affected by arch pain take appropriate measures to improve the strength of their foot arch and prevent the recurrence of symptoms.

This may include regular stretching or exercises to improve strength, flexibility, stability, and appropriate footwear to support foot movement. A podiatrist can help by recommending appropriate shoes and exercises that can be used to prevent pain in the arch of the foot.

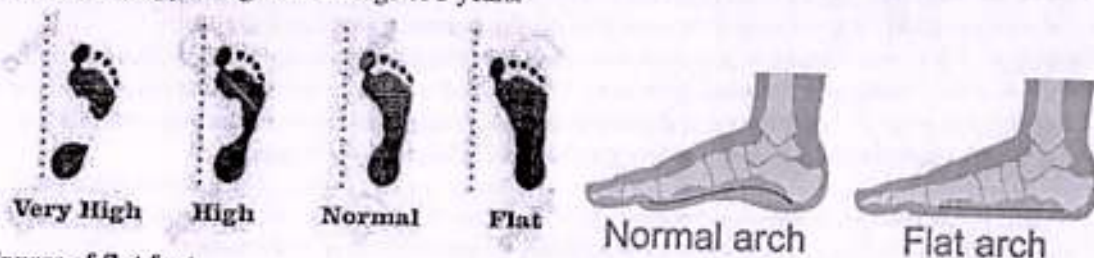
The flexible flat foot can be corrected by strengthening of the muscles which help to maintain the arch. To confirm that the arch is flexible and to correctly learn the strengthening exercises, consult a physiotherapist for guidance. The following exercises will improve the arch:

No disadvantages in sport performance originating from flat-footedness were confirmed. Children with flat and children with "normal" feet were equally successful at accomplishing all motor tests; thus, we suggest that there is no need for treatment of flexible flat feet with the sole purpose of improving athletic performance, as traditionally advised by many.

**Keywords:** Flatfoot, Flexible flat foot, rigid flat foot, Physical therapy, Treatment for flexible flat foot for exercises

### INTRODUCTION

Flat foot, also known as pesplanus or pes valgus, is a condition that is most commonly defined by a collapse in the medial longitudinal arch of the foot and sagging of the heel valgus. The condition has two forms: flexible flat foot and rigid flat foot. On birth, all children have flat feet. An arch in the foot usually starts appearing after the age of 3 years.



#### Causes of flat foot

- Hereditary.
- Due to injury to ankle or foot.
- Arthritis or nervous system diseases leading to weak arches.
- Obesity or weight gain in pregnancy may sometimes cause low or flattened arches.

**Types of flat foot:** There are two general type of flatfoot: Flexible flatfoot and rigid flatfoot.

- Flexible flat foot: Is when the arch seems to disappear when the foot comes in contact with the ground. As the arch disappears, the ankle rolls inward. This ankle position is called pronation. Flexible flat foot is often diagnosed by specialists in Lurie children's Institute for sports Medicine



Volume 4, Number 1 & 2 January-December 2020

ISSN 0447-1954

# JUSTITIA

Osmania University Journal of Law



A Bi-annual Journal of University College of Law  
Osmania University, Hyderabad-500 007



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## Policies of Social Inclusion for Migrants: Challenges and Prospects amid Lock down in India

Dr. Dinesh B. Kolte\*

*"Inclusion is not a strategy to help people into the system and structures which exist in our societies; it is about transforming those systems and structure to make it better for everyone. Inclusion is about making a better place for everyone."*

- Diane Richier<sup>1</sup>

### Abstract

*With the advent of industrialization the trend of migration increased worldwide. The policy of Migration is adopted by millions across India for the sake of their livelihood. Migrant workers are the hidden spine of Indian economy. Laborers from remote areas migrate to urban areas and work as unorganized labourers in various sectors such as: domestic help, construction site workers, factory workers, industrial workers, agricultural laborers, etc. for the sake of bread and butter and improving their means of livelihood. For the sake of growth of Indian economy Government has initiated several schemes. The apathy of government towards migrants amid lockdown left the migrants distressed. The situation created due to pandemic has worsened the condition of migrants in India and has posed severe challenges towards the policy of social inclusion of migrant workers. This article aims to critically examine and analyze the limitations of existing legislations and social inclusion policies meant for the protection of the migrant workers and to highlight other challenges faced by migrant workers amid Covid-19 lock down.*

**Key Words:** Social-inclusion, Migrant-workers, Covid-19



## Understanding the Digital Divide

Ambika Dutta  
M. P. Law College,  
Aurangabad

### Abstract :

In the Covid-19 pandemic scenario, when the world is one and stepping towards New Normal, we remain divided, socially, economically, politically, and digitally. In simple words, the digital divide is a division between those who have access to the Internet and those who do not. As information technology spreads its tentacles deep and wide in all spheres of life, it brings to surface the sharp debates about the neo-have-nots of the digital age who may have money but not online access. This research article aims to understand Digital Divide in the present context related to the Covid-19 scenario. Secondary sources have been followed to develop understanding. During this pandemic scenario, when 'social distancing' is the new mantra, we can still blur the distance through digital unity. There are two sides of a coin; similarly, not all is about 'divide' when it comes to digitalization. The new normal has introduced us to digital unity and bringing together the world, socially, socio-culturally, through the economy, education, and media.

**Keywords :** digital divide, covid-19 scenario, New normal, division, understand.

### Introduction :

In the covid-19 pandemic scenario, when the world is one and stepping towards New Normal, we remain divided, socially, economically, politically, and digitally. In simple words, the digital divide is a division between those who have access to the Internet and those who do not. As information technology spreads its tentacles deep and wide in all spheres of life, it brings to surface the sharp debates about the neo-have-nots of the digital age who may have money but not online access. Not that the neo-have-nots do not have smartphones with internet connection; what they miss out on is the ability to use internet beyond accessing WhatsApp content in a local script or occasional videos on YouTube. The tragedy is neo-have-nots abound, not just in India, but everywhere, including the most developed countries. In the New York Times (2018), Steve Lohr wrote that several rural Americans are deprived of broadband connectivity and hence remain internet-poor. So, at the center stage of the contemporary digital revolution is the issue of how to bridge the gap between digital haves and have-nots, and it is not easy to resolve. With the roots of the digital divide going much deeper than what they appear to be, the digital revolution is travelling through a turning point along with dilemmas and development.

The implications of the digital divide are all-encompassing. It has in its fold the political, social, economic, educational, and governmental indication.

In the information society, political empowerment and execution of political affairs are difficult without digitalization. Transparency and accountability of the

Government are dependent upon digital mobilization. The digital divide affects e-governance, its administration negatively.

Internet penetration is associated with more significant social progress of a nation. The digital divide can hinder the nation's social progress, as the global internet and digital world play an essential role. Socially, Rural India is affected as it is suffering from information poverty due to the digital divide. Additionally, it strengthens the vicious cycle of poverty, marginalization, and backwardness. Economically, the digital divide causes economic inequality, creating a new category of haves and have nots. Finally, from an educational perspective, the digital divide creates a disparity in capacity and access to learn and develop.

However, is the digital revolution to blame for creating the digital divide? Obviously not, for that would be like not being dynamic with the change. As we already know, continuity and change both are wheels of a healthy society. Needless to say, the divides – social, economic – always existed in society regardless of its economic development. What the digital revolution has done is magnify these divides. Therefore, rather than looking at the digital divide as a divide spawned by the emergence of information technology, it would be more appropriate to look at it as a product of socio-cultural mores and historic-political and economic circumstances in the country. Unlike other revolutions that stem from a social cause, the digital revolution is purely technology-driven, underpinned more by an economic than sociological



VOL. 5  
SPECIAL ISSUE-1  
SEPTEMBER 2019



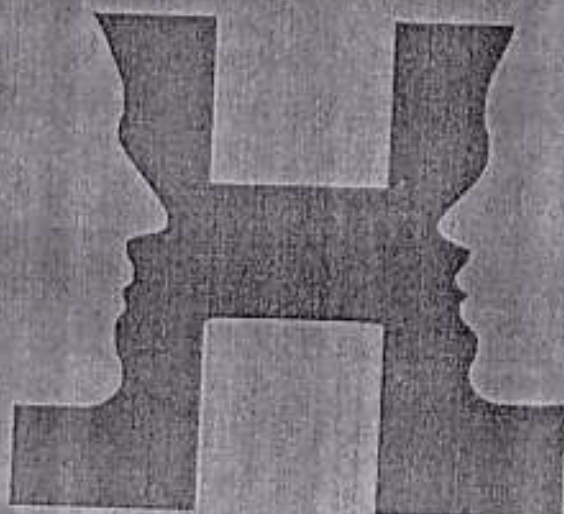
ISSN:2454-5503  
IMPACT FACTOR: 4.197 (IIJIF)

# CHRONICLE OF HUMANITIES AND CULTURAL STUDIES

A Peer Reviewed Bimonthly International Journal

Special Issue on the Occasion of NAAC sponsored seminar on  
**Use of Technology and E-Content in Teaching and Learning**

23<sup>rd</sup> September, 2019



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**Evaluation of Utility of Technology Assisted Teaching Learning In Legal Education****Dr. Aparna N. Kottapalle**

Asst. Professor &amp; IQAC Coordinator, Manikchand Pahade Law College, Aurangabad

**Introduction:** It is said that the change is the only unchangeable thing in the world. It is true with regard to the education policy, process and system too. During last 100 years paradigm shift has occurred in the whole educational system and revolutionary changes have occurred in the teaching pedagogy. Some prominent features of changed teaching learning process may be enlisted as shift from unipolar to bipolar and thereafter multipolar method of teaching. Slow and gradual changes introduced which replaced oneway dialog to interactive and participative classrooms; various other methods such as seminars, project report writings, group discussions & case studies were also included slowly and gradually in the system. The wave of technological advancement and globalization which has swept through various aspects of the society has not left the profession in its path. Technology including Information and Communication Technology (ICT) now plays a quintessential role in legal practice and education. In this process technology has played vital role which further enhanced the effectiveness in the process of teaching learning. NAAC while assessing the performance of the colleges has given due credit to the same in the second criteria. it is applicable to almost all faculties including law.

In this paper the researcher has attempted to study the utility of technology assisted teaching learning with special focus on legal education. This research paper basically is based on doctrinal method. However, the researcher has telephonically interacted with principals/ IQAC coordinators of 6 law colleges affiliated to Dr. BAMU for observing situations in law colleges. The researcher has found positive impact of technology assisted education and has given due credit and appreciation to the utility of technology, however has found certain grey areas which require serious attention of academicians as well as policy maker, thus cautions on certain areas.

**Use of Technology in teaching learning in all faculties-** the journey started with the use of sound system for reaching to the large number of students in class rooms, audio recording system, recording of videos, which generally occurs in traditional educational institutions when some special lecture series or guest lectures are organised. Now with the changed approach it is expected to have formal system in the institution for recording of the lectures of teachers and making it available with the library repository and on website. the system is turning towards virtual classrooms. Thus, the technology is expected to be used as facilitator in self-learning.

**The journey towards IT enabled class rooms**

In the education system teaching aids are always welcome with which the course content can effectively reach to students. Since good old days till now blackboard and chock with duster, flap charts are used as teaching aid. Gradually pen and white board reached to educational institutions which helped the teachers to overcome the health issues due to the dust of chock, latter technological development introduced OHP projectors with which written / typed content on transperencies could be shown, however As the size of OHP and handling technique was not very convenient, later LCD projector reached to class rooms which could be connected to laptop or provisions for connecting pen drive. It is found to be useful for giving power point presentations, showing documentaries, films recorded videos and interviews. This technology certainly added colours helped in catching attention with effective communication resulting in active involvement of the students. With further improvement in technology the concept of smart board evolved. These IT enabled smart boards with inbuilt computer can be used as white boards, the diagrams, points; flow charts drawn by the teacher during the class appear on the board and can be saved for future lectures on separate folder. The same board can be used as screen of the computer with which power point presentations, showing documentaries, films recorded videos and interviews

<sup>1</sup>[https://www.researchgate.net/publication/280566346\\_The\\_Role\\_of\\_Technology\\_in\\_the\\_Advancement\\_of\\_Legal\\_Education\\_and\\_Practice\\_in\\_Nigeria](https://www.researchgate.net/publication/280566346_The_Role_of_Technology_in_the_Advancement_of_Legal_Education_and_Practice_in_Nigeria) retrieved on 11th September 2019





# Think India (Quarterly Journal)

Vol-22, Special Issue-13

ISSN 0971-1260 & UGC CARE Journal

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## Think India (Quarterly Journal)

ISSN: 0971-1260 Vol-22, Special Issue-13

National Conference on

Psychological Contributions in Sustainable Human Development in  
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### Through Yoga, Stress Management, Physiological Benefit & Psychological Benefits for Traditional Sports and Games

**Dr. Sachin S. Deshmukh**

Director of Physical Education & Sports,

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**Abstract :** Yoga is psyche and body discipline created in India indeed ,yoga is going to prevalent through the world for the general advancement of human society.Many competitors are taking to yoga to improve their on-field performance. Yoga has become a demonstrated match-champ in improving athletic performance. Whatever game you might be rehearsing, can be guaranteed that yoga will help to Competitor become better at it.yoga for sports. The most significant advantage of yoga is physical and mental treatment. The maturing procedure, which is to a great extent a fake condition, caused fundamentally via autointoxication or self-harming, can be backed off by rehearsing yoga. By keeping the body spotless, adaptable and all around greased up, we can altogether decrease the catabolic procedure of cell weakening. To get the greatest benefits of yoga one needs to consolidate the acts of yogasanas, pranayama and contemplation.

**Keywords:** Benefits Yoga for Sports, Psychological Benefits and Mental skills training

**Introduction:** Yoga is brain and body discipline created in India exactly 2000 years prior. Very nearly two decades back, the wellness business rediscovered this old form of physical movement and another classification called mind-body practice was made. In a later article, Larkey, Jahnke, Etnier, and Gonzalez proposed the expression "reflective development" to characterize practice exercises which center around physical developments, cognizant breathing, a quiet perspective, and profound conditions of unwinding. As opposed to prevalent thinking, yoga isn't just for expanded adaptability and relaxation,but likewise increments strong continuance, diminishes apparent pressure, and improves by and large wellbeing discernment . At last, the objective of yoga is simply psychological. As characterized in the Yoga Sutras of Patanjali, one of the



## OUR HERITAGE

ISSN0474-9030 -Vol-68, Special Issue-11

One Day Interdisciplinary National Conference on "Arts, Sculpture and Architecture in Marathwada"

Organised by: Department of History Pratishthan Mahavidyalaya, Paithan,  
Tq. Paithan, Dist. Aurangabad -431107, (Maharashtra)

Held on 1 February 2020



# History of National Depository Libraries in India

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### Abstract :-

A National Depository Library is a public library in India which receives a copy of all books, newspapers and periodicals published in the country. This article attempts to describe history of four Indian National depository libraries i.e. National Library, Calcutta, Connemara Public Library in Chennai, Asiatic Society of Bombay in Mumbai and Delhi Public Library, Delhi.

**Keywords :** Depository Library, Delivery of Book Act

## 1. Introduction

In order to maintain duplication of author work and uniformity in publication Govt. of India implemented delivery of books Act in 1954. According to the delivery of Books (Public Libraries) Act, 1954; No. 27 of 1954, as amended by the Delivery of Books (Public Libraries) Amendment Act, 1956; No. 99 of 1956. "book" includes every volume, part or division of a volume and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed, but does not include a newspaper published in conformity with the provisions of Section 5 of the Press and Registration of Books Act, 1867 (XXV of 1867). Under delivery of Books Act every publisher should deposit a copy of the book to the National Library at Calcutta and one such copy to each of the other three public libraries i.e. Connemara Public Library in Chennai, Asiatic Society of Bombay in Mumbai and Delhi Public Library, Delhi within thirty days from the date of its publication.

A National Depository Centre is a public library in India which receives a copy of all books, newspapers and periodicals published in the country with ISBN and ISSN as the case may be. There are four centres:

- National Library, Calcutta
- Connemara Public Library in Chennai
- Asiatic Society of Bombay in Mumbai
- Delhi Public Library, Delhi

## 2. History of National Library, Calcutta

Development of National Library Calcutta has classified into four phases, these are Calcutta Public Library (CPL), Imperial Library, Amalgamation of CPL and Imperial Library and National Library. History of these phases are as follows:

### 2.1 Calcutta Public Library (CPL)

Calcutta Public Library was established in 1836. It was not a Government institution. It ran on a proprietary basis. Any subscriber paying Rs 300 at one time or in three installments was considered a proprietor. Poor students and others were allowed to use the library free of charge for a specified period of time. The then Governor General, Lord Metcalf transferred 4,675 volumes from the library





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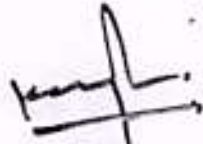
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(SJIF) Impact Factor-6.561

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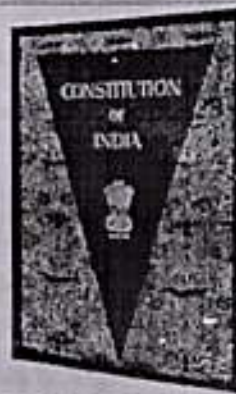
Peer-Reviewed Indexed

Multidisciplinary International Research Journal

**November -2019**

**SPECIAL ISSUE-**

## **Law**



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Amol Deo Chavhan  
Asst. Prof. of Law  
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## Importance Of Rti In Welfare State

Dr. Amol Deo Chavhan<sup>xxiv</sup>

### Abstract

After independence of India we adopt the concept of welfare state where welfare of people and state is paramount consideration of government. The concept of welfare state was basically inspired and based on various revolutions throughout the globe. The preamble of constitution makes its scheme to achieve welfare state. Welfare state allows the government of a country to provide social services such as healthcare, unemployment benefit, etc. to people who need them, paid for by taxes. To get basic services is fundamental rights of individual and same is part of Art. 21 of constitution of India. Welfare state is institutional outcome by the society and same is responsibility of government to achieve to satisfy the basic need of every citizen.

