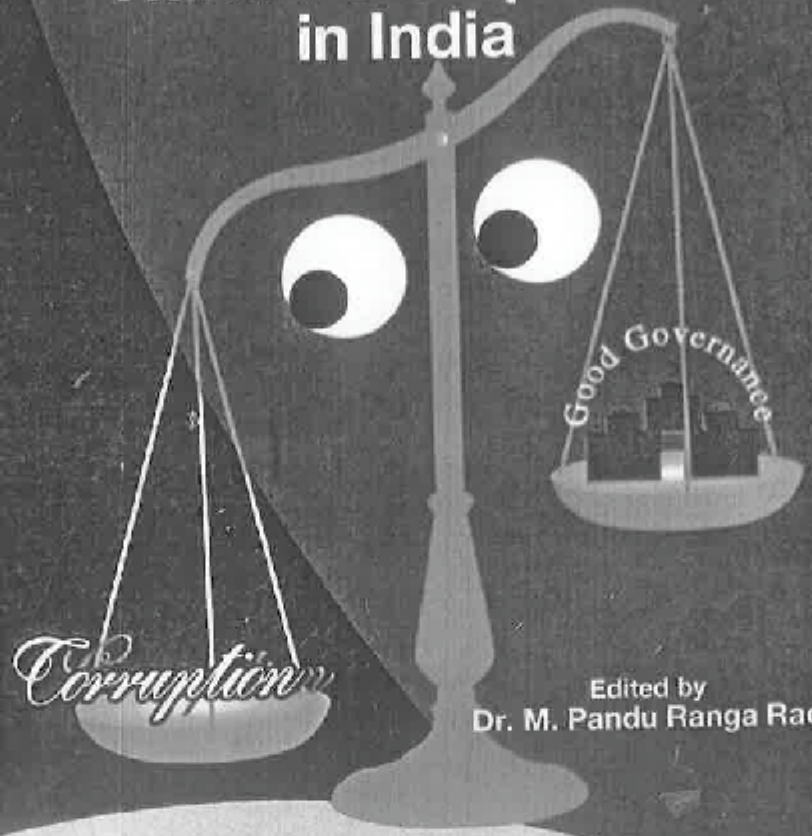
Good Governance and Rural Development in India



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Administration of Justice and Common Man – Good Governance

Dr.Ch.N.V.ManikyalaRao*

It is the faith and commitment to ***Rule of Law*** that determines the growth and development of any democratic civilised society. As and when this faith on ***Rule of Law***diminishes thesocial, political and economic fabric of society gets adversely affected. **Sir** *Ivor Jennings*, **Lord** *Radcliffe*, **Lord** *Denning*, **Lord** *Scarman*believes that Rule of Law as a "*way of life*"and '*index of civilizational growth*'. This is to be protected by the three organs of the State i.e., *Legislature, Executive and the Judiciary.*

In the process of administration of justice, such belief is reducing day by day because of time consuming in rendering justice. Judiciary is having the highest regard in the society because of its integrity and keen interest in protecting the human dignity with ethical and moral values. The concept of *justice delayed is justice denied* erupted in the administration of justice because of abnormal delays in trail proceedings, making laws and decision making in the implementation of the same. Former President of India, **APJ Kalam**rightly stated that it is nothing but denial of justice when the Courts, Legislature and the Executive reluctant to render speedy justice to the common man who approaches them in vain.

Whatever may be the reasons for such delays, it is the common man who suffers a lot in the process of long delays in the administration of justice by the Legislature, Executive and the Judiciary. In such process, the common man's human rights are involved either to protect his right or to defend his case against a crime.

In this paper an attempt is made to focus the causes of delay, facts and figures to highlight the effects of such delays

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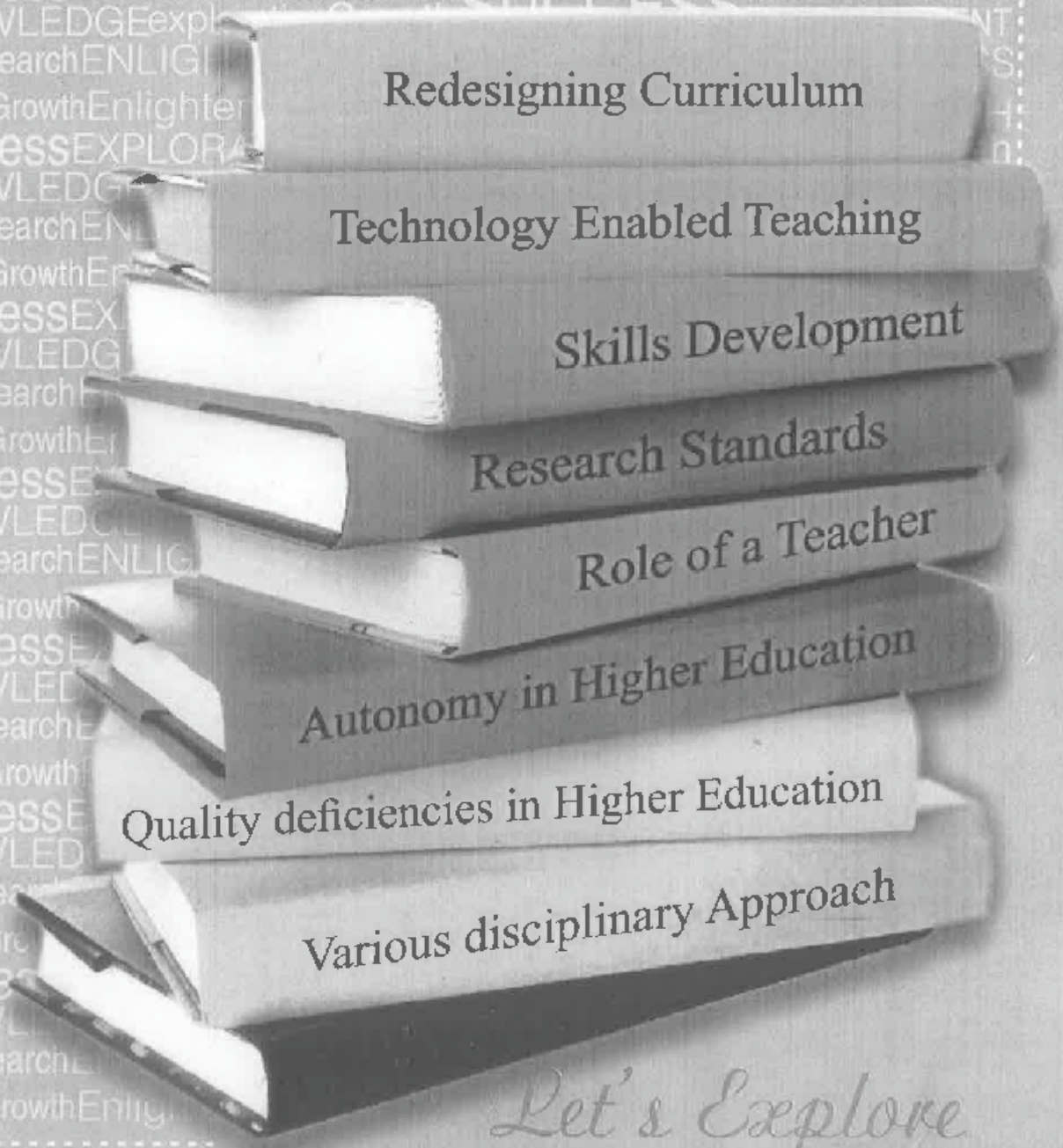

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LEGAL EDUCATION AND ITS BIGGEST CHALLENGES

Dr. Ch. N. V. Manikyala Rao
Email – drcmrao22@gmail.com

Dr. Bhagyashri V. Paranjpe

Abstract

The era of Liberalisation, Privatisation and Globalisation poses a big challenge to the higher education. The education in India borrowed from the British colonial education where they make only servants to serve the rulers. The dispensation of knowledge in legal education is on the same path what was followed in century back. The education system prevailed now is neither relevant nor suited to the society or industry.

The legal fraternity played a significant role in freedom struggle. They are the people known for struggle and sacrifice their family and other things. The legal education in India is totally neglected by the state. As a result of which the sacrifice in the mind of the people is missing in the society at large.

Earlier legal education was only for haves but not have-nots. The post-Independence makes a lot of changes in legal education in India. People used to opt for legal education in Metros like Mumbai, Nagpur, Delhi Calcutta, Hyderabad and Madras. The Advocate Act, 1961 open a path for legal education in rural and urban areas to cater to the needs of the litigant society. Criticism is nothing but insights of the problem. This paper makes an attempt to focus on various challenges faced by the legal education centres in rendering justice to the people of the region who opted for legal education.

Key words: Liberalisation, Privatisation, Globalisation Legal Education, Challenges & Legal Education Centres

Legal education has always borne an ambiguous relationship to the practice of law. The legal education seen as a professional education but not as moral value based education as it only makes the advocates and solicitor and judges etc. N. L. Mitra says that under the present Higher Education Policy there are water-tight compartments in the higher education. Law is not studied in the UG pass and Honours courses with other subsidiaries. If it is allowed as a subject in liberal science course both as major and minor, the students would have wider scope to understand and internalise various constitutional, ethical and legal values in life.[1] The liberalisation policies of the government open new horizons for the students of legal education. Sports law, Arbitration, Mediation, International Trade, Maritime law and Intellectual property laws i.e., patent copyright are some of the examples. This can be understood as the integration of countries and peoples brought about by deep reductions in

[1] L. Mitra, Legal Education, Monkey crawling or Leap-Frogging, at p.55 Vision of Legal Education, edited by Maj. Gen. Nilendra Kumar 2015 ,Thomson Reuters, Legal

the costs of transport and communication, and the dismantling of barriers to the flow of goods, services, capital, knowledge and people.2

The law is not static. It will change with the changing needs of the society. The legal education in India is not changing with needs of the society. The law colleges are still following British colonial legal education which produces professionals but not the value based citizens of India who will serve the nation. The revolutions of National Law Schools started in 1980s begin the procurement of Multi-National Companies Clerks rather than supporting the Indian Legal system.