For achieving the concept of welfare state the government is liable to provides all necessary facilities and avenues to people and at the same time the citizen has right to know the affairs of governments and political affairs for achieving welfare state. In other words it is two way systems where government make policies and citizen monitor it. Informed citizen definitely achieve the democratic values of a country. For achieving the same various laws and policies are framed by the government and for smooth functioning of laws and administrative authorities the parliament passes the legislation Right to Information Act, 2005 to control and monitor the activities of government officials. This act asserts and gives power to the public to monitor and observe the activities of government officials. Additionally, act given power to common people to make participation in government function with aim to achieve welfare state. RTI plays very significant role to achieve the concept of welfare state in reality.

Present article has attempted to analyse the 'importance of RTI in welfare state'. The analysis is from legal point of view and various aspects whether really RTI plays significant role to achieve constitutional values and protection given to citizen with aim to achieve the concept of welfare state. This article also focuses existing situation and practical application of RTI for achieving welfare state. Additionally, the researcher also focuses on various judicial decisions and constitutional provision which applicable for RTI and its application for achieving welfare state. The objective of this analysis is to verify the

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Impact Factor - 6.561

ISSN - 2278-9308

# **B.Aadhar**

**Multidisciplinary International Research Journal**

**Peer-Reviewed Indexed**

**November - 2019**

**SPECIAL ISSUE -**

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(SJIF) Impact Factor-6.561

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❖ Prof.Virag Gawande Aadhar Publication Amravati 444604

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**Right To Information Act: An Initiative For Good Governance****Dr.Anju Singh\*****ABSTRACT**

Right to Information is a basic human right of every human being. Information makes men wise and it is competent enough to cope up with the modern world. So, it is the duty of government to inform the citizens about their activities and future plans. The transformation from governance to good governance is possible, if there is possibility of increasing participation of people in governance and free access of information. By realizing this fact, Indian parliament has passed *Right to Information Act, 2005* [herein after referred as RTI Act] to make government, accountable, responsible, efficient and transparent. Through this paper an attempt is made to explore the importance of Information Technology Act for good governance. To have an insight of the research paper it is divided into few segments. The research paper unfolds with introduction of the topic. The next segment of the research paper illuminates the importance of right to information in Indian society. This paper tries to highlight the basic guidelines of Right to information in Indian Constitution. Further the relationship between Right to Information Act and good governance has been emphasized. The research paper sums up with conclusion.

**Keywords:** RTI Act, government, good governance.

**INTRODUCTION**

Information is an inalienable and natural right of every human being. Abraham Lincoln on Government by consent opined that, n[o] man is good enough to govern another man without that other's consent. Bacon said, [k]nowledge is power but information is the fuel of knowledge. Hence, popular ignorance is the enemy of any intelligent decision. A democracy is not a democracy if you do not consent it. One's consent is the foundation of the democracy. Without people's consent representative cannot be chosen. Their offices ought to open to all and their inner working should be transparent. In democracy power vests with public, which they delegate to the persons of their choice by electing them. But power leads to corruption, and absolute power leads to absolute corruption unless we are aware of our right to know as to how they function and spend our hard money, that the government collects from us through taxes.<sup>127</sup> In a democratic country each person has the right to freedom of opinion and expression. This right includes right of holding public opinion and to seek, receive and impart information and ideas from the public authorities. The available and appropriate information helps citizen to live a dignified life in a civilized society. Moreover, there is a close link between right to information and good governance. Good governance is characterized by transparency, accountability and responsiveness. Consequently, the citizen's right to information is increasingly being recognized as an important mechanism to promote

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<sup>127</sup> Dr. Niraj Kumar, Bharat, *Treatise on Right to information Act, 1 2005*, 1<sup>st</sup> edn., (Bharat Law House, New Delhi:2007)



550-1920  
Impact Factor-6.561 (SJIF)

ISSN-2278-9308

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Peer-Reviewed Indexed

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## Dynamic approach of Judicial Activism and Emanation of Right to Information in India.

Dr.Shital S. Barhate\*

### Introduction:

The role of courts as dispensers of justice has been recognised since times immemorial. The Indian Judicial System is one of the oldest legal systems in the world today. Indian judiciary has taken up a much-needed active role in the policies of the nation. Rather than being silent spectators to the policies, Indian judiciary by its activism has rightly protected the various rights of the citizens which also include the right to information also. Information is that which informs. In other words it is the answer to a question of some kind.

According to the *Oxford Pocket Dictionary of Current English*, information is a knowledge derived from study, experience and instruction or knowledge of specific events, data that has been verified to be accurate and timely, or it is a knowledge communicated or received concerning a particular fact or circumstance.

Access to information is recognised as one of the indispensable right across the globe therefore all the information under the domain of the public authorities should be accessible by the public. The right to access to information and ideas is vital for any society because without information, people cannot adequately exercise their rights and responsibilities as citizens.

Taking in to account, the importance of right of information, we have enacted Right to Information Act in the year 2005. The legislation confers on every citizen a right to seek information from the Government or public authorities<sup>14</sup>. Under the Act, every public authority shall maintain all its records duly catalogued, indexed in a manner and form which facilitates the right of information under the RTI Act<sup>15</sup>. The Act makes provision for the appointment of the public information officers<sup>16</sup>. It also provides for the constitution of Central Information Commission<sup>17</sup> and State Information Commission<sup>18</sup> which will contain chief information commissioner<sup>19</sup> and state Chief Information Commissioners<sup>20</sup> respectively to exercise the powers conferred on and assigned to it under the Act.

Though we have enacted this Act in 2005, But before this step of the legislature Indian judiciary, through its various eye opening judgements, for the protection and promotion of democracy impliedly conferred right of citizens to have access to information. In this paper an attempt is made to highlight the active role played by Indian Judiciary in the creation of Right to Information.

\* Assistant Professor, Manikchand Pahade Law College, Aurangabad. (M.S.)

<sup>14</sup> Sec.3 of the Act.

<sup>15</sup> Sec.4 of the Act.

<sup>16</sup> Sec. 5 of the Act.

<sup>17</sup> Sec 12-14 of the Act.

<sup>18</sup> Section 15-17 of the Act.

<sup>19</sup> Sec 12-14 of the Act.

<sup>20</sup> Section 15-17 of the Act.





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ISSN 0474-9030 - Vol-68, Special Issue-11

One Day Interdisciplinary National Conference on "Arts, Sculpture and Architecture in Marathwada"

Organised by: Department of History, Pratishthan Mahavidyalaya, Paithan,  
Tq. Paithan, Dist. Aurangabad -431107, (Maharashtra)

Held on 1 February 2020



# Tourism in Marathwada: Opportunities and Challenges

Dr. Anju A. Singh

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## ABSTRACT:-

Travelling and exploring new things is the nature of every human being. Travelling adds peace, joy, growth and experience to one's life. It is important for personal and professional growth. Moreover, one can release stress and enhance one's hidden skills. Travelling is ongoing process, where people travels from one tourist destination to another to discover the world's incredible cultural diversity. This behaviour of human being has given birth to a modern industry called "tourism". The present paper is an attempt to explore the tourism in Marathwada as well as to analyse the opportunities and challenges of this region. To have an insight of the research paper, it is divided into few segments. The paper unfolds with introduction of the topic. The next segment explores the constitutional provision pertaining to tourism. Through next part of the paper an attempt is made to focus on evolution and development of Tourism Policy in India. Further, highlights of Maharashtra tourism policy 2016 has been dealt with. Apart from this, places of tourist attraction in Marathwada region and its importance has been incorporated. In the next part an attempt is made to explore the opportunities arising from the tourism industry in Marathwada. Moreover, what are the challenges which are creating hurdles in the development of tourism industry in Marathwada region have been analysed. The paper sums up with Conclusion and few suggestions have been put forth which will pave a path for the development of tourism in Marathwada.

**Keywords:** Tourism, heritage, Marathwada region.

## Introduction

Travel and tourism are the largest service industry in India. India is a land of great tourism potential. Moreover, the wide variety in the landscape offers a range of choices to tourists from within India and abroad. In October 2017, the Union Ministry of Tourism in collaboration with other central ministries, state governments and stakeholders successfully organized "Paryatan Parv" across the country. The twenty-one-day program was organized with the objective of drawing focus on the benefits of tourism, showcasing the cultural diversity of the country and reinforcing the principle of "Tourism for All". Government of India initiated number of measures to promote tourism marketing initiatives to attract tourists in India. Incredible India campaign was introduced by the Government of India in 2002 to promote India as an ultimate campaign was conducted globally to attract tourists to the country tourist destination on the world Map. "Atithi Devo Bhavah" is a programme conducted by the government of India to complement the incredible India Campaign. Main aim is to create awareness about the effect of tourism and sensitize people about tourism. Maharashtra is the third largest state in India having 36 districts and each district is attracting thousands of tourist visitors. Moreover, Marathwada is a region of State of Maharashtra. The word "Marathwada" has been used since the times of Nizams. The region

<https://www.jatinverma.org/tourism-in-india-opportunities-and-challenges-an-abstract>

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Impact Factor - 6.561

ISSN - 2278-9308

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Peer-Reviewed Indexed

November - 2019

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## Importance of Right to Information in Strengthening Democracy and Good Governance

Ms.Pratibha R. Girbane\*

### Introduction:

Information is the base for knowledge. Knowledge provokes thoughts and with knowledge, one can give expression. The quality and standard of life of civilized people depends upon the quality of exchange of information regarding governance and other connected aspects. In a democracy, government running on secrecy by ignoring human rights cannot be acceptable. Government is to be accountable for its action. This is possible if citizens have information about functioning of the government. Citizens of country have right to information in hands of officials related to their work which actually is related to public. Presumption of some corrupt practices can be drawn if such public officers conceals or deny to give information. Right to information has played a key role in such cases of corruption. With the objective to promote transparency, accountability and democratic principles Right to Information Act was enacted in 2005. this paper is focusing on importance of Right to Information in strengthening democracy and good governance in the country, changes introduced by recent amendment of 2019 together with suggestions for its effective implementation.

### Historical Background:

The Official Secrets Act, 1923 that was passed during British regime makes it an offence to part with any information received in the course of official duty, to non-officials<sup>141</sup>. Objections were made against its provisions since 1948. This law was used repeatedly to suit the purposes of the government. For instance when construction work for Sardar Sarovar project started and massive displacement started journalists were prohibited to enter in this area. Similarly, in Bhopal Gas tragedy government refuse to make public details of the monetary settlements between the government and the Union Carbide and some were arrested under official secrets act. These incidences were the reasons for activist in furthering the cause of Right to Information.

The movement for the right to information received a fresh impetus from a courageous and powerful grassroots struggle of the rural poor for the right to information, to combat rampant corruption in famine relief works in Rajasthan. This struggle was led by a people's organization, the Mazdoor Kisan Shakti Sangathan. The reverberations of this struggle led to a nationwide demand for a law to guarantee the right to information to every citizen, with widespread support from social activists, professionals, lawyers, and persons within the bureaucracy, politics and the media, who are committed to transparent and accountable governance and people's empowerment.<sup>142</sup> As result of right to information

\* Assistant Professor, M. P. Law College, Aurangabad

<sup>141</sup> Sec-5 of Act

<sup>142</sup> <https://www.humanrightsinitiative.org/programs/ai/rti/india/articles/The%20Movement%20for%20RTI%20in%20India.pdf> retrieved on 24<sup>th</sup> Nov 2019





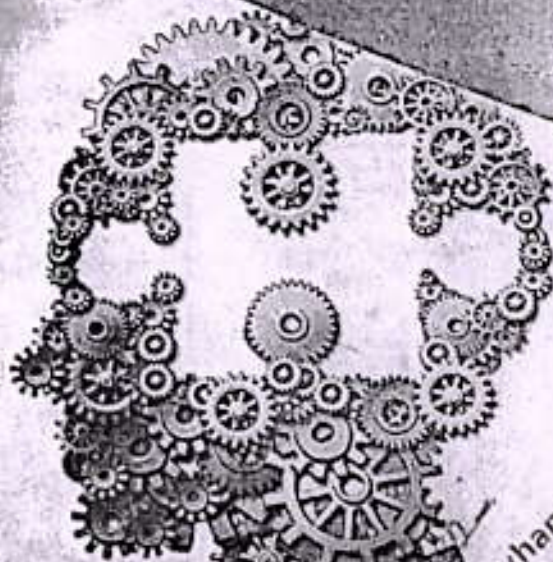
Peer Reviewed Referred and UGC  
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ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
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# AJANTA

Volume - IX, Issue - I  
January - March - 2020

Impact Factor / Indexing  
2019 - 6.399  
[www.sjifactor.com](http://www.sjifactor.com)  
Part - III



**Ajanta Prakashan**

Dr. Den Chavhan  
Prakashan  
Ajanta Prakashan  
Ajanta Prakashan





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# Artificial Intelligence - A Challenge Ahead

Dr. Amol Deo Chavhan

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Artificial Intelligence (hereinafter allude as AI) and mechanical improvements lessen the work of individual. The innovation in science and novelty gives new foundation of improvement in each part. Because of this the individuals are progressively dependent on machines and different present day gadgets. The progress and snags under the legislation which cannot control till today. This advancement appears to be helpful for the business and improvement of hard works and yet it makes some issues under the steady gaze of the administration and officials.

Because of mechanical improvements the state going to accomplish welfare state by dynamic policies and arrangements for women strengthening, business, industry, and so on with some new difficulties. At some point the AI is abuse and controlled by law. Till today there is no particular laws which can screen and controlled the law of AI.

This article has endeavored to investigate the 'law and man-made brainpower'. The article is from legitimate perspective and different angles whether truly AI assumes the role to accomplish welfare state by giving mechanical headway or make the state be the equivalent. This article additionally centres existing circumstance and arrangement identifying with AI and act done through AI. Moreover, the scientist examines on different existing law arrangement and established arrangement which are difficulties made by AI. The goal of this investigation is to check the common law issues faces by the state for having welfare state through utilization of AI.

**Keywords:** Artificial Intelligence, Law, Welfare state, policies

Artificial intelligence decreases physical endeavours of individuals. It reduces initiation work of individuals. Simultaneously the individuals are progressively dependable and intellectually. Confidential fleeting period the knowledge of individual will

reduce and they will increasingly reliable on the AI. Virtual intelligence creations are starting to help individual in each area which replaces human physical endeavours. Computer based intelligence replaces mental exercises of individual. Through AI one can control mental exercises, for example, assessment, mental state, decision making and so forth which can be dealt with through machines. At some point the crimes should be possible through AI. According to the law the criminal obligation is cast on the 'individual' if the demonstration perpetrated with *mens rea* and *actus reus*. In the event that the act is done through AI the primary obstacle under the steady gaze of the court is to recognized and rebuffed the honest guilty party. The onus and responsibility may cast on the PC, portable and other electronic gadgets. The offenses and wrong might be succumbed through these gadgets which will demonstrated the individual isn't engaged with the unfair exercises. On the off chance that the exercises are not control AI will hamper instruction, horticulture, economy, social insurance framework all the more decisively the key right for example Right to Privacy. All above division step by step reliable on the AI. In the event that anything turns out badly right now scoundrel has freedom to cast obligation on PC and other electronic gadgets. Our all lawbreaker and common laws are considered dependable just person. Artificial intelligence isn't gone under the review of 'person' on the off chance that we think of it as corporate substance; at that point question will emerge to 'whom' we rebuff. At the end of the day the current laws are not adequate to rebuff the machines who carry out a wrongdoing behind blind and infringement of Human and key privileges of people. In the event that we consider the individual who works it answerable for discipline/punish it will cause incredible bad form with him since AI are worked by 'program' which may structure by another person. The thing is that, all machines are operated by human being the *mens rea* can be implemented through machines which will not prove against any person. Present study will evaluate different views and interpretation whether human laws can be imposed on the AI objects. How the criminal liability and constitutional liability will fix on the particular person/machine. This study endorses the application of the interpretation of criminal law and constitutional rights by the court to detect whether the AI object is capable enough to articulate *MENS REA*.

No doubt that, the AI creates scientific environment for the improvement and development at globe level. It provides appropriate technological framework within which the construction of such knowledge based system in law might now be undertaken.<sup>1</sup> The AI creates

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One Day Multidisciplinary National Conference on  
"Arts, Sculpture and Architecture in Marathwada"  
(ASAM 2020)



01<sup>st</sup> February 2020

Organized by  
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This is to Certified that Prof./Dr./Mr./Mrs. BARHATE SHITAL  
has actively participated and chaired a session / co - chaired a session / presented paper oral/ poster  
entitled..... Geographical Indications and its Economic Impact on Marathwada  
in the one day Multidisciplinary National Conference on "Arts, Sculpture and Architecture in Marathwada (ASAM-2020)  
organised by Department of History, Pratishthan Mahavidyalaya, Paithan, Dist. Aurangabad(MS) held on  
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## OUR HERITAGE

ISSN : 0474-9030 Vol-68, Special Issue-11

Impact Factor (2020) - 6.8



### Geographical Indications and its Economic Impact on Maharashtra

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#### Abstract

As a result of the industrial revolution and the rapid development made in the field of science and technology, new kind of property apart from the traditional property came in to existence which is known as Intellectual property. It is that property which is created by human intelligence or mental labour. It is the creation of mind. It can be classified to include Patent, Copyright, Trademark, Geographical Indications, Industrial Designs, and so on. Among these different intellectual properties, in this paper emphasis is given on the Geographical Indications in Maharashtra and its economic impact on the state of Maharashtra.