CONFRONTATIONS:

The Legal Education Centres are facing lot of problems from the affiliating University, the Government, University

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A SPECIAL ISSUE ON

CHANGINGS FACETS OF HUMAN RIGHTS AND CHALLENGES AHEAD

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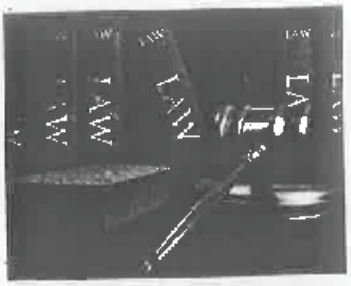
RAPE - A CRIME AGAINST HUMAN RIGHTS

Dr. S.R. Katari *
Dr. Ch.N.V.Manikyala Rao**

The most brutal and heinous from of crime committed against women is rape. From tender age to old age, without any restriction of age the flesh and blood of women have become preys to the lust of men. Child rape, gang rape and custodial rapes are on the rise in the country. Marital rape has become very common in the marital life of Indian women.

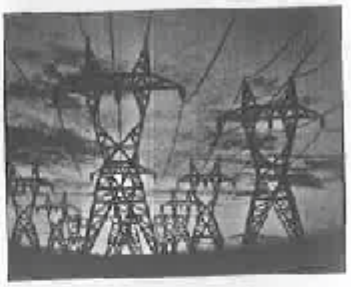
The number of rape offences has been alarmingly increasing in the country for various reasons.[1] According to National Crimes Record Bureau; there has been a steep rise in rape cases from 21,467 in 2008 to 24,923 in 2012. Every hour two women get raped somewhere in the country. There is decline in rape cases during 2008-'09 and increasing trend from 2009-'12. There is a decline of 0.3% in 2009 over 2008 and increase of 3.6% in 2010 over 2009 and further increase of 9.2% in 2011 over 2010 and there is another further increase of 3% in 2012. Total reporting rape cases reported from Madhya Pradesh which stands with 13.7% (3,425 cases) where as Mizorom has reported highest crime rate of 20.8% against the national average of 4.3%. Surprisingly, most of the rapes are committed not by the unknown to the victim but by the close associates like fathers, father-in-laws, cousins, lovers, teachers, colleagues, neighbors and family friends etc. 24,470 out of 24,923 were committed by the known people which is almost 98.2% of the total cases. Parents, Close Family Members were involved in 1.6% i.e. 393 cases, Neighbours are involved 34.7% cases i.e.8,484 and relatives involved are 6.5% i.e. 1,585 out of 24,470. These figures and facts show the unsecured position of women in the country. The offence rape involves both physical and sexual assaults and it has devastating consequences on the physical and psychological health of the victim. It attaches lifelong stigma to the victim and her family, makes her shun and void in the society and pushes her into deep emotional crisis. There is ever chance of unwanted pregnancy. Some are infected with deadly sexually transmitted diseases like AIDS, many are missing, committing suicides and are coerced into flesh trade. In other words, it shatters the life of the victim. Thus, so far its impact is concerned; rape is an offence worse than murder.[2]











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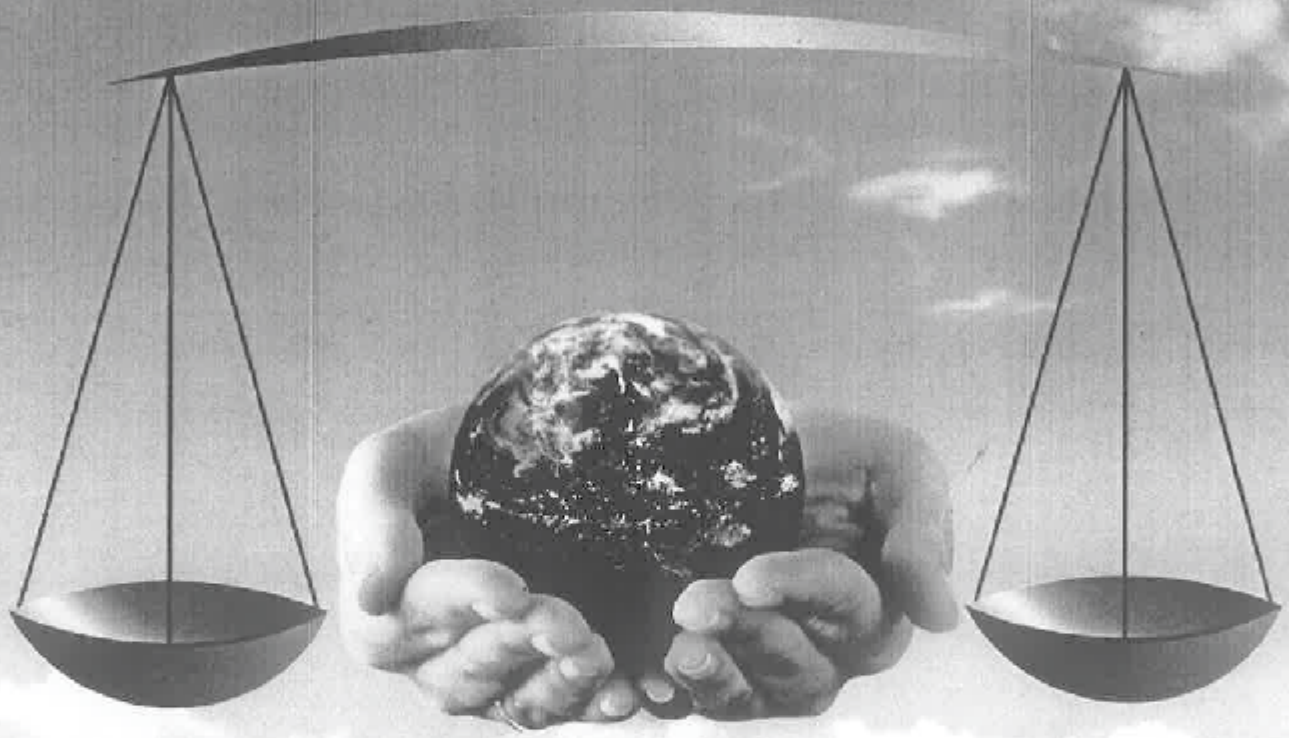

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"MITIGATING CLIMATE CHANGE": NEED FOR SOCIAL OBLIGATION AND POLICY FRAME WORK

*M.Sunil Gladson**
*Dr.Ch.N.V.ManikyalaRao***

INTRODUCTION:

Climate consists of the elements of temperature, precipitation, wind and cloud cover and it affects every substance on the planet whether organic or inorganic. Climate change is an inherently intergenerational problem the actions we take today will cause effects for several decades or more. The climate system involves interactions among the land, air, freshwater and oceans and humans wherever they may be. Due to the human induced activities, the climate is changing very fastly and it is adversely affecting the natural phenomena of the earth, wildlife and other living beings and human beings either directly or indirectly. Before discussing this topic we have to know what the meaning of "climate change" according to one climate change convention climate change means, "a change in climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which in addition to natural climate variability observed over comparable time periods."[1]

People and Climate have a symbiotic relationship .Human activity such as land use changes and air pollution after the natural atmospheric procession that help regular climate. Directly the climate impacts on people in beneficial ways, example agricultural opportunity and detrimental ways i.e., climate hazards. This research paper made an attempt to indicate the negative impacts of climate change and how the society can mitigate this climate.

CAUSES OF CLIMATE CHANGE:

The climate system is the result of complex and dynamic interactions between the Earth atmosphere, biosphere and oceans, which human activities are being thrown out of balance. Atmospheric emissions of greenhouse gas have been considerably due to fossil fuel burning, deforestation, livestock farming and other human activities.

Also climate change involves the change in earth atmospheric temperature because of emission of various pollutants and especially carbon dioxide. Historically the industrialized countries are responsible for atleast 83percent of the CO2 output from industry.[2] Carbon dioxide is also formed by the burning of wood, coal, oil and natural gas and these activities have increased steadily during the last two centuries.
Also, it is apparent that the earth's climate system has demonstrably changed in both global and regional scales due to the industrial development, transportation, deforestation and excessive exploitation of natural resources more. So the emission of chlorofluorocarbons and other chlorine and bromine compounds has not only an impact on the radiative forcing but also has led to the

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** Principal,Manikchand Pahade Law College,Aurangabad

[1] Art.1. Of Frame Convention on Climate Change 2001.Change issue effectively and what are the feasible policy frameworks ought to be done in order to tackle the expecting climate change impacts.
[2] Dr.P.C.Sinha: Ozone Depletion.1stEd, Anmol Pub, P.Ltd, NewDelhi, 1998, P.78

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A Socio Legal Perspective of Water Crisis-Conservation and Management

—Dr. Ch.N.V.Manikyala Rao*

Millions of years ago life evolved in water and water became a basic component of every living being. Although water covers over seventy five per cent of the surface of the earth, ninety-seven per cent of this water resource is in the oceans and is salty. The glaciers and ice caps lock away another two per cent. Even less than one per cent is the fresh and usable water of lakes, ponds, rivers and ground water. Fresh water is, therefore, a treasure and the need of the hour is to protect and conserve.[1] By the end of this century, the earth temperature is expected to rise from 1.8 to 4 degree celcius that will lead to water scarcity and draughts and as well as higher rainfall and floods.