**Keywords:** Intellectual Property, Geographical Indications, TRIPS.

#### Introduction:

Geographical Indication indicates that the particular goods originate from a country, region or locality have some special characteristics, qualities or reputation which are attributable to its place of origin. These special characteristics may be due to various factors like natural resources, raw material, soil, regional climate or the method of manufacture or preparation of the product. The connection between the goods and place becomes so famous that any reference to the place reminds the goods being produced in that region. Some of the famous examples are Kanchipuram Silk Saree, Alphonso Mango, Bikaneri Bhujia. Use of Geographical indication on a product acts like certification that the product possesses certain qualities is made according to traditional method or enjoys a certain reputation due to its geographical origin. A person can use the geographical indication on his/ her product if that product belongs to the area to which that geographical indication belongs.

Further, rooted in the soil of the region for which they stand, Geographical Indication contributes to the economic improvements of the region around the world. As far as Maharashtra region is concerned many geographical indications are conferred to this region. In this paper an attempt is made to have torchlight on the various geographical indications conferred on the Maharashtra region and to find out its economic significance for the Maharashtra.

#### Geographical Indications: Conceptualisation

Geographical Indications are indications which identify a good as originating in the territory of a member, or region or locality in that territory, where a given quality, reputation or other characteristics of the good are essentially attributable to its geographical origin<sup>1</sup>.

Geographical Indications of Goods are defined as that aspect of industrial property which refers to the geographical indication referring to a country or to a place situated therein as being the country or place of origin of that product. Typically, such a name conveys an assurance of quality and distinctiveness which is essentially attributable to the fact of its origin in that defined geographical locality, region or country.

"Geographical indication", in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other

<sup>1</sup> Article 22.1 of the TRIPS Agreement.



19-20

# Current Global Reviewer

Peer Reviewed Multidisciplinary International Research Journal  
PEER REVIEWED & INDEXED JOURNAL

ISSN 2319-8648

Impact Factor - 7.139

Indexed (SJIF)



February 2020 Special Issue-22 Vol. 3

## The Role of Women in Global Development

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**Guest Editor**  
**Principal, Dr. Aqueela Syed Gous**



## Importance Of Environmental Sustainability

Dr. Anju Singh

## ABSTRACT

Environmental sustainability is the key strategy against the backdrop of the growth of human population and the rampant exploitation of environment by humans. The underlying concern of modern society is that while today people are enjoying the comforts of economic development, the future generations are on the verge of confronting scarce natural resources and polluted environment and it is our most important responsibility to leave the planet as a self-sustainable system providing equal opportunities of survival not only to our future generations but also to all other species co-habiting with us. In this context, an attempt is made to explore the importance of environmental sustainability through this research paper. To have an insight of the research paper it is divided into few segments. The paper unfolds with introduction of the research paper highlighting the importance of environment in ancient India and its degradation in modern times. The next part depicts the constitutional provisions protecting environment. Further international perspective pertaining to environmental sustainability has been incorporated. The next part illuminates the various key steps for environmental sustainability. Apart from this, the research paper focus on the policies to promote environmental sustainability. The paper sums up with conclusion and suggestions.

## INTRODUCTION

India has an ancient tradition of protecting the environment. There exist several writings, which prove that in ancient India every individual had to practice the dharma to protect and worship nature. A look at the environmental ethics of the olden times contained in *Vedas*, *Upanishads*, *Smritis* and *Puranas* discloses environmental harmony and conservation since sun, fire, air, water and earth were considered as manifestations of divine personification. Trees were worshipped, rivers were considered goddesses. Causing harm to these groves was believed to offend the forest spirits and deities<sup>1</sup>. However, in recent times due to industrialization and globalisation much harm is done to environment. Gandhiji was very apt in voicing his concern about environmental problems in these words, "[t]here is enough for everybody's need and not for any body's greed". Environmental sustainability is one of the biggest issues faced by the mankind at present. Increasing population along with tremendous escalation in anthropogenic activities has raised several questions on the sustainability of natural resources on our planet. No part of the Earth is now untouched by the effect of human activities or pollution. In addition to this, urbanization, industrialization and modern agricultural practices have polluted the water resources, air and soil all around the globe. The natural resources are thus not only being over-exploited but also becoming contaminated with toxic chemicals making it difficult for the survival of future generations. The ever-increasing emission of greenhouse gases is showing far reaching impact on the blue planet and according to estimates of various agencies such as *United States Development Authority (USDA)* and *Organization for Economic Cooperation and Development (OECD)* this will result in rise in temperature by 02 °C by 2050. This has and will further change the face of the earth. Due to the impact of global warming, glaciers and polar ice is melting at rates 2-3 times higher in comparison to last century. According to estimates, Earth at present is going through one of the biggest biodiversity loss phases, the impact of which is unforeseen and unpredictable.<sup>2</sup>

## PROVISIONS IN THE CONSTITUTION OF INDIA PROTECTING ENVIRONMENT

Article 21 of the *Constitution of India* guarantees all persons a fundamental right to "life and personal liberty". Article 21 is the heart of fundamental rights and has received expanded meaning from time to time. For healthy existence and preservation of the essential ingredients of life, stable ecological balance is required.<sup>3</sup> Moreover, it also guarantees a fundamental right to life- a life of dignity, to be lived in a proper environment, free of danger of disease and infection. It is an established fact that there exists a close link between life and environment. Right to life would become meaningless if there is no healthy environment.<sup>4</sup> The forty- second amendment to the constitution of India introduced certain significant provisions relating to environment. Under the new provisions enshrined in the Directive Principles, which guide the state in framing its laws, the state shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country.<sup>5</sup> Among the fundamental duties of the citizens incorporated by the forty- second amendment, the duty to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for



# CURRENT GLOBAL REVIEWER

Special Issue 22, Vol. 3  
February 2020

Peer Reviewed  
SJIF

ISSN : 2319 - 8648  
Impact Factor : 7.139

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# **CURRENT GLOBAL REVIEWER**

Special Issue 22, Vol. 2  
February 2020

Peer Reviewed  
SJIF

ISSN : 2319 - 8648  
Impact Factor : 7.139

**Impact Factor – 7.139**

**ISSN – 2348-7143**

## **Current Global Reviewer**

Peer Reviewed Multidisciplinary International Research Journal  
**PEER REVIEWED & INDEXED JOURNAL**

**February 2020**

**Special Issue- 22 Vol. 2**

## **The Role of Women in Global Development**

**Chief Editor**  
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**Indian Agriculture: One of the major contributor to the Indian Economy  
Vis- a- Vis Conditions of Agricultural Labourers in India.**

Dr. Shital S. Barhate

**Introduction**

Agriculture has always been the backbone of the Indian economy and despite concerted industrialization in the last six decades, agricultural still occupies a place of pride. It provides employment to around 60% of the total work force in the country<sup>1</sup>. Apart from this, agricultural sector has played vital role in generating rural income and providing food to the growing population of the country. Agriculture provides raw material to the various industries of the national importance like sugar industry, jute industry, and Cotton industry and so on. Not only this, for a number of years it is contributing in the international trade also. But in all this process, persons who are toiling a lot in this agricultural sector by way of agricultural labour or worker is still a neglected part of the society. They are facing with various problems. In this paper an attempt is made to focus on the role of Indian Agriculture in strengthening the Indian Economy and condition of Indian Agricultural worker because of whose hard efforts we are getting food to eat, cloths to wear and in a number of way they are helping to us.

**Agricultural Labour: Conceptual framework**

The first Agricultural Labour Enquiry Committee of 1950-51 regarded those people as agricultural workers who were engaged in raising crops on payment of wages. The second Agricultural Enquiry Committee of 1956-57 took a broad view of agricultural activities to include those workers also who were engaged in allied activities like animal husbandry, dairy, Poultry, piggery, etc.<sup>2</sup> The Kerala Agricultural Workers Act, 1974 defines, "Agricultural worker means a person who, in consideration of the wages payable to him by a landowner, works on, or does any other agricultural operation in relation to the agricultural land of such landowner."<sup>3</sup>

**Magnitude of Agricultural Labour in India:**

According to the second Agricultural Labour Enquiry published in 1960, agricultural labour families constituted nearly 25 per cent of all rural families. According to the data provided by the census of India (1991), the number of agricultural labourers increased from 27.5 million in 1951 to 74.6 million in 1991 indicating an increase by 171 per cent during the 40 years period.<sup>4</sup> It will be clear from the following table.

Growth of Agricultural Labour in India:

Year	Number ( in millions)
1951	28.00
1961	32.0
1971	48.0
1981	55.5
1991	74.7
2001	107.4
2011	144.3

Source: Population Census Reports, 1951-2011<sup>5</sup>.

The data provided in the above table shows that the number of agricultural labours is increasing in the Indian Economy.

**Internal Scenario regarding Agricultural Labours:**

**International Labour Organisation** <sup>6</sup> is an institution who is working for the upliftment of the conditions of workers of the entire world. For Agricultural labourers also it has passed convention which secures to all agricultural workers the right of association and combination which are available to the industrial workers.<sup>7</sup> Further ILO has adopted convention concerning Sickness Insurance for Agricultural workers<sup>8</sup>. It provides that each Member of the International Labour Organisation which ratifies this Convention undertakes to set up a system of compulsory sickness insurance for agricultural workers<sup>9</sup>. Further it provides that the compulsory sickness insurance system shall apply to manual and non-manual workers, including apprentices.



# Current Global Reviewer

Peer Reviewed Multidisciplinary International Research Journal  
PEER REVIEWED & INDEXED JOURNAL

ISSN 2319-8648

Impact Factor - 7.139

Indexed (SJIF)



February 2020 Special Issue-22 Vol. 3

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# CURRENT GLOBAL REVIEWER

Special Issue 22, Vol. 3  
February 2020

Peer Reviewed  
SJIF

ISSN 12319-8848  
Impact Factor 17.139

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## Role of Women in Environment Conservation and Sustainability

Ms. Pratibha R. Girbane

### Introduction:

Einstein had once observed, "Environment is everything that isn't me"<sup>1</sup>. As per legal definition, "Environment includes water air and land and the interrelationship which exists among and between water air and land and human beings, other living creatures, plants, micro-organism and property"<sup>2</sup>. Development in human activities and technology has resulted into exploitation of natural resources and environmental degradation. Problem of environmental protection is a worldwide issue. Women have direct contact with natural resources particularly in rural areas where greater part of Indian population lives and directly reliant upon natural resources. At one time, it was considered that women have no role in environmental conservation. But after spreading awareness about their rights and duties and taking cognizance of their surrounding they tried to raise voice against environment degradation. Various movements for environmental protection at international and national level illustrate the role of women in environment conservation and sustainable development. In present paper attempt is made to highlight women's contribution in various environment related movement at global and national level.

### Interdependence of women with nature:

Since olden times women have been referred as powerful symbols of nature by mentions like Mother Earth, Mother River etc. According to the World Bank in 1991, "Women play an essential role in the management of natural resources, including soil, water, forests and energy and often has a profound traditional and contemporary knowledge of the natural world around them"<sup>3</sup>. Different studies on women and environment have revealed that women are very close to nature and they are major contributors to environmental rehabilitation and conservation. Women are largely responsible for management and conservation of resources for their families. Insensible and merciless exploitation of natural resources that has resulted in to environmental degradation has a direct impact on women. About two to three million people in the forest and tribal belts of India earn their livelihood by carrying fuel load on their head and of these, 90 per cent are women.<sup>4</sup> No doubt, environmental deprivation affects the human beings in general, but women are its main victims. Thus, women actively participate in environment protection than men as women are directly affected and influenced by nature than men.

Even Paris Climate Agreement emphasizes gender-responsive capacity building measures to work effectively on setting up a climate resilient community at local level<sup>5</sup>. Sendai Framework Convention on Disaster Risk Reduction (2015-30) considers women a very strong driving force to a gender inclusive disaster risk and response management for a disaster resilient community<sup>6</sup>.

### Sustainable development and women:

Sustainable development is broadly defined as development that meets the requirements of the present without compromising the ability of future generations to meet their own needs<sup>7</sup>. Sustainable development should be a key objective for all national policies, and should aim at the continuous improvement of the quality of life on earth of both current and future generations. It is about safeguarding the earth's capacity to support life in all its diversity. It is based on the principles of democracy and the rule of law and respect for fundamental rights including freedom and equal opportunities for all. Gender equality is rightly seen as crucial to sustainable development, with its own Sustainable Development Goal (Goal 5)<sup>8</sup>. It is difficult to achieve without gender equality. Women's empowerment is important factor for achieving sustainable development. Women share the most important responsibility for nutrition, childcare and household management in almost all countries. They are also active in environmental management. However, women are not adequately represented in the decision-making processes related to the issues of environment. Now women are demanding that their voices be heard. Women took active part in the Rio Earth Summit process and succeeded in obtaining a chapter on women and sustainable development and over one hundred references and recommendations pertaining to women in the final agreement agenda 21. In Rio, women were considered a major group, whose involvement was necessary to achieve sustainable development. The Fourth World



Conference on Women held in Beijing in September 1995, emphasized that empowerment, full participation and equality for women are the foundations for peace and sustainable development<sup>9</sup>.

## Role of Women in Environment conservation and Sustainability at International Level:

Women have played a fundamental role in the global environmental movement. They continue to fight for improved living standards and protection of the environment.

To mention important among them are Kenyan land takeover and Green Belt movement. In first movement women protested against the elites and big foreign corporations who were controlling the production of the land. Women were pressurized by their husbands and the government to cultivate coffee for profit but they denied. Movement ended and possible lands were redistributed.<sup>10</sup> In second movement, 80000 women were involved and it was aimed to bring environmental restoration along with society's economic growth<sup>11</sup>.

## Role of Women in environment conservation and sustainability in India :

The origin of the environment protection movement in India dates back to Khejrali movement and gain momentum through Chipko movement. Majority of the movements reflects that most participants are women, Adivasi's, and poor people. In khejrali movement Bishnoi people of Rajasthan used chipko tactics against felling of trees against the order of Maharaj Abhay Singh. This was done under the leadership of Amrita Devi<sup>17</sup>. Next was Chipko movement which was started in 1973 in one of the district of Uttar Pradesh. Women played crucial role in this movement<sup>18</sup>. In Appiko movement in Karnataka members of mahila mandal, adivasi women joined for protection of Western Ghats forest<sup>19</sup>. The Silent Valley Movement which was against the decision of Kerala Government to construct a dam for hydroelectric power project in the Silent Valley forest people, especially women opposed the project under leadership of Sugatha Kumari<sup>20</sup>. Narmada bahcao Andolan led by the Medha Patkar, Baba Amte, and Arundhati Roy against the building of a number of dams along the Narmada River had turned into the International protest<sup>21</sup>.

## Conclusion

Women have always played a major role in the environmental protection. With adequate environmental education and awareness, women can conserve natural resources more efficiently than men. Conventionally women were kept away from the powers of decision-making. Being close to nature, women are always able to realize environmental issues better. Since women are the potential users of the facilities, it is necessary to consider their views in planning to save the environment and implementing projects for the same. Empowering women is the key to an empowered world.

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Impact Factor-6.561 (SJIF)

ISSN-2278-9308

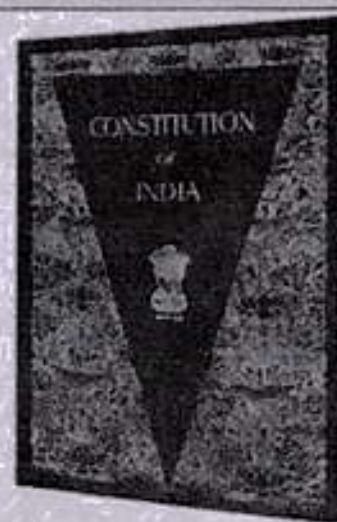
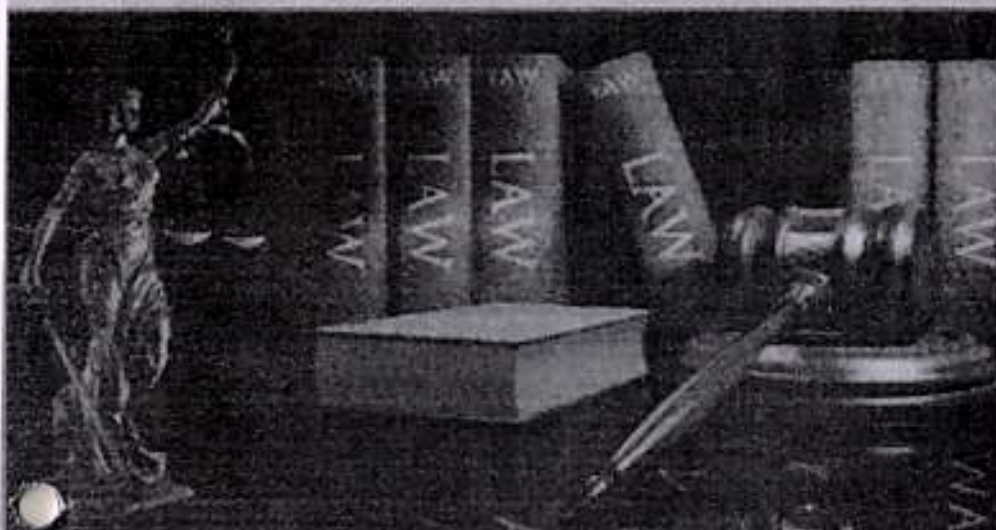
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**Issues and concerns relating to RTI (Amendment) Act 2019****Dinesh .B.Kolte**

Assistant Professor M.P.Law College Aurangabad

**Abstract**

There is no express constitutional provision for right to information in India, but it is derived from fundamental right under Article 19 (1)(a) and Article 21 of the Indian constitution which states freedom of expression and speech and Right to life and personal liberty respectively. Right to Information Act, was passed, in June 2005 and since then it has been considered as the hallmark of democracy as it ensured government's transparency with reasonable restrictions. The Act aimed at making the government transparent and more accountable, thereby paving way to curb corruption in the long run.. The Act provided a practical regime for ensuring peoples' right to information, as a fundamental right as held by Supreme Court in several cases. People have successfully used the law to access information about their basic rights and to expose corruption and abuse of power since the passage of legislation. In 2019 RTI amendment bill was passed by the Parliament.