Over the last 15 years, there were high-level negotiations taking place both at the international and national sphere to address the impending water crisis by various bodies such as, World Water Commission; the World Water Council and the Global Water Partnership involving UN Bodies, Private Corporations and lending agencies like World Bank et.al.[2] Right from independence the Government of India has evolved various schemes through the Five year Plans and also romped in a number of agencies as its partners to evolve a strategy to protect the fresh water. However, lack of scarce attention by the administrative machinery to match with that of the steps initiated by the Legislature both at the Union and State levels; according to the World Watch Institute of Washington, India will be a highly water scarce country from 2020 onwards. In that direction the signs are highly visible in various parts of the country, where in the water crisis is impending year by year. Riots over water sharing among the general populace and skirmishes among the States over sharing water are becoming common phenomena.[3] This is clearly evident where in the populace of the country especially among the lower strata people

* Principal , Manikchand Pahade Law College, Aurangabad-431001 Maharashtra

1. The Water available is used for agriculture is 93.37%, live stock 108%, industry and power generation 1.26% and, drinking water used for rural and urban consumption is 3.73%. for further details see, K.U.Khan, Save the Elixir of Life, Science Reporter, June 2004,p.14
2. Nityanand Jayaraman, Water Resources-Crisis situation, The Hindu, Survey of Environment 2003,p.75
3. S.Anandha Krishanan, Is the water bomb ticking for India? , Science Reporter, June 2004, p.10

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Water will be the key
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1. supra note 2 at p.6

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Law Development & Justice

March 25 - 27, 2017

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ifying Private Corporations
e National commission to

NEED TO PROTECT THE EYES AND EARS OF JUSTICE

- Dr.Ch.N.V.Manikyala Rao

Introduction:

It was rightly pointed out by Jeremy Bentaham[1] that *witnesses are the eyes and ears of justice.* A dispute between two persons will be resolved by the court of justice by analysing the evidence put forth by the parties thereto during the process of the court proceedings. Each party will place certain evidence through witness in support of their claim or allegations. The process in which the evidence deduced before the court is analysed and help the court to resolve the dispute basing on the depositions made by the witnesses of the parties. During the process of recording the evidence of these witnesses law provides certain provisions as to how to with such witnesses and their depositions and their evidentiary value of the same

A witness is a person who testify the fact known to him and which is a fact in issue between the parties to the dispute. He is a person who deposed the facts known to him which is a subject matter of dispute between the parties thereto.

There are several occasions where the statements were vital for the resolution of dispute and rendering justice who believes in the court of justice. Opinion is a judicial function which can't be delegated to the witness. However, in case of expert witness the power of judiciary is to be delegated to the expert witness whose evidence is crucial for deriving a conclusion by the court where they are not aware of the field where theevidence is sought by the court.Certain statements of a witness may criminate him. An offence may be happened in remote secluded place where no eyewitness is available to testify. In such cases we have to rely on accomplice or Co-accused evidence.

This paper focuses on various aspects like witness and his significance, witness in general, restrictions on witnesses, credibility of witness, plight of witness, who will be witness and what will be the number, determination as false or tainted, punishment, perjury, witness protection and anonymity and various instances where the witness is dealt in the court of justice.

Witness and His Significance:

The term witness is not defined anywhere in the Evidence Act,1872. The term 'oral evidence' in section 3 of the Act clearly says that a witness is a person who is called to give evidence in a court of law. A person is referred

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[1] "A Treatise on Judicial Evidence"

Proceedings of the National Seminar on Human Rights Education and Values: Perspective & Challenges

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HUMAN RIGHTS CELL

Under the auspicious of Dept. of Political Science
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3	Prof. E.Ranga Rao Law College, Osmanabad Maharashtra State	Women Education: A Need for the Women Empowerment in India
4	Dr.Ch.N.V. Manikayala Rao Principal, Law College Aurangabad, Maharashtra state	Child Labour & Right to Education – An Integral Part of Human Rights
5	Dr.D.Mani & Associate Professor in Ag.Engineering Prof.D.V.Subba Rao, Associate Professor in Ag. Economics ANGU, Hyderabad	Human Rights of Women & Human Rights Education: Perspective, Challenges and Remedies.
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7	Dr.B.Venkatesula Reddy Academic Consultant Department of Political Science and Public Administration, S.V.University,Tirupati.	Human Rights and Dalits

Child Labour & Right to Education – An integral part of Human Rights

*Dr. Ch. N.V. Manikyala R

Slavery, forced labour, trafficking, forced recruitment for armed conflicts, prostitution, Pornograph drug trafficking and simply making them to work which harms their health, safety and morals are vario forms of child labour in day to day life in the present world. Moreover, some 8.4 million children we engaged in so-called 'unconditional' worst forms of child labor, which include forced and bonded labo the use of children in armed conflict, trafficking in children and commercial sexual exploitation.

In 2000, the ILO estimates, "246 million child workers aged 5 and 17 were involved in chil labour, of which 171 million were involved in work that by its nature is hazardous to their safety, physi or mental health, and moral development. ILO Convention No.182 on the Worst forms of Child Labo and Convention No.138 on Minimum age initiated the International Programme on the Elimination of Chi Labour (IPEC). This targets bonded laboureres, trafficked children in hazardous occupations etc. Th majority countries who signed and ratified these rights integrated them in to National Constitutions. Article 23, 24 and 41 our Constitution is the best example for this.

More boys than girls work outside their homes. But more girls work in some jobs: for instance, domestic maids. Being a maid in someone's house can be risky. Maids typically are cut off from frien and family, and can easily be physically or sexually abused by their employers.

61% in **Asia,** 32% in Africa, and 7% in Latin America, 1% in US, Canada, Europe and oth wealthy nations In **Asia,** 22% of the workforce is children. In **Latin America,** 17% of the workforce children. When we are looking at the menaces of child Labour either the government or the internatio institutions neglected this among the invisible indigenous children. As a result of which no comprehens data on the problem or the conditions and types of work in which indigenous children are engaged

Recent surveys revealed that the indigenous children are at particular risk for ending up in th worst forms of child Labour. Debt bondage in Asia and agriculture wage labour in plantations in Lati America are the best examples. Poverty, least education and marginalized groups are some of the reas for the child labour. The steps taken for eradication of poverty and illiteracy can reduce the child labo But these steps taken to eradicate child labour in not benefited the indigenous people. It requires spec approach as their traditional livelihood is destroyed by the way land is taken for development etc. They have to rely on work to survive their children.

Problems

Poverty, difficult access to schools, poor infrastructure, education as means of assimilation w results discrimination, monolingual education in non- indigenous languages, barriers- cultural, soci



NATIONAL SEMINAR ON
"CHANGING FACE OF CORPORATES WITH REFERENCE TO AMENDED PROVISIONS OF CSR IN THE COMPANIES ACT, 2013"

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11. A focus on Social Responsibility in the Domain of Corporates

-Dr. Ch. N. V. ManikyalaRao[1]

Abstract

Any responsibility you have, particularly towards members of the society with whom you interact or the society in general, is called social responsibility. CSR has come a long way in India. From responsive activities to sustainable initiatives, corporate have clearly exhibited their ability to make a significant difference in the society and improve the overall quality of life. In the current social situation in India, it is difficult for one single entity to bring about change, as the scale is enormous. Corporate have the expertise, strategic thinking, manpower and money to facilitate extensive social change. Effective partnerships between corporate, NGOs and the government will place India's social development on a faster track.

The theory of Social Responsibility was first developed by ***Robert Mayford Huthchins*** *in 1940 against freedom of press. The terminology of CSR first time came in to existence in 1953 when* **Bowen** *used it in his book titled "****Social Responsibilities of Businessmen****" The CSR theories focus on four dimensions namely Profit, Political Performance, Social Demands and Ethical Values. Basing on these new things are emerging in the corporate field which are as follows: Corporate Social Responsibility, Corporate Social Responsiveness, Corporate Citizenship, Stakeholders Management, Corporate Social Performance, Issues Management, Sustainable Management, and The Common Good.*

It is a concept whereby companies integrate social and environmental concerns in their business operations and their interaction with their stakeholders on a voluntary basis..Different organisations have framed different definitions although there is considerable common ground between them.

Generally, owners, investors, suppliers, government, customers and society are the stakeholders of the corporate. Public image,

[1] Principal, Manikchand Pahade Law College, Aurangabad, Maharashtra

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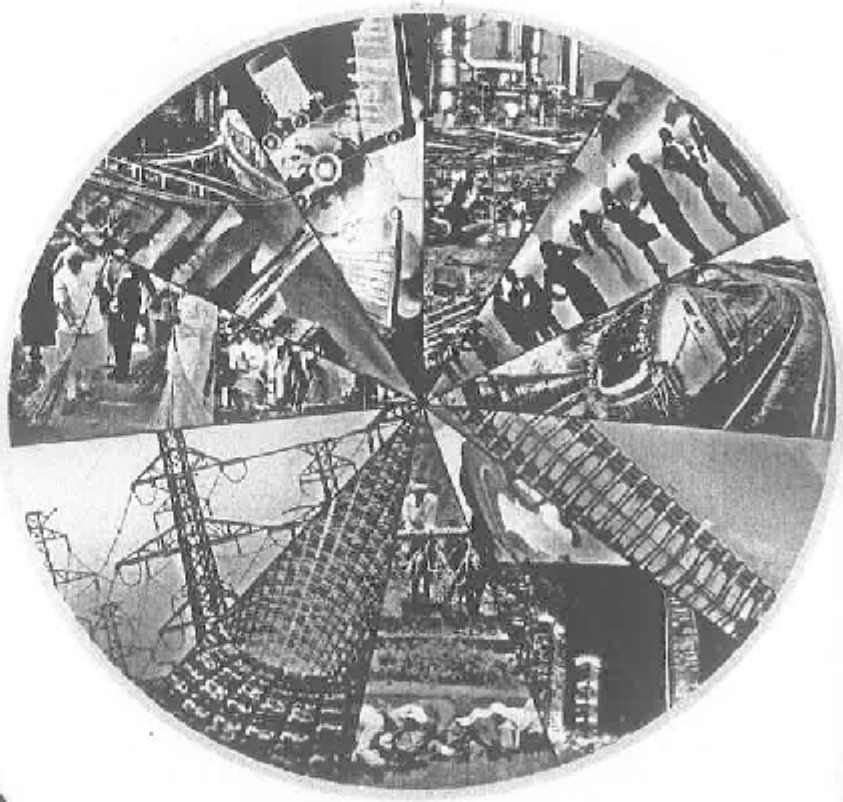

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A focus on rural and urban development in India

-Dr Ch.N.V.Maikyala

Gandhiji always stressed that village progress is the only [way] to re-build the nation. As we are the heirs of village civilization, we [have] to rebuild the nation from the bottom of the society i.e., downtrodden and the poor. Villages without fear, exploitation and with self sufficient can only lead the nation.