In the present research the researcher aims to analyse the possible affect of the said amendment on the independence of the Information Commission; and discuss the other issues concerning the amendment and finally put forth remedial measures to overcome the concerned issues. The research will be doctrinal in nature, the sources of data collection will be constitution, statute and judicial pronouncements as primary sources and secondary sources will be books, news reports and journal articles.

The first part of the paper introduces the history of legislation, its aims and objectives, Authorities and their functions; in the next part several judicial pronouncements related to importance of Right to information are discussed. The third part is based upon news reports relating to implementation of RTI since 2005. Fourth part highlights the issues related to recent amendments and finally remedial measures are suggested.

*"RTI legislation has been utilized to reorient public policy and it has facilitated the healthy working of democracy. It is a tool to make the governance system transparent & accountable and definitely not a weapon against the government,"*

Rama Nath Jha<sup>53</sup>**1.0 Introduction**

Gerard LaForest<sup>54</sup>, held that, "The overarching purpose of access to information legislation ... is to facilitate democracy. It does so in two related ways. It helps to ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry".<sup>55</sup> The Success of the RTI can be judged by the fact that almost 5000 daily applications were filed,

<sup>53</sup> Executive Director, Transparency International India<sup>54</sup> Former Justice of Supreme Court of Canada<sup>55</sup> *Dagg v. Canada* (Minister of Finance), [1997] 2 SCR 403.





**Peer Reviewed Refereed  
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Journal No. 47026**



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AN INTERNATIONAL  
MULTIDISCIPLINARY  
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**IDEAL**



**Volume - VIII, Issue - I  
September - February - 2019-20  
English Part - I / II**

**Impact Factor /  
Indexing  
2019 - 6.601  
[www.sjifactor.com](http://www.sjifactor.com)**



**Ajanta Prakashan**



ISSN 2319 - 359X  
AN INTERNATIONAL MULTIDISCIPLINARY  
HALF YEARLY RESEARCH JOURNAL

# IDEAL

Volume - VIII

Issue - I

September - February - 2019-20

English Part - I / II

Peer Reviewed Refereed and  
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ज्ञान-विज्ञान विमुक्तये

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## 20. New Unified Logistic Policy of India - Issues and Concerns

**Prof. Dinesh B. Kolte**

Assistant Professor, M. P. Law College, Aurangabad.

### Abstract

On September 17, 2022 Prime Minister of India launched National Logistic policy with the aim of boosting India's economy and to compete at global level. India already has mixed economy and in the wake of Liberalization Globalization and Privatization mixed economy based upon Public Private Partnership (PPP) is need of the hour especially in the country like India with great human and Natural resources.

In this paper the researcher has discussed the concept of logistics, types of logistic services, factors affecting its growth and has critically assessed the National logistic policy in wake of several issues and concerns and has given some suggestions to overcome those. The present is non-empirical and analytical in nature and is based upon scholarly research articles, news paper reports and survey reports.

**Key words:** Logistics Policy Issues Concerns

### Introduction

India is among the top rising economies in the world. India has a robust logistics industry that supports its GDP growth and government's Make in India programme. The Agility Emerging Market Logistics 2022 placed India in the second position<sup>1</sup> whereas World Bank ranked the nation 44th in its Logistics Performance Index (LPI)<sup>2</sup>. This indicates the rapidly evolving and developing warehousing and logistics sector in India. The government, through the Indian Railways, is captivating an ambitious Dedicated Freight Corridor (DFC) development mission that will transform India's freight transportation<sup>3</sup>. Union Transport Minister<sup>4</sup> is planning to launch 35 multi-modal logistics parks in the country<sup>5</sup>.

### Logistics

Logistics is the process of planning and executing the efficient transportation and storage of goods from the source to the consumers. The objective of logistics is to convene customer supplies in a timely, cost-effective manner.<sup>6</sup> It was initially a military-based term used in orientation to the manner in which military personnel obtained, stored, and moved equipment



ISSN : 2348 - 604X (Print)  
ISSN : 2348 - 6058 (Online)



# ISJ

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(Peer-Reviewed)

Online and Print Version

| Volume 7 | Special Issue | 2020

Proceedings of the International Conference on Science and  
Science Fiction Organised by Shri Mukatanand College, Gangapur,  
Aurangabad, Maharashtra - India, 10<sup>th</sup> & 11<sup>th</sup> January, 2020

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ISSN - 2348-6058 (Online)

**PROCEEDINGS OF THE INTERNATIONAL  
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## 5. FEMINIST SCIENCE FICTION: PORTRAYAL OF A NEW WOMAN

**Ketaki M. Chaudhari**

**Research Scholar**

**Dr. B.A.M. University, Aurangabad.**

[ketakichaudhari29@gmail.com](mailto:ketakichaudhari29@gmail.com)

### **ABSTRACT:**

The present paper attempts to explore term feminist science fiction. Feminist science fiction is sub genre of science fiction. It focuses on approaches, theories and themes related to feminine issues such as gender bias, economic status, sexuality, hegemony and reproduction. In feminist science fiction these issues are stressed through various themes in science fiction. Feminist science fiction writers want to enhance utopian world which is free from gender and cultural issues. Feminist science fiction writers enthusiastically handled bold themes like reproduction and sexism. Feminist science fiction writers are broadening their canvas to explore their contribution which is valued and recognized in outer world.

**KEYWORDS:** Oppression, Machine Realities, Alien Stories, Reproduction.

### **Introduction:**

Feminist science fiction can be divided as female SF writers and male SF writers. Both contributed significantly to the science fiction. Feminist science fiction created by men or women are generally deals with political themes. It is observed that male writers of science fiction often create traditional approach to gender, class and society. On the other hand female writers of science fiction seem to accommodate themselves adjusting in social arrangements. They believed





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UGC Approved Journal

Volume VII, Issue II  
July - September 2024

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M.P. LAW COLLEGE  
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## LEGAL FRAMEWORK AND REHABILITATIVE MECHANISM FOR PROTECTION OF CHILD VICTIMS OF SEXUAL VIOLENCE: MYTH AND REALITY

Dr. Aparna N. Kottapalle

### Abstract

This paper attempts to broaden the concept of child in need of care and protection & Juvenile justice beyond the purview of J.J. Act which mainly focus on Juvenile in conflict with law and child in need of care and protection which has been defined by the JJ Act. Here in this paper through the doctrinaire work researcher focuses on increasing menace of child sexual violence, international community voice on it, the Indian legislative mechanism to curb the menace & state initiatives and rehabilitative mechanism such as Manodhairya scheme for the grant of compensation to the victims of Rape, Acid attack and cases under POCSO Act, 2012. The researcher also has studied the response of justice delivery system towards it. Through this research paper the researcher suggests changes in law and working mechanism if the same is implemented it will certainly help reducing the gravity of the problems of victimisation of child due to Sexual violence thus reaching to the ends of juvenile justice.

**Key words:** juvenile justice, child sexual abuse, POCSO, rehabilitation, Manodhairya scheme

### Introduction

The post constitutional era of independent India witnessed steps for the rights of children and steps for juvenile justice. Constitution of India not only provides fundamental rights to all including children and mandate on state through directive principles of state policy to work towards protection of interest of children, through the doctrine of protective discrimination paves the way for special legislations protecting the interest of children. These special legislations include Child rights Act 2005, JJ Act<sup>1</sup>1986, amendments 2003, 2006 and now new legislation of 2015, also POCSO Act, 2013<sup>2</sup> which is enacted to provide mechanism to protect children from sexual abuse and to penalise the abuser.

<sup>1</sup> Assistant Professor, M.P. Law College, Aurangabad.  
<sup>2</sup> Juvenile Justice (Care and Protection of Children) Act.  
<sup>3</sup> Protection of Children from Sexual Offences Act, 2012.

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(Journal No. 40776)

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AN INTERNATIONAL MULTIDISCIPLINARY  
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Volume-IX, Issue-II  
April - June - 2019

IMPACT FACTOR / INDEXING  
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# AJANTA

Volume - IX

Issue - II

APRIL - JUNE - 2019

Peer Reviewed Refereed  
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## 9. White Collar Crimes: Crimes by the Educated and Social Approach towards Them

Dinesh B. Kolte

Assistant Professor, M.P. Law College Aurangabad.

### Abstract

The term crime refers to any activity which is prohibited by law. White collar crime is one of the classifications of crime affecting society at large. Usually the educated high class people commit these types of crimes during the course of their profession. The criminals in this sphere are expert in their specific field. These crimes are committed during the course of occupation. Various professions like medical, education, business and even legal has witnessed the existence of white collar crimes. The reasons and nature as well as scope vary from profession to profession. However one objective is almost common in all profession that is lust for money. These crimes have a wider impact on society and helps rich class at the cost of poor. In this paper White collar crimes concept is analysed in the light of definition and meanings given by noted thinkers. Reasons for increase in number of white collar crimes are presented. Specific white collar crimes associated with legal Profession such as tampering with evidence in Ericson case and Uphar cinema hall tragedy case, corruption in Indian judiciary, engaging professional witness etc. are discussed. Laws concerning with white collar crimes are analysed. Social approach towards white collar crimes is discussed.

"The perfect criminal, should he or she exist, would be the one who is never apprehended - indeed, the one whose crimes may be huge but unnoticed, or indeed miscategorised not as crimes at all because they are so powerful they sway the law in their favor, or so clever they discover an immoral opportunity for criminal enterprise before the legislators notice it. Such forms of criminality may be indistinguishable, at a distance, from lawful business; the criminal paragon of upper-class virtue, a face-man for Forbes."

Charles Stross

### Introduction

Edwin Sutherland<sup>1</sup>, "a crime committed by a person of respectability and high social status in the course of his occupation."<sup>2</sup> White collar crimes are defined as a nonviolent crime committed for financial gain.<sup>3</sup> The term white collar crime covers a wide range of crimes, but they all involve crimes committed through trickery for the purpose of gaining money or other



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Peer Reviewed Referred and  
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ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
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# AJANTA



Volume-VIII, Issue-I  
January - March - 2019  
English Part - I

IMPACT FACTOR /  
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## 6. Social Media - A Tool for Harassing Women

Mr Dinesh B. Kolte

Assistant Professor, M.P. Law College, Aurangabad.

### Abstract

The growing reach of the Internet and the quick spread of information through mobile devices have presented new opportunities that are placing some women at risk, so it is important to be aware of the dangers. Technology is a very powerful medium that can help to fight the stereotypes and the online platforms can be used for positive demonstration and creating positive social norms as well as for encouraging voice contribution and women's leadership across different sectors. Anonymity especially plays a big part in this: While assuming an anonymous identity online can give people the courage to speak up about matters that may be hard to talk about in real life, it has also created a whole new way of harassing and victimizing female internet users. Cyber bullying is a way for online harassment of females. Female YouTube users routinely face sexist abuse in the comments sections of their videos. Female Twitter users, bloggers, and journalists unfortunately experience misogyny for no fault of when they publicly state their opinions, they often have to face demeaning comments that attack them based on their gender rather than their views. Revenge porn is also used to harass females on social media platforms. The eggplant emoticon is notoriously being used on social media to denote sexual interest, Men's online abuse results in women hesitating to write, stopping writing altogether and fearing for their physical security. There is need for Internet-specific changes in terms of how social media companies handle these cases of abuse as well as in terms of legal provisions to tackle such cases. This article reviews the work on Internet security, specifically describing the security and challenges which women are facing from social Medias and application while using internet and various legal provisions that can rescue the victims of online abuse. It further tries to analyse how this online abuse is violating individual's right to freedom of speech and expression guaranteed under Indian constitution.

**Key words:** Social media online abuse Freedom of speech and expression

"The Internet was created for everyone — as a place for all, no matter their race, gender identity or sexual orientation". - Tim Berners-Lee





Peer Reviewed Referred  
and UGC Listed Journal  
(Journal No. 40776)

ISSN 2277-5730

AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

# AJANTA

Volume-IX, Issue-II  
April - June - 2019

IMPACT FACTOR / INDEXING

2018 - 5.5

[www.sjifactor.com](http://www.sjifactor.com)

Ajanta Prakashan



ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

# AJANTA

Volume - IX

Issue - II

APRIL - JUNE - 2019

Peer Reviewed Refereed  
and UGC Listed Journal

Journal No. 40776



ज्ञान-विज्ञान विमुक्तये

IMPACT FACTOR / INDEXING  
2018 - 5.5

[www.sjifactor.com](http://www.sjifactor.com)

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M.Drama (Acting), M.Drama (Prod. & Dir.), M.Ed.

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Aurangabad. (M.S.)



## 6. Cyber Security Threats to E-commerce in India

Dinesh B. Kolte

### Abstract

Cyber-security is essential to protect computers, servers, mobile devices, electronic systems, networks, and data from malicious attacks. It's also referred as information technology security or electronic information security. This paper gives an insight of the electronic attacks or the "digital challenges" which prospective customers of E-Commerce are likely to encounter while pursuing e-commerce. The paper gives a brief account of various cyber security threats like client/server security threats as well as cyber identity thefts to E-Commerce transactions. Through this paper an attempt is made to enlighten the users about various cyber security threats which they are exposed to while carrying out e-commerce transactions. This brief analysis may prove to be helpful in formulating an effective security plan for various business entities to combat cyber security threats while practicing e-commerce.

"Nowadays, e-commerce websites are at the top most level in the target list of hackers. Therefore, it becomes more essential to safeguard our business from these criminal minds. From data breach, website blocking, attack on web applications and stealing potential business and customer information to defacing your website, cyber attacks can severely attack retail business."

Pradeep Katyal

**Keywords:** cyber security, attacks, threats, e-commerce transactions, safeguards

### Introduction

E-Commerce is a system for the buying and selling of goods and services using the Internet as the main means of exchange. Ecommerce security is a set of protocols that safely guide ecommerce transactions. Stringent security requirements must be in place to protect companies from threats like credit card fraud, or they risk jeopardizing revenue and customer trust, due to the inability to guarantee safe credit card processing. E-commerce (commercial transactions via internet) has engulfed the wide range of businesses worldwide. Netizens (internet users) are giving preference to e-commerce due to various reasons such as affordability, availability of wide range of products and services and convenience involved in the transaction. On the other hand they are being exposed to various threats like delivery of wrong products or services, data privacy and identity theft<sup>ii</sup>. In e-commerce transactions security threat also result in



assets and often go unpunished. The most common types of white collar crime associated with legal profession includes: bribery, corruption, engaging professional witness, tampering, fabricating with evidence, tax evasion and violation of ethics.

India's legal profession is second largest in the world it has more than 600,000 lawyers<sup>4</sup>. It is a distinguished profession considered to be very noble. Legal professionals consist of lawyers as well as Judges or judicial officers and they owe a duty towards society for administering justice. People have high faith in judicial system of the nation. Legal professionals are bound by certain code of ethics, while dispensing their duties towards society at large. However even the legal professionals commit some white collar crimes during the course of their occupation tarnishing the image of the profession.

#### **Characteristics of White Collar Crimes in Legal Profession**

There are several major characteristics of white collar crimes which distinguish it from other form of crimes such as:

- Non use of force and violence<sup>5</sup>
- Abuse of position of trust and power<sup>6</sup>
- Difficult to detect<sup>7</sup>
- Not immediately apparent to victims<sup>8</sup>

#### **Reasons of Increasing White Collar Crimes in Legal Profession**

White collar crimes are increasing rapidly in legal sphere. The motive of such type of crimes may vary from individual to individual. Such as: financial greed, bias or personal gains. In exceptional circumstances even blackmailing or threat to life can be among several other reasons. Ignorance of masses due to illiteracy further escalates the growth of such crimes. Fear of failure in a professional competition too cannot be over ruled.<sup>9</sup>

#### **Classification of White Collar Crimes in Legal Profession**

There is wide range of white collar crimes in legal profession. Perjury, obstruction of justice, false statements, professional witness, tampering with documents or evidence can be categorized or considered white-collar crimes. The intention of personal involved in such activities may not be monetary gain or favourable services but still it will be considered as illegal due to illegal interference in administration of justice.<sup>10</sup>

##### **Perjury (False evidence under oath)**

Section 191 of the IPC speaks about false evidence.

Section 193 of the IPC prescribes punishment for false evidence which may extend to seven years, and fine, and for intentionally giving or fabricating false evidence in any other case,



imprisonment of either description for a term which may extend to three years, and fine." Jessica Lal murder case hostile witness Prem Sagar Manocha (the ballistic expert) who was charged for perjury by the Delhi high court in May 2013 was cleared of the charge by the Supreme Court<sup>11</sup>.

Swaran Singh v. State of Punjab<sup>12</sup> the Supreme Court held "Perjury has also become a way of life in the law courts. A trial judge knows that the witness is telling a lie and is going back on his previous statement, yet he does not wish to punish him or even file a complaint against him. He is required to sign the complaint himself, which deters him from filing the complaint".

Mahila Vinod Kumari v. State of Madhya Pradesh<sup>13</sup> "The evil of perjury has assumed alarming propositions in cases depending on oral evidence and in order to deal with the menace effectively, it is desirable for the courts to use the provision more effectively and frequently than it is presently done." At one instance Supreme Court says perjury has become a way of life; In another it says perjury has assumed alarming propositions<sup>14</sup>.

#### Obstruction of Justice

The lawyers are the means to attain justice through court of law. Many a times these lawyers are obstructed when they try to represent their clients in lawful manner thereby leading to obstruction of justice. Some lawyers obstructed the judicial process by preventing the filing of the charge sheet of an eight-year-old girl in Kathua, Jammu and Kashmir.<sup>15</sup> The Supreme Court initiated a case on its own record stating that such obstacle "affects the dispensation of justice and would amount to obstruction of access to justice"<sup>16</sup>

Baradakanta v. The Registrar, Orissa High Court<sup>17</sup> It was held that, a judge can foul judicial administration by misdemeanors while engaged in the exercise of the functions of a Judge.

#### Lawyers Strike

Lawyers of various High Courts and subordinate courts often go on strike causing obstruction in administering of judges and further aggravating the problem of pendency of cases<sup>18</sup>. The figures of strike in 2011-2016 in the subordinate courts were Muzaffarnagar (791 days), Faizabad (689 days), Sultanpur (594 days), Varanasi (547 days), Chandauli (529 days), Ambedkar Nagar (511 days), Saharanpur (506 days) and Jaunpur (510 days). The average number of days of strike in the eight worst-affected districts comes to 115 days a year. In Uttarakhand's Dehradun district court, 455 days were lost due to advocates' strike between 2012 and 2016. In Haridwar district, it was 515 days for the same period. In the same period, in Tamil



Nadu's Kancheepuram, lawyers struck work for 687 days. In the case of Rajasthan, the Jodhpur HC saw 142 days of strike during 2012- 2016, while the figure stood at 30 for the Jaipur bench. In Ajmer district courts, strikes remained for 118 days in 2014 alone, while in Jhalawar, 146 days were lost in 2012 on account of strike<sup>19</sup>.

**"Falsifying documents" (Tampering with documents)** Section 65 of IT Act 2000 makes Tampering as an offense; it involves altering, changing, or modifying a document for the purpose of deceiving another person. It can also involve the passing along of copies of documents that are known to be false<sup>20</sup>.

Two Supreme Court officials were dismissed by Chief Justice of India Ranjan Gogoi for allegedly tampering with an uploaded judicial order that wrongly created an impression that industrialist Anil Ambani had been exempted from personal appearance in a contempt case.<sup>21</sup>

In Uphar trial case too there are allegations about alleged tampering of documents during trial, some documents went missing from the court's room and a letter in judicial file was found torn. An FIR was then registered against a Court employee and a few other people were later arrayed as accused<sup>22</sup>.

**Fabrication of evidence:** Section 463 of the Indian Penal Code (IPC) is related to fabrication of evidence in the form of false documents.

According to Section 464 of IPC it is crucial that a false document is made and the accused person is the maker of the same, otherwise the accused person is not liable for the offence of forgery.

Sheila Sebastian V. Jawaharaj<sup>23</sup> the Supreme Court ruled that a charge of forgery cannot be imposed on a person who is not the maker of the same.<sup>24</sup>

An FIR has been filed in Soli Police Station, Ahmadabad against Two High Court lawyers for allegedly producing forged documents before the court in connection with a petition challenging minority status of a city-based school.<sup>25</sup>

**Judicial Corruption:** Judicial corruption and appointments have been the bone of contention not only between the judiciary and the government, but also within the judicial community.<sup>26</sup> Allegations are there against Judicial officers for being involved in 'Medical colleges Scam', A first information report registered by the Central Bureau of Investigation on Sept. 19, 2017 claimed that attempts had been made to manipulate Supreme Court proceedings to obtain permissions in favour of a medical college run by the Lucknow-based Prasad Education Trust, and named former Odisha High Court judge IM Qudusji as an accused.<sup>27</sup>



**False Witness:** The use of fake witnesses in India in order to give credibility to the case by the concerned investigating agencies is not unique. In *Prem Chand v. Union of India* (1985) the supreme court of India made observations about this practice in which even police officers were involved. Prem Chand was a witness for 3000 cases<sup>28</sup>.

**Lawyers Cheating Litigants:** A lawyer sometimes creates hurdles by not filing case of litigants within stipulated time period or by refusing to hand over your documents once the case is closed; many times demand extra fees or even ask for some perks or percentage. Usually the clients are unaware about legal proceeding and hence suffer silently.

Section 35 of the Advocates Act 1961 provides punishments for advocates for misconduct.

In 2006, Delhi-based DK Gandhi engaged a lawyer to represent him in a case. The matter was resolved in the very first hearing and the settlement money paid to the lawyer. However, the advocate refused to hand over the sum to Gandhi till he paid him an additional Rs 5,000, over and above the fee he had already received. Gandhi dragged the lawyer to the Delhi State Consumer Disputes Redressal Commission.<sup>29</sup>

A lawyer, Rajpal Chaudhary (Gurugram), was sentenced to three years imprisonment for duping a differently-abled client in 2008<sup>30</sup>.

**Cost To Society:** White-collar crimes are more treacherous to the society than regular crimes as they wreak the public morale. With the advent of technological advancements white collar computer crime are increasing with leaps and bounds and occasionally punished. The white collar crimes committed by legal professionals are tarnishing the image of legal system within a society. Some feel justice is commodity of rich and powerful. The judges are accused of bias, corruption and nepotism.<sup>31</sup>

Advocates play a vital role in the administration of justice and are governed by their professional conduct; they owe duty towards the court, the client, their opponents and other advocates<sup>32</sup>.

Professional ethics encompasses an ethical code governing the conduct of persons engaged in the practice of law as well as persons engaged in the legal sector. All members of the legal profession have a paramount duty to the court and towards the administration of justice<sup>33</sup>.

Though it is regarded as one of the noblest profession;<sup>34</sup> but in India the lawyer's profession is not considered to be much respectable due to unethical practices adopted by lawyers due the course of litigation and incidents of cheating with clients<sup>35</sup>.

#### Conclusion and Suggestions

Though the above mentioned white collar crimes are already punishable offenses under various legal provisions, hardly any action is taken except in few cases. If a commoner commits



a offense he is punished but if it is committed by professional during the course off profession it is usually ignored except in exceptional cases. Judicial corruption an open secret is still rampant due to lack of will for taking action against accused thereby leaving the victim to suffer without alternate remedy. Judiciary is the last hope of people seeking justice but unfortunately this institution is not untouched with white collar crimes. The lawyers who are there to lead the baton towards achieving justice are cheating their litigants charged with fabricating of evidence and other white collar crimes. The institution which is shouldering the biggest responsibility of dispensing justice must guide the nation honestly and with distinction. The institution needs to make self assessment of their duties towards society and analyse whether by indulging in such white collar crime activities are they justifying their obligations towards society at large. Apart from the above awareness and literacy among litigants can help in reporting such crimes and their timely action and reporting can prevent miscarriage of justice.

"Please keep corrupt practices away from judiciary. At least this institution should be spared,"

Justices T. S Thakur and Rohinton F Nariman

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12/5-2019/17  
Peer Reviewed Referred  
and UGC Listed Journal  
(Journal No. 40776)

ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

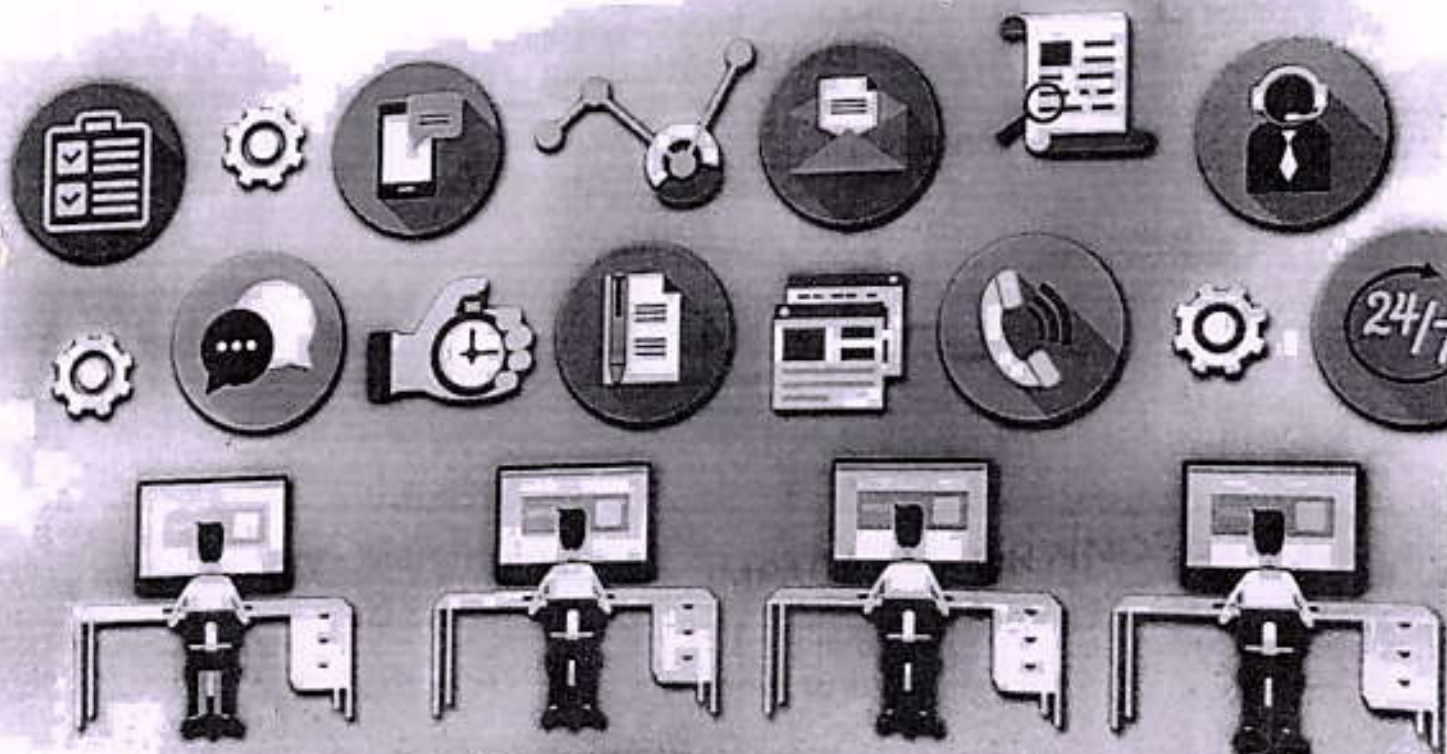
# AJANTA

Volume-VIII, Issue-I  
January - March - 2019  
Part - II

IMPACT FACTOR / INDEXING

2018 - 5.5

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**Ajanta Prakashan**



# 1. Human Rights as a Tool for Social Transformation

Dinesh B. Kolte

Assistant Professor, M.P. Law College, Aurangabad.

## Abstract

Human rights are basic inalienable rights which gained universal recognition through UDHR in 1948. Human rights are inherent in every individual irrespective of their nationality. Human rights are moral principles that set out certain standards of human behaviour as to what it ought to be and are regularly protected as legal rights in national and international law. Everybody is equally entitled to human rights without any discrimination. These rights are all correlated and indivisible. Human Rights is a much used and abused term today. They have been used to defend freedom as well as to destroy it. People tend to attach importance to particular human rights according to their respective ideology and political convenience. Human rights remain a vital tool for bringing social transformation. The constitution of India has embraced human rights in the form of fundamental rights and directive principles of state policy. Moreover Indian judiciary has played a vital role in interpreting the constitution to give widest amplitude to human rights by recognising and protecting them. This paper presents an analytical view about the social transformation in India through recognition of human rights by various institutions and vice versa. Further it tries to seek justification of human rights in their moral dimensions.

*"To deny people their human rights is to challenge their very humanity."*

Nelson Mandela, South African civil rights activist

## Introduction

The human rights are recognized in almost every Constitution of the world as the basic necessities of all human beings are same. The concept of human rights has assumed very great global importance, be that an advanced country, developed nation or underdeveloped country.

India is also a signatory to the Universal Declaration of Human Rights. The Indian constitution was adopted by the Constituent Assembly in 1949, and was enforced from 1950. Our Indian constitution was greatly influenced by the Universal Declaration of Human Rights,





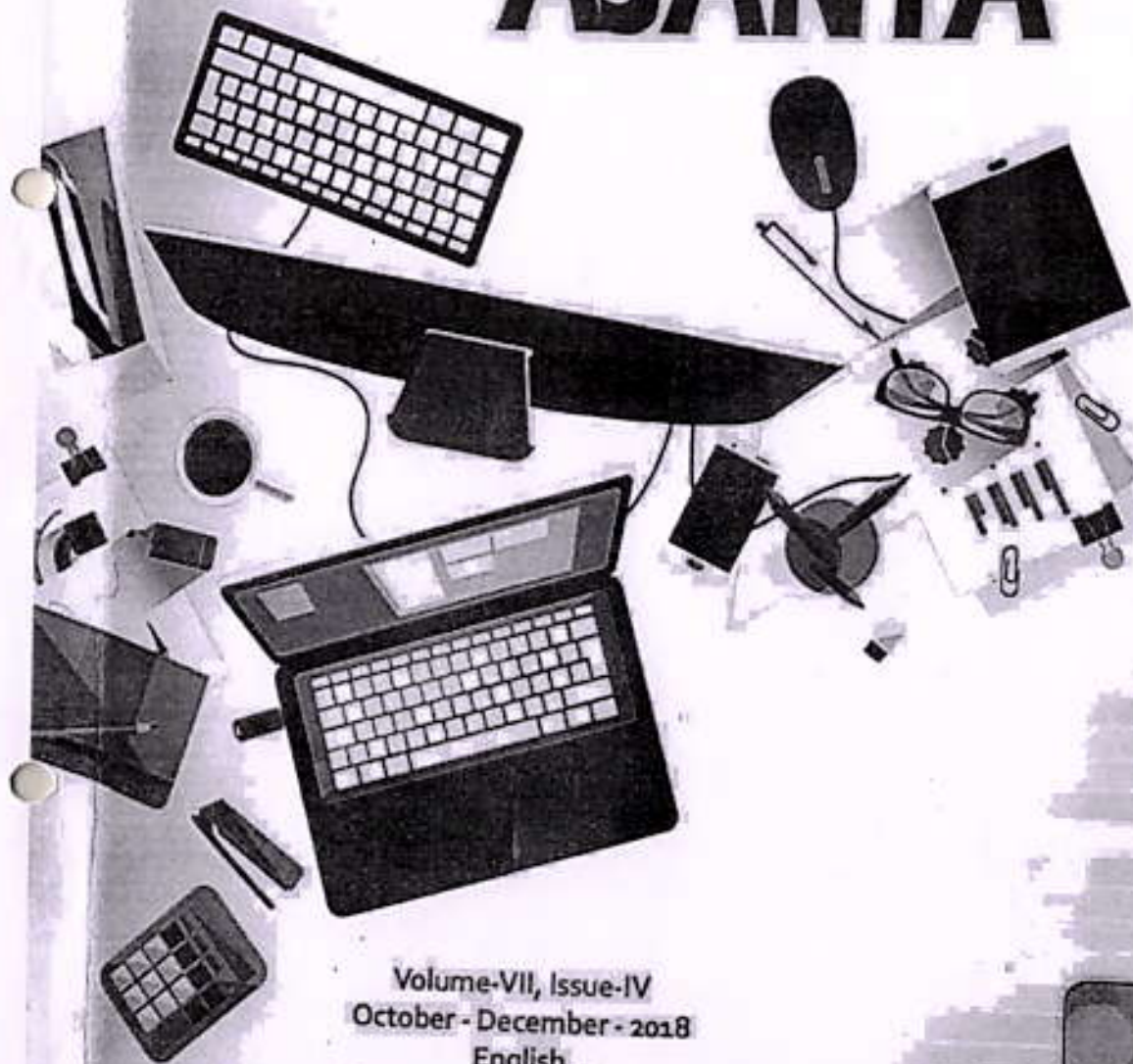
Peer Reviewed Referred and UGC Listed Journal  
(Journal No. 40776)

ISSN 2277-5730

AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL



# AJANTA



Volume-VII, Issue-IV  
October - December - 2018  
English

IMPACT FACTOR / INDEXING  
2018 - 5.5  
[www.sjifactor.com](http://www.sjifactor.com)

**Ajanta Prakashan**



ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

# AJANTA

Volume - VIII

Issue - I

English

January - March - 2019

Peer Reviewed Referred  
and UGC Listed Journal

Journal No. 40776



ज्ञान-विज्ञान विमुक्तये

IMPACT FACTOR / INDEXING

2018 - 5.5

[www.sjifactor.com](http://www.sjifactor.com)

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M.Drama (Acting), M.Drama (Prod. & Dir.), M.Ed.