Almost 50 percent of India's personal wealth is in the hands of percent richest people whereas 90 per cent share the rest unequally. The top 10 per cent of Indians owns nearly74 per cent of the Country's personal wealth. Of the world's 20 per cent poor, one among the four is Indian and in contrast Chinese is 3 percent in total poor. The Credit Suisse report says that the poverty reduced in the last three decades but the growth of 10 per cent families rose from 66 to 74 per cent. One percent super rich wealth is 37 in 2000 and rose to 49 percent at present.

Average of total population is 27, 36.7, 37.6, and 46.1 in India, China, America and Japan respectively. It was believed in 80s that excessive population is dangerous for the growth of any nation but at present it was treated as better human resource. Population is like a double edged knife. If we know how to yield with it, it will progress the nation or otherwise it will be disastrous. 83.35 lakh people, which amounts to 69 per cent of total population, live in 5.98 lakh villages. The 50 percent of total village population is confined only to 1.2 lakh villages. Small villages consisting of people among 2000 to 10000 reduced from 41 per cent in 2010-'11.

Official data on all indicators of development reveal that India's tribal people are the worst off in terms of income, health, education, nutrition, infrastructure and governance. They are at the receiving end of injustices of the development process itself. Around 40 per cent of 60 million people displaced following development projects in India. 90 percent of coalmines and 50 per cent of minerals and dam sites are mainly in tribal regions. We need to learn to involve the cast citizens in decisions that affect their lives, such as taking their consent while acquiring land for avowed public purpose

There are 30 per cent of rural [people] landless and live [on] manual labour. The 19 per cent of rural population lack one of the socio-economic para meters to determine the income , literacy quality dwelling. 23.5 per cent of rural households does not poses literate adult above the age of 25.As per 2011-'12 estimation 25.7 per cent of rural population below the poverty line i.e an income below per month. However, the estimates of planning commission not comparable with that of Socio Economic Caste Census2011.

Agriculture is the back bone of any village development. Unfortunately, this was neglected by the governments in power and the same i.e.42 per cent of land gets below average rainfall and 12 per cent heavy rainfall which resulted farmer suicides all over the country. The green revolution will be successful only when there is proper allocation of funds to the agriculture research. Unfortunately the budgetary allocation is only half per cent of GDP. This hampers the growth and yielding of the agriculture because of not using the latest technology and research data for the betterment of the agricultural sector. Wherever farmers have come together to form powerful institutions to buy and sell, they have been able to compete on much fairer terms and in the market. Pune organic co-operative farming and Kerala are the best examples.

Poverty is not because of in balance of wealth but mixture of other factors and circumstances which result lack of minimum standard living at the rural and urban areas. The severe poverty in 2000 reduced from 49.4 to 24.7 in 2015 but we are behind Pakistan, Nepal and Bangaldesh at the global level.

Every hour 10,000 people migrate in the world for different reasons. A crucial reason why the poor are unable to take advantage of the possibilities opened up by the growth even within their districts is the absence of requisite health and education. 40.6and 18 per cent of the rural population is in the age group of 25-54 and 15-24 respectively. The youth aspirations are changing day by day. There is a duty upon the government to guide them properly by providing skill which makes them employable. Professional skill among the youth is 96, 80 and 3 in North America, Japan and India respectively. There is a chance of 148 million by 2020in India which may contribute 48 lakh youth to join the work force in the coming 15years.

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HUMAN RIGHTS VIS-A-VIS UNBORN CHILD

*Ch.N.V.Manikyala Rao

Procreation of children is the inherent, biological, social, psychological and religious need of every couple.1 They copatulate with pleasure, and thereby, through the process of reproduction, the cycle of nature continues its reproduction.

When a woman conceives, during the initial stages of pregnancy the child is called *"embryo"* for the first two months and then a "*foetus*" until birth. It would be wrong to assume that it has no separate entity or it has no moral or legal significance. The right of the child *en ventre sa mere* i.e. child in the mother's womb are well recognized in family property and inheritence. Special protection is required for unborn children, as they constitute a significant inarticulate helpless class of human beings. Right not to be born in the world of inevitable physical and mental suffering for them is as important as right to life of the born children. The parents have no right to force life for their pleasure, when they can not take care of that life.. The parents, society and international community have a duty to provide protection and proper maintenance when they bring life in to existence.

It is a fundamental right of a girl or woman to keep *embryo* or *foetus* in her womb as per her desire. Therefore, it is a rule that there should be continuance of pregnancy for its full term until safe delivery, except in very exceptional cases. Section 416 of Cr.P.C. provides that if a woman sentenced to death is found to be pregnant and is expected to deliver a child, the sentence execution will be postponed till she delivers the child.

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PLIGHT OF VICTIM: NEED FOR RESTORING FAIR CRIMINAL JUSTICE SYSTEM

Dr. Bhagyashri Paranjape*

—Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

This is a norm of international human rights law, which is also adopted by many countries in their procedural law. It is the principle of the natural justice that the trial has to be fair from both sides. Rights of victim and his role in criminal process are neglected over long period of time. Today the role of the victim in criminal trial is reduced to informant or witnesses. The theory of State as a protector and guardian of the life and limb of the person prevails. However when state agency fails to perform their duty or when it falls short of doing justice with the victim, where shall victim go? In such circumstances victim is left to suffer injustice silently. As a result there is strong displeasure amongst public about the criminal process.
This article proposes to examine critically role of the victim in criminal proceeding. The researcher will discuss jurisprudential aspects of rights of the victim. Brief survey of the provisions of law at internal level and comparative study of legal systems of few selected countries in this context is proposed. Lastly the article will focus on the need for refurbishing the criminal procedure for making it fair procedure from both sides. This will be helpful to instill confidence and trust about the criminal justice system in India.

Introduction :

The guilty man lodged, fed, clothed, warmed, lighted, entertained, at the expense of the state in a model cell, issued from it with a sum of money lawfully earned, has paid his debt to society; he can set his victims at defiance; but the victim has his consolation; he can think that by taxes he pays to the Treasury, he has contributed towards the parental care, which has guarded the criminal during his stay in prison.|| These are the words used for describing the plight of victim way back in a summary report of the Paris Prison Congress published in 1895.

Till this date nothing has changed as far as victim is concerned. The result is victim has lost faith on the criminal justice system. Today everyone talks about rights of accused but victim and his rights is a neglected factor. There is long list of the rights of the accused which finds place in the constitution e.g. right to equality and equal protection; right against ex post facto laws; protection against double jeopardy; protection against self-incrimination; right to have freedom from unwarranted arrest; right to silence; right to have public hearing; right to approach higher judiciary in appeal etc. thus rights of the accused form part and parcel of fair trial||.

Though there are some provisions under the Indian Constitution and some sections in the Code of Criminal Procedure, 1973 to protect the rights of the victims and for providing

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time so There must be careful design to sanction for failure to live up to human rights conditionality.

2. By including human right norms in the jurisprudence of the of the dispute resolution mechanism. There are number of studies of the jurisprudence of WTO dispute settlement mechanism and this jurisprudence can be used to create method of enforcement of human right norms as the pressure to create free trade grows.

CONCLUSION:

From the above discussion it seems that human right has gained much importance at national and at international level. With the help of UDHR 1948 every country at domestic level gives importance to human rights. With growing liberalization and globalization trade has taken new dimension. At international level trade are regulated by WTO. As seen WTO basic principle is free trade where human right has much less importance in trade. There are certain trade areas which needs human right norms in order to have sustainable development. Though WTO's preamble speaks for protection of environment and sustainable development but in reality WTO is much concern with establishing the legitimacy of free trade.

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CULTURAL THREATS TO HUMAN RIGHTS CHALLENGE TO AWARENESS PROGRAMME

Mrs. Bhagyashree Paranjpe –Godbo

Boutros Boutros – Ghali, a Special rapporteer in U.N. said in 2009. *"On De 10 the universal declaration of human rights will be 61 years old, while it ha brought undeniable progress in the world, there are certain dangerous tendencies that are working against efforts to make human rights the comma language of humanity."*[1]

The problem of "awareness of human rights" is appropriately delineated Boutros Boutos – Ghali, when he talks about the tendencies working agai human rights. These tendencies are also supported by so called cultu According to Prof. Upendra Baxi.[2]" the subject of human rights is not new. has been ingrained in societies from time immemorial. This topic has assum a great importance in the contemporary world due to the result of gr violations of these rights."

Thus even from preceding centuries the importance of human rights realized. The process of realization can be traced back to the holy literatu like Vedas, Buddhist texts, Bible, the Quran and other authentic literature. the western world one may discover these rights in Greek and Roman cultu in the form of 'natural rights.' Still there are gross violations in t contemporary world in the name of and under the garb of "culture."

Human Rights are inherent in human beings which they get by birth. Eve human being is entitled to enjoy human rights and to have them protected. V find its transition fromimpracticable dream of natural law philosophers to t acceptance as national necessity and international reality.[3]

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

[1]http : // psnews. net / columns. asp? idews last visited on 25/11/2010.

[2]Upendra Baxi, The Future of Human Riguts, Oxford India Pub, Third Edition 2008 Page 63.

[3]G. Velan, Human Rights and Development Issues, associated Publishers, Fi Edition 2008, P 32.