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## 17. Politicisation of Religion and Caste-Threat to Secularism

Dinesh B. Kolte

Assistant Professor, M.P.Law College, Aurangabad.

*"Politicisation of religion, caste and fragmentation of our society were posing a threat to national integration."*

P C Alexander

### Introduction

Caste system owes its origin to Varna system; according to which different classes were created on the basis of occupations and skills. Brahmins were considered as most knowledgeable class and were most respectable class, next came Kshatriyas the warrior class based upon their physical strength followed by Vaishyas the guildsmen or business class and on the lowest pedestal Shudras were placed. Unfortunately this class system took the ugly turn of caste system which has become necessary evil in present day times. This system has serious repercussion on India society as it is used as a tool by power hungry politicians either to remain in power or to come to power. Religion is a matter of faith and India has witnessed co existence of various religions prior to independence. With the advent of Mughals in India the Islamic religion was introduced in Indian society later on Christianity was introduced with the advent of Britishers even today several religions are leaving in India harmoniously.

The dirty game of politics has turned democracy into hypocrisy where by the politicians try to politicize caste and religion and pose threat to secularism.

### Impact of politicisation of religion in India

The political pattern of India is largely influenced by Religion. Politicians use religion as their loopholes to come to power, many a times they succeed. History of role of religion in Indian politics can be traced back to pre independence era. Britishers used the religion as a divisive measure to divide the society on religious lines. Separate Muslim electorate was demanded to which Britishers acceded through legislation, known as the Act of 1909. After Independence the scenario changed as congress emerged to be a secular party. Caste was preferred over religion since Independence in 1947. While Muslims were usually united when it



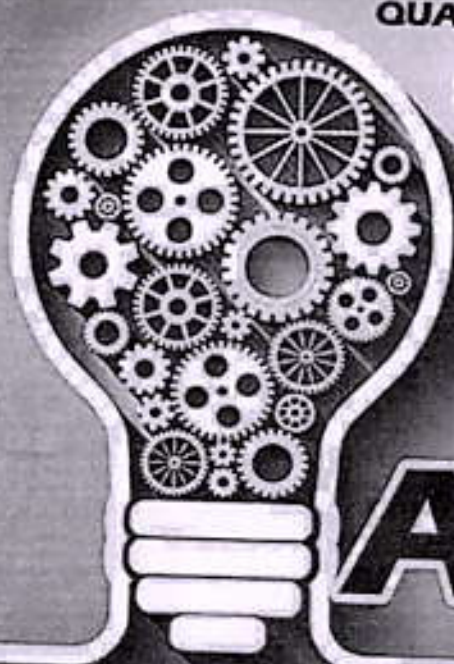


Peer Reviewed Referred  
and UGC Listed Journal  
(Journal No. 40776)



ISSN 2277 - 5730

AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL



# AJANTA

Volume-VIII, Issue-I  
January - March - 2019  
English Part - III





ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

# AJANTA

Volume - VIII

Issue - I

English Part - III

January - March - 2019

Peer Reviewed Refereed  
and UGC Listed Journal

Journal No. 40776



ज्ञान-विज्ञान विमुक्तये

IMPACT FACTOR / INDEXING

2018 - 5.5

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## 24. Human Resource Management in Education – Issues and Challenges

Dinesh B. Kolte  
Assistant Professor, M.P. Law College, Aurangabad.

### Abstract

In this technological world where machines are smarter than human where the computers can perform big tasks in very easy and time efficient way, Human resources plays an important role in working of an organization. For an organization the important resource that is to be controlled is human resource, financial resource and material resource. From these three things human resources control and execute the other two resources. We need man power to control the machines to carry out the work which machines can't perform. Humans are a bit neglected due to the uprising of the technological advancements. In olden days in an educational organisation the people used to see how effective of how qualified the principal or the teacher of a child was, but now the concept of the parents have changed they see how much new technology is being used in school for their child. The administrator of the organizations used to plan and execute the programs and achieve educational goals and objectives. Technology has slowly overtaken the human performable activities. This study shows the how the human resource is being neglected due to the up gradation in technology and how the technology should be kept to extend where both the resources can work hand in hand.

"Technology alone isn't going to improve student's achievements. The best combination is teacher working with technology to engage students in the pursuit of the learning they need"  
Arne Duncan<sup>†</sup>

**Aim:** The aim of this article is to access the role of Human resource management in education and how ICT is adversely affecting human resource in educational system.

### Objectives

- To find out the impact of ICT on Human resource management in educational system
- To highlight the issues and challenges faced by HRM in the era of Technology

### Researchable Questions

Q1. What is the role of Human Resource Management in education system?



**Impact Factor 6.261**

**ISSN- 2348-7143**

INTERNATIONAL RESEARCH FELLOW ASSOCIATION'S

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UGC Approved Multidisciplinary International E-research Journal

**PEER REFEREED & INDEXED JOURNAL**

**17<sup>th</sup> & 18<sup>th</sup> Feb. 2019      Special Issue 152**

## **Vulnerable and Disadvantaged Groups Vis-a-Vis Criminal Justice- A Human Rights Perspective**

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<b>RESEARCH JOURNEY</b> International Multidisciplinary E-Research Journal			ISSN- 2348-7143
Impact Factor - (SJIF) - 6.261, (CJF) - 3.452, (GIF) - 0.676	Special Issue - 152	February 2019	UGC Approved No. 40705
Vulnerable and Disadvantaged Groups Vis-a-Via Criminal Justice- A Human Rights Perspective			

Impact Factor - 6.261 ISSN - 2348-7143  
INTERNATIONAL RESEARCH FELLOWS ASSOCIATION'S

# RESEARCH JOURNEY

Multidisciplinary International E-Research Journal  
PEER REFREED & INDEXED JOURNAL

17<sup>th</sup> & 18<sup>th</sup> February 2019 Special Issue- 152

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**Chief Editor -**  
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MGV'S Arts & Commerce College,  
Yeola, Dist - Nashik [M.S.] INDIA

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## Human Rights Perspective of Right to Education

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### Abstract

Human rights are the basic inalienable rights; without which human existence is very difficult. There are several human rights among them education is also one. Education helps in overall development of human beings. It helps the socially and marginalized communities to alleviate themselves. India became one of 135 countries to make education a fundamental right of every child when the act came into force on 1 April 2010. The Right to education act is one of the landmark legislation in the Indian history to provide basic education to poor children and in turn secure a better future to Country. Privatization of education is making it a commodity out of reach for poor. Hence government is under obligation to pay special attention to the issue and discharge its responsibility by becoming guarantor of education as a fundamental human right. In this paper the researcher has attempted to analyse whether government is acting as a crusader for cause of education and ensuring that poor must not be deprived of their human right that is right to education which is now recognised fundamental right under 21A of Indian constitution.

*"Education... is the key to unlocking other human rights."*  
Katarina Tomasevski, Croatia, UN Special Rapporteur

### INTRODUCTION

Human rights are inalienable in nature, they edifice the value of human beings and their relationship with government and society. Human rights are inseparable and no one can delineate it. They are universal in nature and associated with all humans irrespective of their cast, creed, religion, gender, place of birth etc. The United Nations recognised some rights as human rights and declared the same on 10<sup>th</sup> December 1948. Among several other rights it recognised education as also one of the fundamental rights. The right to education is recognised as a human right by the United Nations and its objective is to ensure free and compulsory education for all children at primary level, and make secondary education accessible to all children. Education is a medium through which individuals can gain insight about their rights. A basic education is important to ensure that all individuals are aware of their rights. It is a means through which other human rights can be exercised. It helps in ensuring individual freedom and empowerment. In India Education is subject matter of the Concurrent List; centre and state both have power to legislate on the subject. Initially right to education was a directive principle of state policy but now with 86<sup>th</sup> constitutional amendment it has received the status of Fundamental right under Article 21A.

**International covenants and conventions concerning the right to education**  
UDHR (Universal Declaration of Human Rights)

As per Article 26<sup>1</sup>;

1. Every individual has right to free and compulsory education at elementary level; technical and legal education shall be made available and easily accessible to all on basis of merit.
  2. Education should be directed towards development of human personality and to strengthen respect for human rights and fundamental freedoms.
  3. Parents must be free to choose the kind of education to be imparted to their children.
- The UN Committee on Economic, Social, and Cultural Rights (CESCR) provided detailed guidance to States regarding their obligations to respect, protect and fulfill the right to education<sup>2</sup>.

**The Convention on the Rights of the Child (CRC), 1989<sup>3</sup>**

As per Article 28: All children must be provided the right to education. The states shall venture to provide free education at primary level, secondary education of all forms must be encouraged, higher education must be made accessible, attempts must be made to encourage school retention and prevent drop outs.

Article 29: Child education should aim towards overall development and in accordance with the child's cultural identity and human rights treaties, educational institutes must be established in accordance with these standards.

**The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966<sup>4</sup>**



Impact Factor 6.261

ISSN- 2348-7143

INTERNATIONAL RESEARCH FELLOW ASSOCIATION'S

# RESEARCH JOURNEY

UGC Approved Multidiciplinary international E-research journal

PEER REFREED & INDEXED JOURNAL

18<sup>th</sup> Feb. 2019 Special Issue- 130 (III)

## THE ROLE OF GOVERNMENT TO PROTECT THE HUMAN RIGHTS

Chief Editor

Dr. Dhanraj T. Dhangar

Assist. Prof. (Marathi)

MGV'S Arts & Commerce college,  
Yeola, Dist. Nashik (M.s.) India

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**RESEARCH JOURNEY**

International Multidisciplinary E-Research Journal

ISSN- 2348-7143

Impact Factor - (SJIF) - 6.261, (CJF) - 3.452, (GIF) - 0.476 Special Issue - 130 (III)

Feb. 2019

UGC Approved  
No. 40705

Impact Factor - 6.261 ISSN - 2348-7143  
INTERNATIONAL RESEARCH FELLOWS ASSOCIATION'S

## **RESEARCH JOURNEY**

Multidisciplinary International E-research Journal

PEER REFREED &amp; INDEXED JOURNAL

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## Violations of women's human rights through secret cultural myths in India

Dinesh .B. Kolte

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### Abstract

At Beijing conference in 1995, the then-U.S. first lady Hillary Clinton famously declared that "human rights are women's rights. Various national and international instruments have drawn attention to gender-related dimensions of human rights issues. The principles and practices related to women's human rights are continuously evolving. Yet almost everywhere across the globe the issue is seldom taken seriously being gender sensitive. One such issue relating to women's human right is 'female genital mutilation'. The United Nations has already declared the practice of female genital mutilation a human rights violation, yet it is practiced in India among 'Bohra' (Shia sect of Muslims) community. Female genital mutilation (FGM) is threat to health and reproductive rights of females. In the present paper an attempt is made to bring forth the cultural myths in India which are violative of human rights. Further it presents an analysis of the combined efforts of international and non-governmental organizations, governments, as well as religious and civil society groups to end the practice. At the end suggestions will be given to promote change from within the community to eradicate the cultural myth violating right to health, right against traditional harmful practices.

### Introduction

Female genital mutilation is a term used to describe a wide range of traditional practices that involves partial or total removal of external female genital for cultural, religious and social reasons. Female genital mutilation (FGM) is of growing concern to health care. Female genital mutilation is not a geographic phenomenon but a cultural/ethnic one. This cultural practice is a violation of human rights of child and women. Female genital mutilation (FGM)—also known as khatna or khafz is practiced in India in the absence of regulatory mechanism. ambivalent cultural myths has kept the practice alive till today despite several national and international instruments relating to prevent such traditional practices which are harmful from health perspectives. Though several studies have proved that the practice of 'Female genital mutilation' has adverse impact on female health and violates their reproductive rights, still no sincere attempt is made on part of Indian government to ban the same. in 2016 a petition was filed in supreme court of India to ban FGM, in response to which the ministry of women and child development stated in.

December that "there is no official data or study which supports the existence of FGM in India<sup>1</sup>". Just weeks after the Indian government declared that there was no data to support the existence of female genital mutilation in the country, a small study has shown a 75% incidence across the Bohra Muslim community<sup>2</sup>.

### Meaning of the Term 'Female genital mutilation'

Like many other concepts, there is some difficulty in defining the term female genital mutilation (FGM), sometimes also known as female circumcision (FC). Since scholars have been proposing and conceptualizing the term with respect to the area they are in favor of and serious arguments among scholars particularly feminists as if FGM/C or FC is the correct term that has to be used to define the traditional practice of which removal of female external genital organs<sup>3</sup>.

### Types of 'Female genital mutilation'

Female genital mutilation is classified into four types<sup>4</sup>:

**Type I:** it is called as clitoridectomy, in this type the clitoris and/or its prepuce is totally or partially removed<sup>5</sup>.

**Type II:** it is called as excision, in this type, the clitoris and labia minora are partially or totally removed, with or without excision of the labia majora<sup>6</sup>.

- **Type III:** infibulation or pharaonic is of most severe type. The procedure consists of narrowing the vaginal orifice with creation of a covering seal by cutting and appositioning the labia minora and/or labia majora, with or without removal of the clitoris. An infibulation must be opened either through penetrative sexual intercourse or surgery<sup>7</sup>.

- **Type IV:** it consists of all other procedures to the genitalia of women for non-medical purposes, such as pricking, piercing, incising, scraping and cauterization<sup>8</sup>.



Impact Factor – 6.261 | Special Issue - 155 | Mar. 2019 | ISSN – 2348-7143

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**RESEARCH JOURNEY**

UGC Approved Journal  
Multidisciplinary International E-research Journal

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Impact Factor - 6.261 • Special Issue - 155 • Mar. 2019 • ISSN - 2348-7143

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## Terrorism and its impact on Human rights in India

- Dinesh B. Kolte  
Assistant Professor,  
M. P. Law College,  
Aurangabad

### Abstract :

In the past few decades India has been the greatest victim of cross border terrorism. It has posed a challenge to human rights as it adversely affects the basic human right to life which is a fundamental right as well. In order to protect this human right the government needs to take preventive measures through counter terrorism activities which in turn again give rise to human rights issue. In order to protect human rights state needs to take proportionate measures through countering terrorism without compromising the democratic values. In particular, laws designed to protect people from the threat of terrorism, and the enforcement of these laws, must be compatible with people's rights and freedoms. Terrorism and human rights cannot co-exist they are mutually destructive of each other. This paper highlights the human rights concerns arising from anti terrorist laws and its implications in India. It further provides suggestive measures to counter terrorism and at the same time protecting human rights.

*"The rights of every man are diminished when the rights of one man are threatened."*

John F. Kennedy

### Introduction :

The word terrorism originates from a Latin term that means "to frighten". It became part of the phrase *terror cimbricus*, which was used by ancient Romans in 105BC to describe the panic that ensued as they prepared for an attack by a fierce warrior tribe<sup>1</sup>. Today the term terrorism is described differently. Irrespective of various definitions it is used to describe intentional acts of violence that are designed to harm or kill citizens in order to intimidate others<sup>2</sup>. The roots of terrorism can be traced to the French Revolution's Reign of Terror in 1794-95. With the advent of 20th century, terrorist activities gained momentum across the globe due to agitations for change on part of political, religious, and social activists.<sup>3</sup> In the contemporary world Terrorism has spread widely. It poses great threat to basic human right that is 'right to life'. Attempts have been made to counter terrorism at global level through several legal instruments. In pursuit of achieving the goal of combating terrorism human rights are at risk.

### International covenants to combat terrorism :

Since 1963, the international community has elaborated 19 International legal instruments to prevent terrorist acts. Those instruments were developed under the auspices of the United Nations and the International Atomic Energy Agency (IAEA), and are open to participation by all Member States<sup>4</sup>.

1. 1963 Convention on Offences and Certain Other Acts Committed On board Aircraft
2. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft – requires the parties to convention making hijacking a punishable offence.
3. 1971 Convention for the Suppression of

Unlawful Acts against the Safety of Civil Aviation.

4. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
5. 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation
6. 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft
7. 2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft
8. 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons
9. 1979 International Convention against the Taking of Hostages
10. 1980 Convention on the Physical Protection of Nuclear Material
11. 2005 Amendments to the Convention on the Physical Protection of Nuclear Material
12. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
13. 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
14. 1988 Protocol for the Suppression of



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## MANUAL SCAVENGING – A BLOT ON INDIA'S CULTURAL VALUES

Dinesh B. Kolte

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### ABSTRACT

*Manual Scavenging is prohibited by law but still common practice in almost all the districts of states. The issue is related to human rights violation and even fundamental rights. The legislations restricting the practice appear to be toothless tiger. India boasts about its cultural heritage where various groups co exist despite caste and gender differences; but this prevailing practice appears as a blot on country's cultural values. Political and social will is required to erase the stinking reality of existence of manual scavengers.*

*This paper presents the plight of manual scavengers through secondary data based upon government reports. Available Constitutional safeguards to manual scavengers, statutory provisions prohibiting the same and role of Judiciary in protecting the basic rights of Manual scavengers are discussed in this paper. It further describes the hurdles in way of eradicating blot of manual scavengers within Indian society. Finally it concludes with suitable solutions to eradicate the social evil.*

### INTRODUCTION

The practice of manually cleaning, carrying, disposing or handling in any manner, human excreta from dry latrines and sewers is referred as manual scavenging<sup>1</sup>. This practice relates back to the caste system a prominent feature of India's culture in which the lower caste are expected to serve the upper caste.<sup>2</sup> The practice is not only associated with particular caste but also with particular gender. The existence of this evil practice in the era of liberalization reflects the disgusting and inhuman attitude of Indian society towards certain section of human community.