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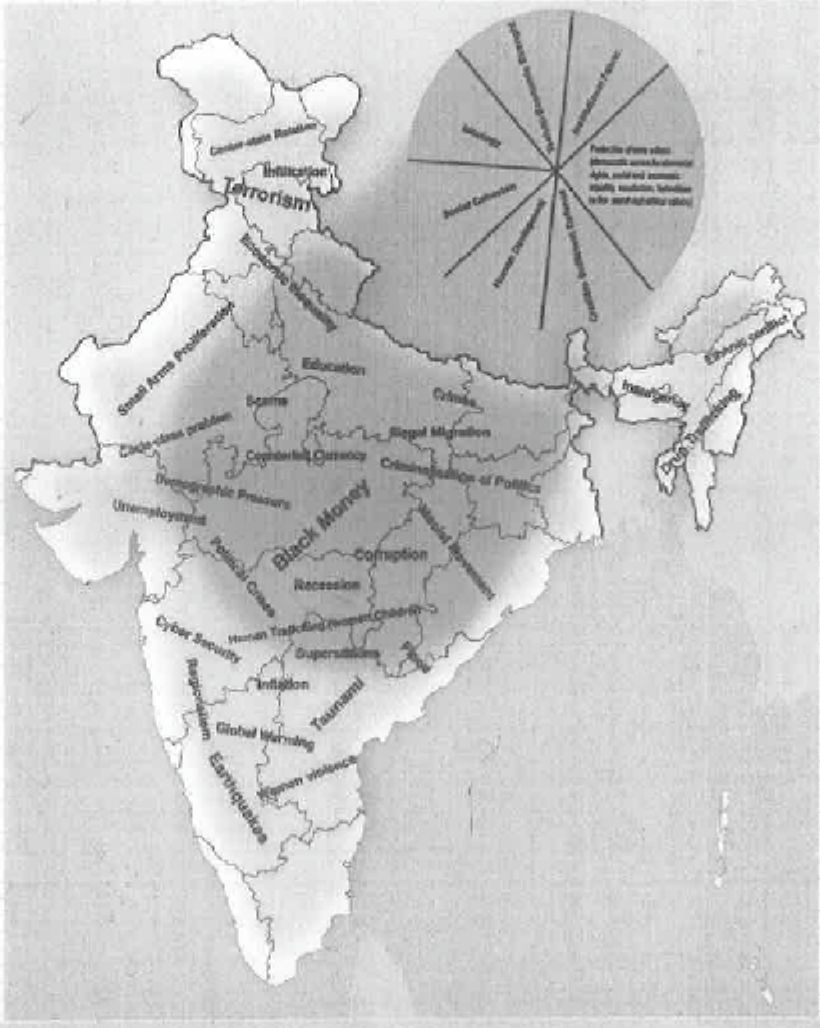

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ARMED FORCES SPECIAL POWERS ACT, 1958: INTERNAL SECURITY MECHANISM OR STRATEGY FOR HUMAN RIGHTS VIOLATIONS

Bhagyashree V Paranjpe

roduction

As part of internal security mechanism, Indian Parliament enacted Armed Forces Special Powers Act, 1958. It gislation consisting of six sections only. It gives special powers to armed forces deployed in the areas of north east ich are allegedly called as "disturbed areas".

The Act has been at the heart of concerns about human rights violations in the region due to arbitrary killings, ure, cruel, inhuman and degrading treatment and rape. This is mainly because of vaguely formulated provisions of Act, which are granting extraordinary powers to the Indian armed forces in so called disturbed areas.

Its continued application has led to numerous protests, notably the longstanding hunger strike by Ms. nChanuSharmila in Manipur. In 2004, following violent protest against the brutal murder and rape of Manorama vi, J. Jeevan Reddy committee was constituted which has suggested repeal of the Act, but at the same time it has ified the deployment of the army in this area for security reasons.

The challenge before the Indian Government is to develop a new strategy to strike balance between internal urities of this 'disturbed area' as well as to protect human rights of the people from this area.

torical reasons for passing of AFSPA

Northeast India is the eastern-most region of India connected to East India via a narrow corridor squeezed ween Nepal and Bangladesh. It comprises the contiguous Seven Sister States—Arunachal Pradesh, Assam, nipur, Meghalaya, Mizoram, Nagaland and Tripura—and the Himalayan state of Sikkim. These states are late ants to political India.

The present Act was enacted by the Parliament in 1958 andit was known initially as Armed Forces (Assam Manipur)Special Powers Act, 1958. The Act was preceded by an Ordinancecalled Armed Forces (Assam and ipur) Special PowersOrdinance, 1958 promulgated by the President of India on 22-5-1958. The Act applied to the e State of Assam and theUnion Territory of Manipur. After the new States of ArunachalPradesh, Meghalaya, oram, and Nagaland came into being,the Act was appropriately adapted to apply to these States.Thethen Union e Minister G B Pant had assuredthe Members of Parliament that theAct was temporary and only confined hting the "Naga hostilities". What wastemporary became a permanent feature.

There are two basic questions which are necessary to be addressed in this context .Why the special powers are n to armed forces in this area? And why even after passing of 66 years of independence there is a need for ination of the said enactment? The reasons are historical. This part of India is surrounded by the territories of ladesh, Bhutan, China and Myanmar. The population in this area consists of various ethnic groups and people ated from Tibet, Burma, and Thailand etc. Throughout British period entire North East was treated separately and rently from other regions of British India. In order to isolate this part from the mainstream British Government ted Bengal Eastern Frontier Regulation 1873, which ostensibly was designed to protect minorities and ethnic ps , restricted the entry of outsiders, prohibited business activities , land transactions and settlements with ders. Thus this part of hilly region was always separated and was excluded from the rest of India.

A sense of incompatibility and resentment against the rest of India which germinated in British India was inued even after independence, at the time of independence public opinion was sharply divided .It was the ernor General Mount Batten , who decided that north east shall belong to India .This prompted Indian ernment to enact AFSPA, which is still in force in the north east because of India China border conflicts and also e Indian government has failed to sensitively respond to intricate realities of North East. Clashes in north east d serious riots in Mumbai on Aug 11, 2012. Mass exodus of north east population from several Indian cities led fragility of our national cohesion. This has exposed weaknesses of our internal security mechanism in ring safety and security of our own citizens, which is a basic requirement of a democracy.

ysis of the provisions of the Act

The objective of the passing of this enactment was to confer certain special powers upon members of the d forces in disturbed areas of north east.

on 2 provides for two important definitions of

a) **"Armed forces"** means the Military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating.

And

Disturbed area" means an area which is for the time being declared by notification under section 3, to be a

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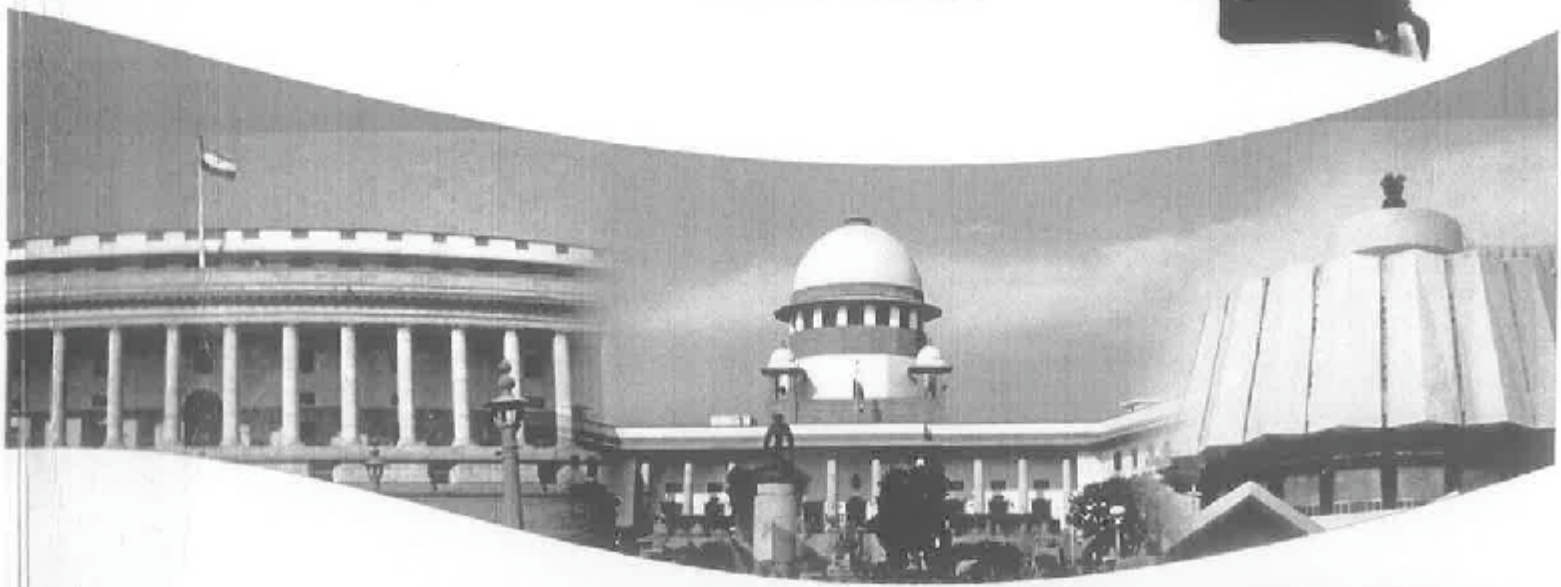

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MEDIA AND JUDICIARY- REFLECTIONON SOME CONFLICTING ISSUES

Bhagyashree V Paranjpe
Assistant Professor in Law
Manikchand Pahade Law College, Aurangabad

Abstract

Voltaire said "I disapprove of what you say, but I will defend to the death your right to say it."

Basic postulate of democracy is that the government shall be based on the consent of governed.Freedom of Press is embodied in the freedom of speech and expression. Freedom of press is not absolute. In this context Role of media is very important. Press should be neither an adversary nor supporter of the Government, but a constructive critic. It is the watchdog on the three organs of the state.There are three issues regarding this

a) To ensure fair and accurate reporting at all stages of legal proceedings

b) Need to protect the identity and privacy of parties

c) Need to regulate reporting on sub judice matters

Right to free trial is a fundamental right guaranteed under Art. 14, 19 and 21 of the constitution.-Maneka Gandhi v UOI (1978) However "Right to open justice" is not absolute, the court has inherent powers to restrict publication of court proceedings or evidence in media. Trial by media is the Antithesis of the rule of law.-State of Maharashtra v Rajendra Gandhi (1997).

Thus there is conflict between right to free press and right to free trial. This paper highlights the consequences of this conflict and to suggest solutions to resolve that.