According to the Central government's task force around 53,236 manual scavengers exist in India. The report is still not exhaustive as out of 600 plus districts across country this data represents only 121 districts<sup>3</sup>. The highest number of manual scavengers has been recorded at 28,796 from Uttar Pradesh in the survey, carried out through self-registration camps. States such as Maharashtra, Madhya Pradesh, Rajasthan and Uttarakhand have significantly increased their count though earlier they denied existence of such practice.<sup>4</sup> There have been 634 deaths related to manual scavenging in India since 1993; Tamil Nadu topped the death toll due to manual scavenging with 194 deaths, followed by Gujarat 122, Karnataka 68 and Uttar Pradesh 51. Thirty-three persons have died while cleaning septic tanks and sewers in Delhi since 1993.<sup>5</sup>

Since January 1, 2017, one person has died every five days, on an average, while cleaning sewers and septic tanks across the country, according to numbers collated by the National Commission for Safai Karamcharis (NCSK).<sup>6</sup> Within that time period (2013 to 2018), 144 deaths have taken place in Tamil Nadu followed by 71 in Uttar Pradesh.<sup>7</sup>

While government estimates displays the number of manual scavengers at an average somewhere between 14,000 and 31,000, the SKA says the figure is much high around 770,000, with nearly 1,800 sewer cleaners were suffocated to death in the last decade.<sup>8</sup>

<sup>1</sup> Breaking Free: Rehabilitating Manual Scavengers [www.in.une.un.org](http://www.in.une.un.org) April 9, 2019 11:34 P.M IST

<sup>2</sup> Ibid

<sup>3</sup> Indian Express "news paper thewire.in June 15 2018 accessed on April 9, 2019 11:05 A.M IST

<sup>4</sup> Ibid

<sup>5</sup> Data collated by the National Commission for Safai Karamcharis. [www.rediff.com](http://www.rediff.com) April 9, 2019 10:57 P.M IST

<sup>6</sup> The statutory body that was set up by an Act of Parliament for the welfare of sanitation workers

<sup>7</sup> [theologicalindian.com](http://theologicalindian.com) April 9, 2019 10:57 P.M IST

<sup>8</sup> Sai Sachin Ravikumar, "Workers doing India's dirtiest job say Modi has failed them", [kfgo.com](http://kfgo.com) April 07, 2019 1:12 a.m. CDT



International Multidisciplinary Online Research Journal

Approved By UGC Journal No-41129

Volume -I, February, 2019

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# INDIAN DEMOCRACY: CONSTITUTIONAL VALUES AND REALITY CRISIS OF SECULARISM IN INDIA

DINESH KOLTE

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## ABSTRACT

The whole constitution is summarized in the preamble. The fundamental values and the philosophy of the Indian Constitution are reflected through its preamble. The values enshrined in the Preamble are its objectives. The Preamble of Indian Constitution aims to constitute India a Sovereign, Socialist, Democratic Republic. The terms Socialist and Secular were added to the preamble through 42nd constitutional amendment. In Indian society multi - religions co-exist together; with diversification of castes sub castes etc. in order to ensure unity and integrity of the nation state has a vital role to play. The present paper is an attempt to analyse the concept of secularism in this background and understand the crisis of secularism. Religious harmony is essential for promoting unity in India and it is the duty of state to counter the forces curtailing religious fraternity. Communal and religious clashes are big blot on spirit of "secularism" in present scenario. In a secular democracy it is essential for government to be neutral towards religion while governing. The Secularism is perceived according to one's whims and fancies for majority it is a policy of minority appeasement, for minorities it is equal treatment without discrimination and a measure to protect minorities from oppression.

Key words: Secularism Religion Communalism Preamble Constitution

"If I were a dictator, religion and state would be separate. I swear by my religion. I will die for it. But it is my personal affair. The state has nothing to do with it. The state would look after your secular welfare, health, communications, foreign relations, currency and so on, but not your or my religion. That is everybody's personal concern!"

— Mahatma Gandhi

## INTRODUCTION

According to Merriam Webster Dictionary, Secularism means, indifference to or rejection or exclusion of religion and religious considerations.

According to Cambridge English Dictionary, Secularism is the belief that religion should not be involved with the ordinary social and political activities of a country.

Pandit Jawaharlal Nehru defined the concept of secularism as, 'Sarva Dharma Samabhava' which allows every religion to flourish in our country. Every community, every caste, every linguistic group must be allowed freedom to flourish, prosper and develop, yet they must be woven into one India, to a unified India<sup>12</sup>.

There concept of secularism encompasses dual aspect. Ideologically it tries to keep society free from the excessive religious influence, from this perspective; secularism undermines religious orthodoxies, frees individuals from the clutches of religion and empowers people to live their life in rational ways. Second, aspect is from Constitutional perspective enshrined in preamble, which requires state to be religion neutral. Though both the meanings embody the principles of realism, third meaning cannot be

<sup>12</sup> <https://www.inc.in/en/our-values/secularism> 29th Jan 2019 7:16 P.M IST



**INTERNATIONAL JOURNAL OF  
MULTIFACETED & MULTILINGUAL STUDIES**  
**A Peer Reviewed Journal**

Volume - VI  
Issue - III

ISSN : 2350-0476 (Online)  
2394-207X (Print)  
IMPACT FACTOR : 4.205

March 2019



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## Gender Stereotypes in Indian Judiciary

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**Abstract**

The constitution of India ensures gender equality through various provisions. Several statutes have been enacted for protecting women's rights. Unlike western world women in India were given right to adult franchise in equation to men at single stroke through the constitution.

The present era reflects a glimpsy picture of women's progress in all the arenas. Theory and practice of gender equality are paradoxical in India in almost all streams. All provisions of the Constitution and all laws enacted by the legislature get their real meaning and import through the process of judicial interpretation. The Constitutional mandate and the various laws providing for protective discrimination in favour of women relating to several aspects of their social, economic and political life have come up before the courts through litigations. The leaders of the Indian judiciary express and admit the necessity of women empowerment through various judicial pronouncements; but it is ironical that in the institution of judiciary itself women representation is skewed. This paper highlights gender disparity in Indian judiciary from apex court to lower courts. Further with certain examples a critical analysis is done where the male counterparts discriminate with women in practice but while pronouncing judgments express themselves to be staunch supporters of gender equality. In concluding section strong suggestions have been advocated for removal of gender disparity from the institution of judiciary.

*"Injustice anywhere is a threat to justice everywhere".*

*Martin Luther King, Jr.*

**Introduction**

Landmark decisions were delivered by the Indian judiciary in recent past to safeguard the rights of women. It declared triple Talaq as unconstitutional, upheld women's autonomy, by declaring the law on adultery unconstitutional, and ruled that the bar on women's entry to the Sabarimala temple is illegal; earlier also Vishaka guidelines were issued to protect rights of working women. These cases bear testimony to the fact that judges are not gender biased. However it cannot be denied that the judiciary has also been a transmitter of sexist notions though unintentionally<sup>19</sup>. The sexist notion is apprehended on the basis of skewed representation of female judges in higher judiciary. While women got the right to practice in 1922, the first woman additional solicitor general could be appointed only in 2009. The country has not had a woman Solicitor General or Attorney General<sup>20</sup>. Gender bias is implicit in Indian judiciary, and thus, the missing gender diversity is hardly talked about. Feminist jurisprudence is a philosophy of law based on the political, economic, and social equality of sexes. As a field of legal scholarship, feminist jurisprudence began in 1960s. It influences many debates on sexual and domestic violence, inequality in the workplace, and gender based discrimination. Justice Chandrachud articulated, "feminism is a lot about disruption of social hierarchies and that is what the constitution intends

<sup>19</sup> G S Bajpai, Raghav, "Gender of Justice", 'The Indian Express', November 19, 2018 7:08:48 am  
<https://indianexpress.com/article/opinion/columns/gender-of-justice-appointment-of-female-judges-5452591/> March 15 2019 12:10 A.M IST

<sup>20</sup> Ravi Prakash, "Gender Justice: Judicial & Legislative Interventions", <http://www.indiafoundation.in/gender-justice-and-women-empowerment-judicial-and-legislative-interventions/> March 14 2019 11:32 P.M IST



**Volume 6, Issue 2 (XIV)**  
April - June 2019

ISSN 2394 - 7780



International Journal of  
**Advance and Innovative Research**  
(Special Issue)  
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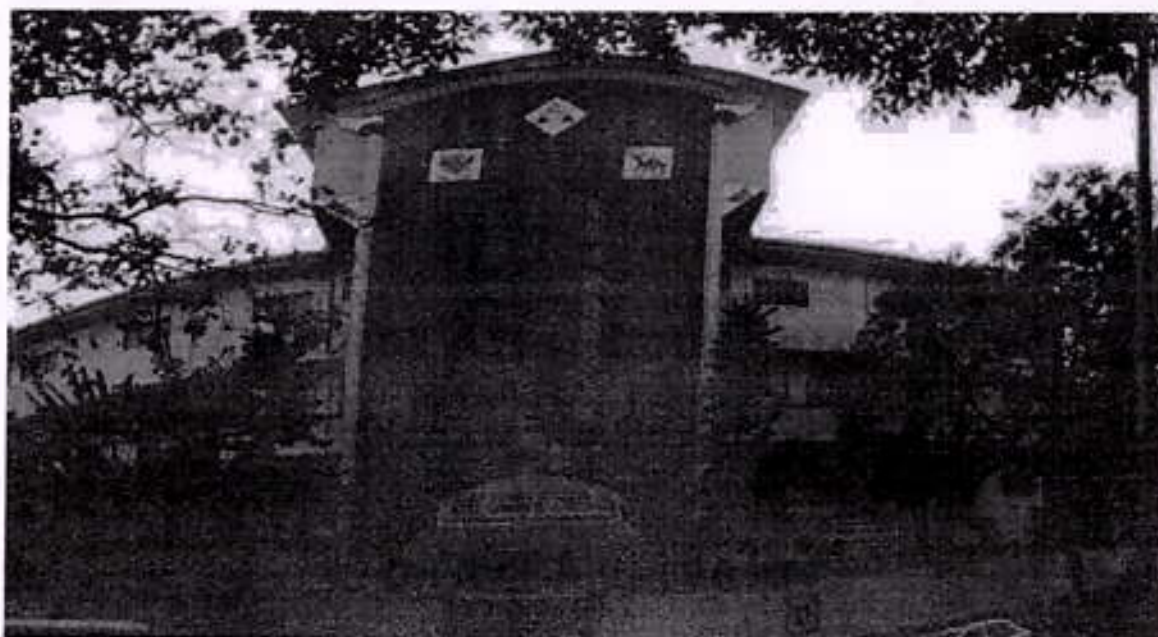


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## ISSUES AND CHALLENGES IN REGULATING CRYPTOCURRENCY IN INDIA, LEGAL PERSPECTIVE

Dinesh B. Kolte

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## ABSTRACT

*Crypto currency has gained popularity across the globe. It is a technical innovation that has the potential to displace the existing financial systems and enable electronic flow of money across borders through cyberspace. However its acceptability as a legal instrument varies from country to country; while some countries have regularised it by formulating laws and measures, whereas others are in dilemma whether to accept the unruly change; owing to risks involved with it. The escalating demand of crypto currencies has led its usage in committing various cyber crimes, like terror financing, ransom wares, illicit drugs or arms and even child pornography; raising high alert among the security and law enforcement agencies. Governments and their regulatory bodies are in jam whether to regulate the growth of various crypto currencies in India, or just letting them (crypto currency) deteriorate in absence of proper regulatory mechanism. This paper is an attempt to analyse the issues and challenges which are to be considered before regulating crypto currency in India; because if its growth is regulated, there will be certain requisites such as a registration process (KYC norms), scrutiny of transactions etc and this may involve risk due to privacy and jurisdictional issues; as cryptographic algorithms and functions are used in crypto currencies to ensure anonymity (privacy) of the users.*

*"We can complain because rose bushes have thorns, or rejoice because thorns have roses." - Alphonse Karr*

## INTRODUCTION

In 2009, Satoshi Nakamoto an anonymous software engineer created Bitcoins, the first crypto currency. Cryptocurrency is the generic term for a large set of digital assets that use encryption techniques to generate units of currency, verify the transactions, and transfer value. Crypto currencies are restricted entries in a database. Specific conditions are to be satisfied to vary these entries. Crypto currencies are created with help of science of cryptography; the entries are secured with algorithms.

Cryptocurrency uses a system of cryptography (AKA encryption) to control the formation of coins and to verify transactions. Owners of crypto currency store digital coins in their encrypted digital wallet. A coin-holder's identification is stored in an encrypted address which is controlled by them; it is not attached to a person's identity. In crypto currency, "coins" are generated or produced by "miners". Crypto currencies are generated by the network in most cases to incentivize the peers, also known as *nodes* and *miners*, to work to secure the network and check entries. Each network has a unique way of generating them and distributing them to the peers.

Cryptocurrency is the best blend of technology where algorithms are used and other processes offering the users with an open-source, and cryptographically secure platform for transactions among peers independent of banking system and at the same time preserving their privacy.

With the increasing demand for crypto currency, global regulators are in dilemma with respect to its regulatory mechanism; hence each country is trying to regulate its own coin at domestic level.

Virtual currencies or crypto currency as a medium for payment are not authorized or regularised in India till yet. The Indian government had appointed an Inter-Disciplinary Committee on crypto currencies in April 2017; which was supposed to submit its recommendations in August 2017, but the details of the same are still awaiting publication. Though government has **warned** the investors about the risks involved in trading or investing in crypto currency it has not outlawed it either. In fact, The Income Tax Department has issued "few lakh" notices to bit coin investors. The legality and legitimacy of crypto currencies hangs in limbo in India in absence of regulations; though hearing is on before Supreme Court which has ordered the government to clear its stand.

## ISSUES AND CHALLENGES INVOLVED IN REGULATING CRYPTO CURRENCY

The architecture of crypto currencies that uses cryptography makes crypto currencies secure and nearly impossible to duplicate or counterfeit it. The important feature in the design of crypto currencies architecture is decentralised control, which means, no single authority, institution, individual or group controls the flow of transactions, supply or valuation of the currency. Rather, the collective computing power of the miners ensures ~~flawless operations while demand-supply dynamics decides the valuation, which is further governed by the~~ protocols built into the software of the crypto currency.





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In recognition of the publication of the paper entitled

**"Myths and Reality of Doctors Negligence- An analysis"**

Published In JETIR ( [www.JETIR.org](http://www.JETIR.org) ) ISSN UGC Approved & 5.87 Impact Factor

Published In Volume 6 Issue 1 , January-2019



JETIR1901842

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Research Paper Weblink <http://www.jetir.org/view?paper=JETIR1901842>

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An International Open Access Journal  
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INTERNATIONAL JOURNAL OF EMERGING  
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# "Myths and Reality of Doctors Negligence- An analysis"

Dr. Amol Deo Chavhan<sup>1</sup>

Abstract

Whenever patients die in hospital the culpability is always with the doctor or hospital. The doctor is responsible for error or negligence during treatment of patients. Medical negligence is two way equally by the patient and doctors. Sometime the doctors are responsible for medical negligence and sometime the patients are responsible for their fortune. The doctor's prefer treatment on the basic of patients agreed by patients. The line of treatment at initial level based on symptoms which may result in death for the patients and unfortunately the doctors may held responsible for the negligence.

Present article has attempted to analyse the 'Myths and reality of Doctors Negligence' during treatment. The analysis is from legal point of view and various aspects whether really doctors committed negligence during their treatment or it may occur due to patients. This article also focuses existing situation where doctors held responsible for negligence instead of their non-involvement in the action taken during treatment. Additionally, the researcher also focuses on various instances of medical negligence. The objective of this analysis is to verify the practical and real problem faces by the patients and doctors for medical negligence.

Keywords: medical negligence, doctor's responsibility, treatment, patients' rights, court remedy.

## Introduction

Medical profession now days are booming due to its advancement in medicine and new technique of treatment of patients. From time immemorial this profession is consider as noble profession due to its advancement. Due to advancement in medical profession the life of human beings is easier. The people are able to overcome various diseases rather postpone the date of DEATH. The new technique release the burden of patients and life become easier. Due to advancement in science and technology the risk of handling patients is also high on the part of doctors. Not only is this, day to day new and non-curable disease emerging on humankind which increases the risk for curing the patients. The doctors are no doubt has limitation to treat the patients with due care and cautions. Due to emerging disease the challenges for the doctors are increase.

With the passage of time and new challenges the relationship between patients and doctors are strange. Faith on the doctor's day by day decrease and it was overcome by suspension on the role played by doctors during treatment. The patients are not ready to accept the reality of their probable risk during



Impact Factor 6.261

ISSN- 2348-7143

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## Human Rights of Third Gender: A Critique

Amol Deo Chavhan

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### Abstract

Gender refers socially created personality of men and women responsible for norms, behaviours and relationship between the two. For the protection of this behaviour, relationship and norms basic rights were provided both irrespective of gender bias or discrimination. These basic rights are called Human Rights which are available to every person. Like male and female the third gender or transgender people having same rights which guaranteed to individual. Transgender means individuals of any age or sex whose appearance, external physiognomies, or deeds vary from pigeonholes.