Introduction

Highlighting importance of freedom and expression Voltaire a French Enlightenment writer, the great historian and philosopher has said "I disapprove of what you say, but I will defend to death your right to say it." Freedom of speech and expression is important in democratic country because it facilitates decision making which takes place after discussion and deliberation which is true spirit of the democracy. It is indispensable to the operation of a democratic society whose basic postulate is that the government shall be based on the consent of the governed. Such consent implies not only that the consent shall be free but also that it shall be grounded on adequate information, discussion and aided by the widest possible dissemination of information.[1]

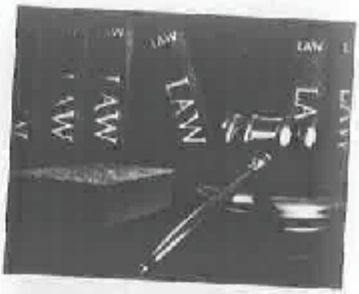
The important task of governance of the state is shared by the three organs of the state i.e. legislative, executive and judiciary .They are the three pillars of democracy.The fourth important pillar is media. Main function of media is to collect information and to spread it in the society.It provides occasion to the government to know what people feel and what their aspirations are. It is through press and other media that people can vent the criticism against government, which ultimately contributes for improving the administration of the government. Thus media plays important role in strengthening the democracy. In a democracy, freedom of press is highly essential as it (the press) acts as a watchdog on the three organs of a democracy viz. the legislature, the executive & the judiciary. Explaining the role of press in this context, the second Press Commission has advocated that the press should be neither an adversary nor supporter of the Government, but a constructive critic.

However while playing this important role media many times comes in conflict with the other organs of the state. This paper is focused on one of the area of the conflict i.e. conflict between judiciary and media. This study is divided into four parts, part one is introductory note, part two highlights the importance of freedom of speech and expression and place of freedom of press in Indian Constitution. Part three deals with "right to free trial" as fundamental right and conflict between freedom of press and right to free trial. At the end suggestions are given on the basis of the observations. The methodology adopted for this is analytical and primarily unfolds through case laws.

Freedom of Press in India

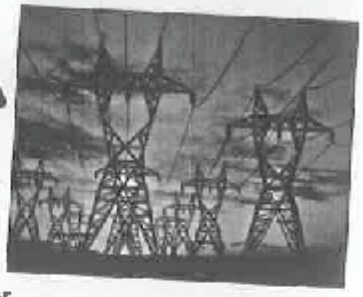
Freedom of press is one of the important human rights recognized at international level.Article 19 of the Universal Declaration of Human Rights (UDHR) provides: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and











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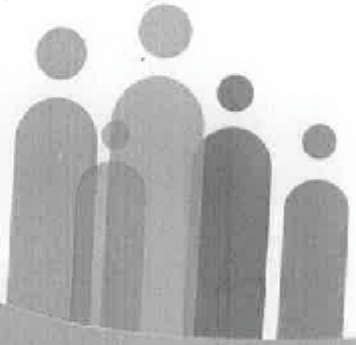

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TRACING THE GREEN TRENDS OF CONSUMER BEHAVIOUR IN AUTOMOBILE MARKET

-B.V. Paranjape*

"Business is the only mechanism on the planet today powerful enough to produce the changes necessary to reverse global environmental and social degradation."___Paul Hawken.

Introduction

Green consumerism can be described as combination of two ideologies of modern age i.e. environmentalism and consumerism.

Environmentalism is a philosophy regarding conservation and preservation of environment.[1] Environmentalism and environmental concerns are often represented by the color green. While consumerism is an economic policy stating that the market is regulated by choice of consumer. Consumerism basically describes the inclinations and tendencies of consumers towards various products in market.[2] Thus making purchasing decisions based on environmentally conscious thinking can be called as green consumerism.

Green consumerism has two aspects sustainable consumption and sustainable production. Green is clearly moving from mere buzz word to a trend with significant business potential. The important regulators of this trend are, Government, manufacturers and consumers.

Vehicular Pollution in India –A Matter of Concern.

Present research paper is an attempt to study behavior of consumers purchasing automobiles in the market. Obvious reason for selecting this area for research is vehicular pollution is a major contributor of green house effect. It is the main source of air pollution in India. Transport sector is the largest emitter of carbon monoxide, nitrogen oxides and hydrocarbons into air .Center for Science and Environment has published a report on vehicular pollution.[3] It has observed that the measures publicized so far seem to indicate that to control vehicular pollution; it is the vehicle consumers who need to be brought to heel. Poor maintenance definitely increases emissions from old vehicles. Vehicles manufactured in India are of high level emissions, fuel sold is adulterated, and increasing dependence on vehicular transport system in general and fuel inefficiency in particular are taking their toll on

ENVIRONMENT, GOVERNANCE AND DEVELOPMENT

Volume - 1

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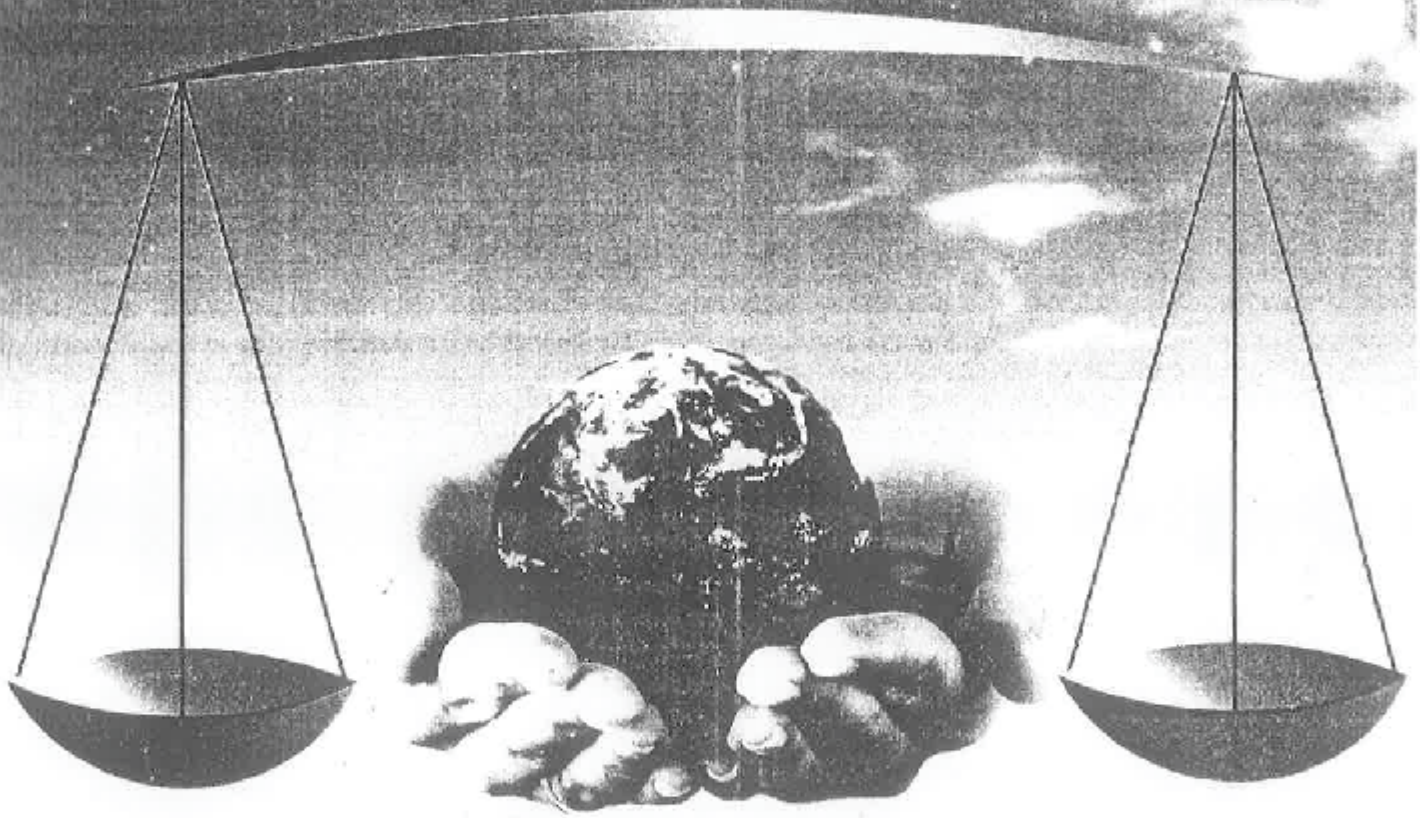

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Chapter 22

Environmental Justice in Asia and Indo-Lankan Judicial Activism

Shrikishan N. Morey

I. Introduction:

The environment has a paramount place not only in the life of human being but all natural creatures. The environmental balance is a condition precedent for survival of nature and thereby survival of human beings. In environmental balance the State has now determined its great role. Its legislative wing passes, executive wing executes and judicial wing interprets laws in respect of environment. The judiciaries of all the modern States of world are persistently showing concern to 'Environmental Justice' through their pronouncements. The Asian judiciaries have nourished and flourished the environmental justice. The Supreme Courts of India and Sri Lanka added lustre in it.

This researcher believes that it is essential to study the concept of 'Environmental Justice', environmental laws and the role played by the judiciary in the protection of the environment. In this research paper the attempt has been made to study the Environmental Justice in Asia, the environmental protection laws, and Asian judicial activism. The special attention is given on the role of the Supreme Courts of India and Sri Lanka in furthering the 'Environmental Justice'. Accordingly this research paper gives emphasis on the following.