Since inception of the society transgender people have existed in every religion, culture, country and era. These people are not alien or they are not invented by the society, they are like as other common human beings. Actually, due to their sexual wellness and biological differences they are hated, discriminated, and ill-treated by the society at large which leads towards the violation of their basic Human Rights. 'Transgender' people were acknowledging as human beings was recognised around mid-1990s. The transgender is umbrella term which is used to notice variety of people having sexual problem, in other words, these people can be categorised in LGBT community. In its widest sense, transgender includes everyone whose individuality or conduct falls outside of conventional gender norms.

In this article the researcher has attempted to analyse the concept of Human Rights to third gender people. Actually the human rights are granted to everyone irrespective of any kind of discrimination but in reality rights were not properly protected by the state and individual against transgender people. As we know transgender people are treated alien, they did not adopt in the society instead of their identity of human beings. The analysis is from legal and social point of view and various aspects of human rights guaranteed by various international instruments. This article also focuses existing legal and social status of this community and its emotional cramming, physical and psychological vacuum. The objective of this analysis is to verify the actual and real problem faced by the transgender and like community and their violation of human rights.

### Keywords:

transgender community, sexual violence, psychological and emotional effects, human rights, right to equality, right to life.

### Introduction

Human Rights are basic rights which guaranteed by international instruments and constitution of India. These rights assure basic fundamental rights for all. Enjoyment of life and use of mother planet is the natural rights of every human being. In other words, the state or any agency has no authority to interfere in the enjoyment of rights without any valid justification. Human rights are incorporated and extended to individual and same must be protected by the state irrespective of any kind of distinct. The basis of human rights is based on gender equality. The basic requirement for enjoyment of human rights is the human being. It means every human being has right to enjoy the natural rights assured by UDHR<sup>2</sup>, ICCPR<sup>3</sup>, ECHR<sup>4</sup> and other like convention throughout the globe.

Every individual is enabled to definite fundamental rights, just by the fact of being human. These are called "human rights" rather than a freedom. Human rights are available to every individual irrespective of any kind of discrimination between two individuals. Human rights are rights inherent and inalienable to all human beings, whatever our nationality, place of residence, sex, ethnic origin, colour, religion, language, or other status.<sup>5</sup> In other words the human rights are available to everyone without any kind of distinction. On the same line of argument the transgender are also within the preview of person either male or female as sexual wellness. It means they have same right which are available to every male and female. UDHR includes series of rights which protect the basic instinct of individual.

Non-discrimination and equal treatment to every individual is basic principle of all the international conventions. The basic principles are applied to individual which forbids perception on the basis of a list of exhaustive categories such as sex, race, colour and so on. The core idea and philosophy of human rights

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**'RESEARCH JOURNEY' International E- Research Journal**  
Impact Factor - (SJIF) - 6.261, (CIF) - 3.452(2015), (GIF)-0.676 (2013)  
Multidisciplinary Issue  
UGC Approved Journal  
Special Issue No.188 (A)

ISSN :  
2348-7143  
May- 2019

Impact Factor - 6.261

E-ISSN - 2348-7143

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## **Alternative Dispute Resolution System (ADR)**

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### **Introduction:**

Ubi Jus Ibi Remedium-This legal maxim rightly laid down the foundation of legal society in every society. It means for every wrong, the Law provides a remedy, meaning thereby whenever any wrong is done to a person, he has a right to approach the court of Law. Undoubtedly, judiciary is the important institution which has withstood many challenges during the last-more than sixty years to retain its integrity. But with the mounting pressure of cases-civil, criminal, revenue, industrial and others, the workload of judiciary increased leaps and bounds and it has now reached a stage of unmanageable magnitude and the case remain undecided for years together for one reason or the other. In this situation, new alternative modes of dispute resolution in the form of ADR will meet the needs of Justice

### **ADR- Conceptual basis:**

ADR is an abbreviation that stands for Alternative dispute resolution. It also stands for Appropriate Dispute Resolution. It refers to all those methods of resolving disputes, which are alternatives for litigation in the courts. According to Julia Hornle, a solicitor in the U.K, "ADR refers to dispute resolution other than litigation in the courts, including other adjudicative techniques such as arbitration."<sup>1</sup> In the words of Avtar Singh, "Alternate dispute Resolution or ADR is an attempt to develop a device which should be capable of providing an alternative to the conventional methods of resolving disputes. ADR is supposed to provide an alternative not only to civil litigation by adjudicatory procedures but includes also arbitration itself."<sup>2</sup>

### **International Norms regarding Alternative Dispute Resolution:**

United Nations (UN) is an international organisation established on October 24, 1945. The United Nations was the second multipurpose international organization established in the 20th century that was worldwide in scope and membership. Its predecessor, the League of Nations, was created by the Treaty of Versailles in 1919 and disbanded in 1946.

The principles of the UN as explained in the Charter are to save future generations from war, reaffirm human rights, and establish equal rights for all persons. In addition it also aims to promote justice, freedom, and social progress for the peoples of all of its member states.<sup>3</sup> It cast a duty on the member states that, the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice<sup>4</sup>.

<sup>1</sup> Rajan A.D., A Primer on Alternative Dispute Resolution, 2005, P.44

<sup>2</sup> Avtar Singh, Law of Arbitration and Conciliation, 2006 (Reprint)

<sup>3</sup> Preamble to the U.N. Charter

<sup>4</sup> Art. 33, Chap. VI of the UN Charter.



MAH/MUL/03051/2012  
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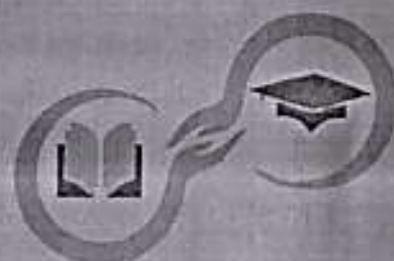
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(Vol. II) Jan. 2019

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## THROUGH YOGA, STRESS MANAGEMENT, PHYSIOLOGICAL BENEFIT & PSYCHOLOGICAL BENEFITS FOR TRADITIONAL SPORTS AND GAMES

Dr. Sachin Deshmukh

College Director of Physical Education & Sports  
Manikchand Pahade Law College, Aurangabad (MS)

**Abstract:** Yoga is mind and body discipline developed in India. In fact, yoga is going to be popular through the world for the overall development of human society. Many athletes are taking to yoga to improve their on-field performance. Yoga has become a proven match-winner in improving athletic performance. Whatever sport you may be practicing, can be assured that yoga will help to Athlete become better at it. **yoga for sports.** The most important benefit of yoga is physical and mental therapy. The aging process, which is largely an artificial condition, caused mainly by autointoxication or self-poisoning, can be slowed down by practicing yoga. By keeping the body clean, flexible and well lubricated, we can significantly reduce the catabolic process of cell deterioration. To get the maximum benefits of yoga one has to combine the practices of yogasanas, pranayama and meditation.

**Keywords:** Benefits Yoga for Sports, Psychological Benefits & Mental skills training

**INTRODUCTION:** Yoga is mind and body discipline developed in India some 2000 years ago. Almost two decades ago, the fitness industry rediscovered this ancient form of physical activity and a new category called mind-body exercise was created. In a more recent article, Larkey, Jahnke, Etnier, and Gonzalez proposed the term "meditative movement" to classify exercise activities which focus on physical movements, conscious breathing, a calm state of mind, and deep states of relaxation. Contrary to popular belief, yoga is not only for increased flexibility and relaxation, but also increases muscular endurance, decreases perceived stress, and improves overall health perception. Ultimately, the goal of yoga is purely psychological. As defined in the Yoga Sutras of Patanjali, one of the authoritative texts in yoga, yoga is the control of the mental fluctuations and energies. In Ashtanga, the purpose of working the body out is to burn the six poisons of the heart – desire, anger, delusion, greed, envy, and sloth. Simply put, the goal is to live a peaceful life free from hatred and negativities. "Light on Life: The Yoga Journey to Wholeness, Inner Peace, and Ultimate Freedom" by B.K.S. Iyengar

- **Habits for Healthy Lifestyle:** These TWELVE habits need to be in balance for great health in the body and perfect peace in the mind.





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## Role of Information and Technology in Legal Research

Pratibha Ramesh Girbane

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M. P. Law College, Aurangabad

\*\*\*\*\*

### Introduction:

Institutions in higher education rec appreciation and respectability due to a standard of their teaching, research publications. Research is an organ systematic, information based investigatic inquiry. Success of any research depends lai on a good knowledge of certain fundam principles, and methods used to carry ou research. Lack of such knowledge may lea poor quality research. Sources of I information range from printed books to legal research websites and information pe and to free database vendors such as Lexis. Many law libraries and institutions provide access to legal information on the web, e individual or collectively.<sup>1</sup> Inform: technology has played very important ri giving a new direction to research in law internet is the latest breakthrough in the of communication technology. Interne brought information revolution. It reduce and distance on the globe. Computer internet has made it possible to inter: around the world while sitting at the I Internet has made research very easy. P paper focuses on impact of IT in legal re: along with is advantages and disadvan: What is Legal Research?

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*- Chief & Executive Editor*





## **Developing Sports Industry and Innovative Practices And Ideas in Indian Physical Education Programming In 21<sup>st</sup> Century**

**Dr.Sachin S. Deshmukh**

### **Introduction:**

The global sports sector is estimated to be worth However, in India, sport is yet to be recognized as an economic sector, mainly due to the fact there has been little or no comprehensive study done on the industry's size, potential, and on the available opportunities that are on offer. The sports industry sector may include several different segments such as sports tourism, sporting goods (in manufacturing and retail), sporting garments, and the available opportunities in sporting management and sponsorship. It is seen across the globe that sports as a full-fledged industry can and may contribute about 1 to 5 percent of the country's Gross Domestic Product (GDP). However, a lack of sporting culture has held back the growth of a similar industry in India in the past, despite the growing awareness and interest in various different sports besides cricket. Hence, due to a lack of industry status along with a lack of sporting culture, corporate investments in India's sports have traditionally been limited to only non-profit corporate social responsibility activities and initiatives, while the scope for exploring profit-related activities under the sports industry have not been explored in vast depth.

Sport is regarded as one of the largest industries worldwide in terms of generating employment and revenue. Sports are a multi-billion dollar global industry propelled by enormous consumer demand. In the past, a sport was seen as loss-making affair. However, with the formation of newer leagues and successful franchises, "the sports industry has grown by up to. New initiatives such as the establishment of Indian Premier League (Cricket), Hockey India League, Indian Badminton League, Pro Kabaddi League, and Indian Super League (Football) are indeed changing the face and the identity of Indian sports. The sports industry has indeed grown extensively — mainly due to the emergence of new sporting leagues further went on to state that India has moved forward from a single sport nation to a multi-sport country, and is witnessing a boom that will benefit the sports business in the years to come.

The establishment of a sports industry in India can reap rich dividends in different segments. Employment and the massive market opportunities which will open up within this industry will be enormous in the years to come. However, new sports initiatives require professional human capital to speed up growth, and the harsh reality is that there are very few quality professional sports managers available in the country. Government initiatives to make India a sporting superpower will not be realized without professional sports managers. Indian sports industry has an impressive growth prospect even though its fundamentals are not solid. This is where professional sports managers to India's sports industry.

Sports in India have a tremendous potential for expansion in the existing huge market. With a high growth economy and an ever-growing middle class with disposable income and leisure time, together with rapid growth in TV-owning households and a strong passion for sports, there is high potential for growth. These conditions have fostered a rapid rise in advertising, as local and international companies target this lucrative underdeveloped market through sports. Moreover, buying TV and marketing rights for the large sporting events that now regularly take place in India provides ample business opportunities and huge revenue for many companies. Besides cricket, recent years have clearly made it evident that other sports such as Formula One racing and the Hockey India League have some serious business propositions that can be explored. Moreover, with the coming of the Indian Super League, football is starting to achieve real traction with TV audiences, which are tuning in in ever greater numbers for international leagues and competitions.





MAH-MIL-0305125

ISSN-2319-5315

International Refereed Research Journal

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Harshwardhan Publication Pvt. Ltd.

84 Post, Chhaganesh, Tal. Dist. Beed

Pin-431120 (Maharashtra) Cell: 07588057695, 09850203295

harshwardhanpubli@gmail.com, vidyawarta@gmail.com

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विद्यावार्ता : Interdisciplinary Multilingual Refereed Journal - Impact Factor 5.431 (IJIF)



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## EXPLORING THE IMPORTANCE OF LEGAL RESEARCH IN HIGHER EDUCATION

Anju A. Singh

### ABSTRACT

Research is an academic activity and a voyage of discovery. It is an original contribution to the existing stock of knowledge making for its advancement. In higher education research is a very important aspect. Through this paper an attempt is made to address the importance of legal research in higher education. To have an insight of the paper it is divided into few segments. The paper starts with introduction of the subject followed by meaning and scope of legal research. Then next part of the research paper focus on inter disciplinary approach to legal research. An attempt is made to incorporate types of legal research and their merits and demerits. The paper ends with conclusion and suggestion.

### INTRODUCTION

The education as a repository of knowledge which has always been considered as the valuable treasure of man which can be preserved without fear or loss or damage. Education is God incarnate and man without education is like an animal.<sup>1</sup> Even the Supreme Court of India in the case of Unnikrishnan's<sup>2</sup> added there is nothing further to state that education constitute an important right of every citizen. Education enhance human knowledge and develops the skill of reasoning. Human beings have always been anxious and curious to know and understand the environment around them. The kind and degree of interest regarding

environment has generally been constituted or guided by the nature of philosophy for life which a nation a region or an individual adhere to. The quest for understanding the environment motivates them to do extensive research. Moreover, quality of higher education can be achieved by extensive research in all fields. Research means a systematic study or investigation of existing fact or knowledge related to any matter undertaken with the object of finding some truth or reality. Research in legal field is an important aspect of higher education. Law is a normative science wherein law is used as tool or technique to control the human behaviour. Further, law is an instrument of social change. So, from time to time there is need for extensive legal research to meet the need and desire of society.

### MEANING AND SCOPE OF LEGAL RESEARCH

Legal research may be defined as 'systematic' finding law on a particular point and making advancement in the science of law. However, the finding law is not so easy. It involves a systematic search of legal materials, statutory, subsidiary and judicial pronouncements. For making advancement in the science of law, one needs to go into the 'underlying principles or reasons of the law'. These activities warrant a systematic approach. An approach becomes systematic when a researcher follows scientific method.<sup>3</sup> The purpose of research is to discover answers to questions through the application of scientific procedure. The main aim of research is to find out the truth which is hidden and which has not discovered yet. Legal research therefore, may be undertaken for a wide variety of purposes, and its nature may largely depend on what a person intends to achieve by a research activity, and motivating factors behind such intention. Some broad objectives have been summarised below.

1. To gain familiarity with a phenomenon or to achieve new insights into it.





19/20

**Peer Reviewed Referred and  
UGC Listed Journal  
(Journal No. 40776)**

**ISSN 2277 - 5730 AN INTERNATIONAL  
MULTIDISCIPLINARY QUARTERLY RESEARCH  
JOURNAL**

# AJANTA

**Volume-VIII, Issue-I  
January - March - 2019  
English Part - I**

**Ajanta Prakashan**

**IMPACT FACTOR/  
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An International Multidisciplinary  
Quarterly Research Journal

# AJANTA

ISSN 2277 - 5730

Volume - VIII, Issue - I, January - March - 2019

Impact Factor - 5.5 ([www.sjifactor.com](http://www.sjifactor.com))

Is Hereby Awarding This Certificate To

**Dr. Trupti Subhash Jadhav**

As a Recognition of the Publication of the Paper Entitled

**Demonetization and Law in India**

**Editor : Vinay S. Hatole**

Ajanta Prakashan,  
Jaisingpura, Near University Gate, Aurangabad. (M.S.) 431 004  
Mob. No. 9579260877, 9822620877 Tel. No.: (0240) 2400877,  
[ajanta1977@gmail.com](mailto:ajanta1977@gmail.com), [www.ajantaprakashan.com](http://www.ajantaprakashan.com)

ISO 9001:2008 QMS  
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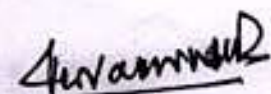
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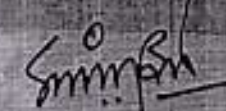


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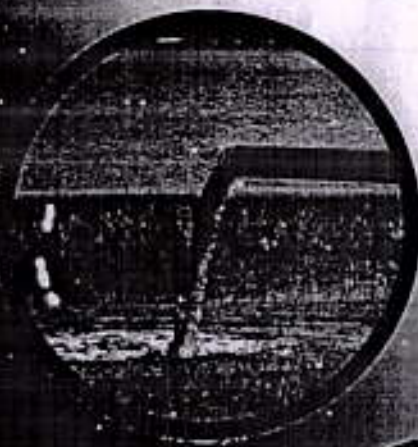




Peer Reviewed Refereed  
and UGC Listed Journal  
(Journal No. 10)

ISSN 2277-  
AN INTERNATIONAL  
MULTIDISCIPLINARY QUALITY  
RESEARCH JOURNAL

# AJANTA



Volume-VIII, Issue-I  
January - March - 2019  
English Part - I

IMPACT FACTOR /  
INDEXING 2018 - 5.5  
[www.sjifactor.com](http://www.sjifactor.com)

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An International Multidisciplinary  
Quarterly Research Journal

# AJANTA

ISSN 2277 - 5730

Volume - VIII, Issue - I, January - March - 2019

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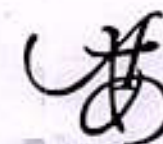
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ISO 9001:2008 QMS  
ISBN / ISSN