1. Environmental Justice: Conceptual Foundation
2. Environmental Justice in Asia: the legislative actions
   2.1 A brief historical back ground
   2.2 Environmental protection laws: An overview
3. Asian Judicial Environmentalism: towards Environmental Justice
4. Indo-Lankan Judiciary: Champions in Green Judicial Activism
   4.1 Supreme Court of India: Role model in Environmental Justice Administration

SUSTA EVELOPMENT JURISPRUDENCE: INDIAN UDICIAL CONTRIBUTION

Shrikishan N. Morey*

The idea of Sustainable Development[1] has its genesis in the older forestry term 'sustained yield', which is a translation of the German term *'nachhaltiger Ertrag'* dating from 1713. The concept of SD was rose to real significance when the United Nation's World Commission on Environment and Development[2] popularly known as Brundtland Commission used it in 1987 Report.[3] According to John Blewitt, SD is the idea that the future should be a better, healthier, place, than the present. According to him it is multidimensional, encompassing social, ecological and economic goals and perspectives.[4] The concept of SD has been analysed by the Supreme Court of India[5] in 59[6] judgements pronounced by it under Environment Protection Law. These deliberations held on SD in the SCI have led the foundations of 'Sustainable Development Jurisprudence'[7] suitable to the conditions existing in India in the crises of Environment Protection and Development. In this context, this researcher feels it expedient to study the contribution of SCI in developing and nourishing the idea of SD. Accordingly this research paper gives emphasis on following points.

1. Sustainable Development: Concept as per WCED Report,
2. Sustainable Development Jurisprudence (SDJ): Researchers Concept,
3. Contribution of Supreme Court of India in development of SDJ, and
4. Conclusion and Suggestions.

1. SUSTAINABLE DEVELOPMENT : CONCEPT AS PER WCED REPORT

The Report of WCED in its Chapters 1 (Threatened Future) and 2 (Towards SD) of its Part I (Common Concerns), describes the Concept of SD. Accordingly to it the concept of SD provides a framework for the integration of environment policies and development strategies. Report uses the term 'development' in its broadest sense. It seeks to meet the needs and aspirations of the present without compromising the ability to meet those of the future.[8] The Report defines SD as 'development that meets needs of the present without compromising the ability of future generation to meet their own needs.' According to the Report SD contains within it the concept of 'needs' and the idea of limitations imposed on environment's ability to meet present and future needs, as two key concepts.[9]

Thus according to Report SD requires that the adverse impact on the quality of air, water, and other natural elements are minimised so as to sustain the ecosystem's overall integrity. The Report categorically put on record that 'in essence, SD is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development; and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.'[10] According to Report in

* Assistant Professor of Law, M. L. & G. E. Society's M. P. Law College, Aurangabad, MS. shrikishan01@gmail.com

[1] Hereafter called SD.

[2] Hereafter called WCED.

[3] Retrieved from http://en.wikipedia.org/wiki/Sustainable_development; on 9/01/2014.

[4] *John Blewitt*, Understanding Sustainable Development, Earthscan, UK 2008, Page Numbers not cited.

[5] Hereafter called SCI.

[6] Retrieved from http://judis.nic.in/supremecourt/refsear_new.aspx, on 14/01/2014.

[7] Hereafter called SDJ

[8] See Para 48 and 49 of Chapter 1 of Report of the World Commission on Environment and Development: Our Common Future.

[9] See Para 1of Chapter 2, *Ibid.*

[10] See Para 14 and 15 of Chapter 2, *Ibid.*

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REVISITING THE AMBEDKARIAN HUMAN RIGHT CONSTITUTIONAL JURISPRUDENCE VIS-À-VIS HUMAN JUSTICE

Shrikishan N. Morey*

The socio-political-constitutional movement led by Dr. Babasaheb Ambedkar throughout his life may be described as struggle for Human Justice, which bestowed the Human Rights to his oppressed, suppressed and depressed fellow brethrens[1]. He contributed in the enrichment of the Human Right Constitutional Jurisprudence[2] as a faithful leader of untouchables and chief architect of the Constitution of India, in this context this research paper gives emphasis on:

1. Influences on Dr. Ambedkar's Human Right philosophy
2. Dr. Ambedkar's philosophy of Human Right
3. Ambedkarian Human Right Constitutional Jurisprudence
4. Conclusions and Suggestions

Influences on Dr. Ambedkar's Human Right philosophy

Dr. Ambedkar was highly impressed due to Lord Buddha, Kabir and Mahatma Phule's philosophy and agitation for liberation of exploited masses from religious slavery. Mahatma Phule was the first man in modern India to launch a movement for the liberation of caste-oppressed, toilers, men and women.[3] This researcher believes that Mahatma Phules Human Right philosophy has established the foundation of Dr. Ambedkar's philosophy of Human Rights. It would be proper to put on record Mahatma Phule's philosophy of Human Rights incorporated in his 33 rules/commandments of 'Universal Religion of Truth'.[4] Mahatma Phule believes that all men and women are by birth

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[1] The *dalits* also called as Untouchables, Depressed Classes or Scheduled Castes in respective contexts.

[2] Philosophy of Constitutional law recognising, protecting and promoting the Human Righs in general and of *dalits* in particular.

[3] *Braj Ranjan Mani*, Debrahmanising History, Manohar Publishers and Distributors, New Delhi, (2011), p – 251.

[4] *P. G. Patil (Translator)*, Collected Work of Mahatma Jyotirao Phule, Volume II, Education Department , Government of Maharashtra, Bombay, (1991), pp – 33 37.

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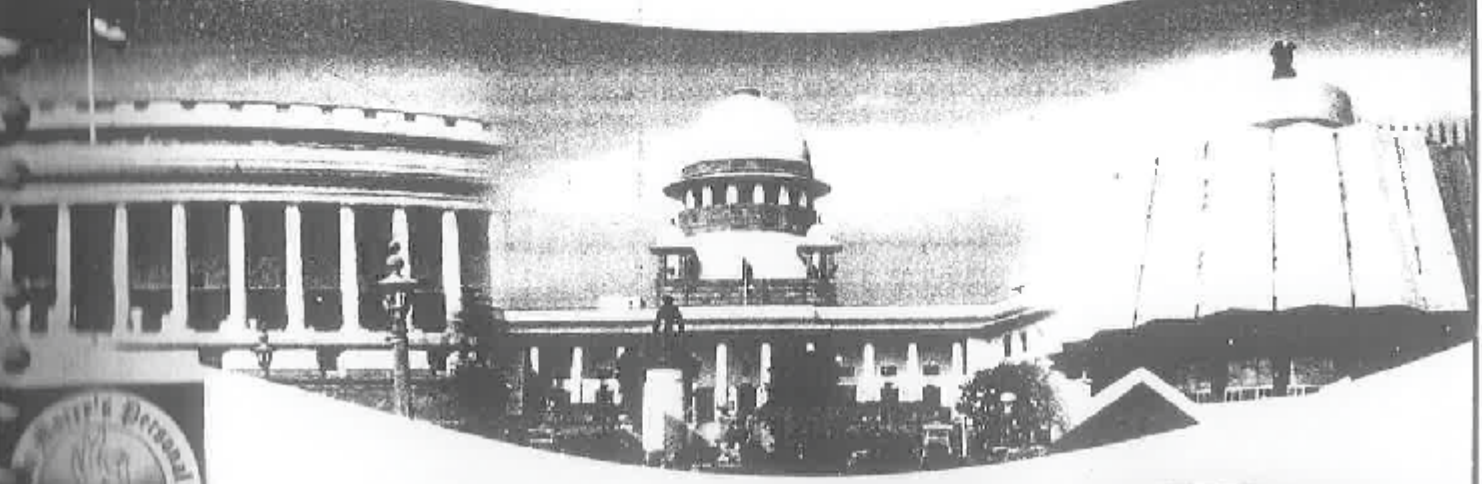

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FREEDOM OF SPEEC PRESSION VIS-À-VIS MEDIA FREEDOM: INDIAN C TIONAL JURISPRUDENTIAL TIONS

Shrikishan N. Morey
Assistant Professor
M.P. Law College, Aurangabad (M.S.).

Media plays a great role in a democratic life of any Nation. The citizenry of a democratic Nation has a right to know every thing about the affairs of the state. The media works as an effective instrument of exercising the peoples' right to know and the state affairs. The Constitution of India provides for fundamental right to 'six' freedoms in which the freedom of speech and expression is placed on position 'first'. It indicates the concern of founding fathers of Indian Constitution towards the freedom of speech and expression. Despite Constitution has no expressed provision for 'media freedom' or press, it has covered the same under the freedom of speech and expression.

There were the persistent demands of the people for incorporation of freedoms in general and freedom of speech and expression in particular under the Constitution. The Constitutional developments of pre and post Constituent Assembly derive the jurisprudential foundations of the present fundamental right to freedom of speech and expression vis-à-vis 'media freedom'. Therefore this researcher attempts to study these foundations, the genesis and development of freedom of speech and expression vis-à-vis 'media freedom'. This research paper gives emphasis on following particularly in **Indian contexts:**

1. Freedom of speech and expression: influences, genesis and adoption
2. Freedom of press or media: status under Constitutional Jurisprudence
3. Media freedom: Judicial contribution
4. Media freedom: determining future through past
5. Conclusions and suggestions

1. Freedom of speech and expression: influences, genesis and adoption

The freedom of expression, as described by Justice Chinnappa Reddy is one of the basic freedoms of society and no society can be called civilized unless freedom of expression is guaranteed.[1] While speaking on rationale of free expression D. D. Basu observes that the free expression is indispensable to the unfettered exchange of ideas necessary for self-governance. He further states the governors of democracy; the people must be free to choose away all conceivable ideas in formulating policy.[2] Freedom of speech and expression is a sacred icon in the constitution's inner sanctum, the fundamental rights chapter.[3] The constitution of India under Article 19(1)(a) guarantees the fundamental right to freedom of speech and expression to all citizens subject to the reasonable restrictions imposed by the State by ranking the law. The genesis of this right may be traced back in nineteenth century's demand for fundamental rights appeared in the Constitution of India Bill, 1895.[4] The Bill in its Article 16 it speaks thus:

Every citizen may express his thoughts by words or writings, and publish them in print without liability to censure, but they shall be answerable for abuses, which they may commit in the exercise of this right, in the cases and in the mode the Parliament shall determine.[5]

The demand for 'Free expression of opinion' is further continued in the Commonwealth of India Bill 1925[6] and in the Nehru Report of August 1928 . The Objective Resolutions moved by Pandit Nehru, on 13th December 1946 before Constituent Assembly states that:

(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution:...(5) wherein shall be guaranteed and secured all the people of India.....freedom of thought, expression....subject to law and public morality.[8]

After an elaborate deliberations and labour taken place, in Sub-Committee on Fundamental Rights, Advisory Committee on Minorities, Fundamental Rights, etc, Drafting Committee and Constituent Assembly and thereafter in Parliament of India during passing of the First Amendment (1951) and Sixteenth Amendment (1963), the present form of freedom of speech and expression appeared in the text of the Constitution of India.[9] The Draft Constitution prepared by Constitutional Advisor B. N. Rau, reveals that the freedom of speech and expression under our Constitution is influenced by and borrowed from the Article 40(6) of the Irish Constitution and Article 75 of the Constitution of Danzig.[10]

2. Freedom of press or media: status under Constitutional Jurisprudence

Prof. K. T. Shah,[11] K. M. Munshi,[12] Harnam Singh[13] and Dr. B. R. Ambedkar[14] in their respective proposals highlighted the need of freedom of speech and expression of opinion including the freedom of press. Speaking on the



(7)

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ANALYSING WOMEN'S SOCIO-ECONOMIC VULNERABILITY & EMPOWERMENT: THE DHARMO-CONSTITUTIONO-AMBEDKARIAN PHILOSOPHICAL PERSPECTIVES*

● **Dr. Shrikishan Morey**
Assistant Professor of Law
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Introduction

Women are the recognised vulnerable sections of the society in general and Indian society in particular. They were and still are made victimised by the hands of orthodoxists in the name of Dharma. The religious dogmas made them dependent on the males throughout their life. They have the moral as well as legal claim to be uplifted. The modern legal systems have compensated them by 'affirmative actions' and 'special provisions' for their emancipation from the slavery of patriarchy.

The founding fathers of Indian Constitution have provided the authority to the State of making any special provision for women. The Indian feminist moves in post Constitutional era have been witnessed the influence of Constitutiono-Ambedkarian philosophy for socio-economic empowerment of women. The philosophy of Dr. Ambedkar has prime importance because it has piloted the making of Indian Constitution. He had also suggested and advocated the ideal model of women empowerment in the form of Hindu Code

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Efficacy of Law for eradicating hazardous customary practices

Dr. Aparna N. Kottapalle
Assistant Professor
Manikchand Pahade Law College, Aurangabad

Indians are proud of our rich heritage and cultural ethos. ake the pledge that we will strive hard for imbibing the ural heritage and to be worthy of it. Customs as are as important source of law and hence we also respect mary practices and follow the same. Though it is so, some customs that are against humanity, against public morality, hence needed to be eradicated. Few amongst Sati, Dowry, Female Infanticide, Polygamy, and Child

ill effects were understood by the social reformers, and State, laws were enacted to curb these practices, it is can be observed from the available statistical data ese customs are not eradicated completely and some are spreading the poisons roots that is increasing menace gravating the situations. The statistics reflecting on the record is the tip of the ice berg as most of the cases of child marriage, foeticide and infanticide go unreported. out causes and factors responsible for the evil customary is very necessary so as to find out effective remedies. searcher in this research paper focuses on the causes and uences of these customary practices, present scenario with available statistics, and effective implementation of laws dication of these customary practices. The researcher finds the causes behind failure of legal provisions, and es few suggestions to correct the situations.

researchers have completed research work on various sions of customary practices from the sociological point of However, there is dearth of research on the present status of mary practices and the hurdles in the effective mentation of laws for irradiation these customary practices. the researcher has chosen this subject for the research

rch Design –

e fulfilment of the study objectives the descriptive research is proved to be useful and hence it was applied. For the letion of this research work primary data such as bare text laws, NCRB reports, government reports, law commission s, judgments of various courts, parliamentary debates, and dary data such as reference books, newspaper clippings, ls, websites are used.

researcher has chosen following four Customs[1] for the rch;
Sati
Female Infanticide
Dowry
04. Child Marriage

Law as a effective instrument of Social change

We find close and two way connection of law and social change. Society is continuously changing and law must not be static hence to accommodate social change laws are created and sometimes social practices need to be changed or banned hence laws are introduced. Thus it can be said that social change is responsible for change in law and law also is responsible for social change. When change is introduced by law which tries to regulate human behaviour, generally it would be backed by sanctions. The important concern here is do people accept the change easily which is introduced and compelled by law. It is expressed by Cotterrell that 'Where people are coerced by law they may keep their original inconsistent attitude and exaggerate the coercive effects of the law which force a change in their conduct, or they may accentuate their antagonistic attitude and condemn the law which forces them to act in a manner inconsistent with it[2]'. He further in his book Sociology of Law throws light the important aspects for law to be effective which include Importance of specialised enforcement agencies, Particular technique of enforcement, Public knowledge, Support for law. In addition to the above referred factors the researcher is of the opinion that internalisation of values enshrined in the piece of legislation is most important factor. The researcher here in this research paper has tried to study laws for curbing few of the customary practices and its effectiveness.

Customary Practice of Sati

Customary practice of Sati was prevalent in almost all parts of India. Sati means burning or burring alive of widow along with the body of her diseased husband or any other relative or with any article, subject or thing associated with the husband or relative[3].

Sati is self-immolation by a widow on the pyre of dead body of her husband. Systematic killing of widow in the same of culture Sati is a kind of domestic violence having support and appreciation by society at large. Sati represents operation of the weaker sex by the strong. The word sati means a true or virtuous woman. Sati is called the goddess who gives bless, prosperity and emancipation. Matsyapuran says that, men and women who worship her with devotion are reported to obtain everything they desire[4]

---

ms are long established social way which regulate lives of the ers of the society and people do not feel either any hesitation or y objection to obeying them

[2] Cotterrell Roger 'the Sociology of Law 'P. 61, Oxford University Press , first Indian Edition 2007
[3] Section 2(1)(c) the Commission of sati prevention Act, 1987.
[4] pink ham M.W., Women in sacred scriptures of Hinduism, 1941 P.93

Origin of the customary practice Sati: We find two Hindu Mythological stories one Savitri[5] and another of Parvati[6] in the name of Sati. However, in both the stories no women have committed suicide on the pyre of their dead husband. Thus the stories give no satisfactory explanation to the origin of state customary practice, one need to look into sociological background.

(i) The practice of Sati was much prevalent in Bengal State. Hindu Dayabhaga Law provided Share to widow in diseased husband's property. Her legal right created by Dayabhaga Law, might have been the cause of Sati, whereby she (the widow) was systematically killed in the name of ritual and customs.

(ii) Dr. Ambedkar was of the studied opinion that, customary practice of Sati was originated to save caste system. In high castes of Hindu religion minor girls were given in marriage to a bride grooms who sometimes had crossed even 70 years of age. After his death, she should not marry with person from other caste, was the idea behind it.

(iii) Few thinkers are of the opinion that, it might have originated to maintain sex ratio. However, we do not find any practice of burning husband alive on the pyre of dead wife so this cause does not hold much important.

Sati was not popular with the Sikh. The reason is that among Jat families in Punjab a custom known as kurawa or chadar dalana prevailed which means that on the demise of brother a surviving brother takes his sister in law to be his wife[7] Even if a Sati means self-immolation, widows many times were forced to commit self-immolation. There are references, where in if widow tried to come out of fire, she was restrained with the help of deadly weapons by her matrimonial relatives. This inhuman custom was first banned in Bengal province in the year 1818 Governor Lord Bentinck was instrumental in the same. When he became Governor General of British India he enacted the law for British Indian territories in 1829. In spite of Prohibition of Sati Act, 1829 even after the independence, instances of Sati continued few of them were reported and tried. We may refer to Tej Singh's case[8] Rani Rajendra Kumari at Karawar village committed Sati. In 1983, Midiabai near Bhopal who was forced to commit sati was rescued with timely action by authorities afterwards the lined social out caste.[9] 12 March, 1985 40 years Jaswant, Devipura forced-timely action life saved. 20,000 people present.[10] in the year 1985 Rupkawar a 18 years widow from Deorala village Rajasthan committed Sati.[11]

Immediately thereafter, The Commission of Sati Preventi 1987 was enacted. This law provides punishment for att commit Sati[12], Abetment to commit sati glorification of for violating magistrate's orders under the Act. as pr measure it empowers magistrates to issue injunctio prohibiting Sati. Provisions are created for establish special court. In addition to this the person who is con the offence of abetment of Sati is disqualified from suc certain property[13] and also disqualified for contes elections till the completion of five years after undergo punishment. The law found to be very effective. Howeve instances of sati have occurred after the Enactment of 1987

- On 11th November, 1999 Charan Shah a 55 yea woman who was suffering from tuberculosis end life by committing sati[14].
- On 6th August, 2002, Kuttubai committed sati in l villege, Patna, M.P. State. In this case surpr police recorded the case under IPC and not Special Legislation of 1987.[15]
- May, 2005-Rajkumari, widow of 75 years Bahundari village Dist.Banda of U.P. committ and charges of glorification and abetment were re under the 1987 Act.

The N.C.R.B[16] reports show that since 2006 till 2013 no Sati was committed or attempted to be committed. Thus say that the law prohibiting sati is found to be very effe as to eradicate the customary practice. However, glori which is punishable under the existing law continues i There are Sati temples especially in Rajasthan there are temples every year people gather in large number to Sati. Even political leaders also visit the places. Ther record that authorities have taken any action agains episodes. For attending sati festivals three days declared h and State Bus transportation is also arranged every year. Delhi Sati Temple was constructed in the year 1970. Th 7of the Act empowers authorities to remove any structure of Sati, we do not find any references of action to that e may be for the reason that having authority is distin having courage to take action.

Female Infanticide

Today we observe female foeticides happening around; feel this practice of killing girl child in mother's comparatively is of new era problem and consider the and technology as one of the important facilitator beh inhuman practice. Does it mean girl child was wanted old days? Unfortunately, we get the answer in negative. female foetus was safe in mother's womb as nobody cou the sex of the foetus, practice of female infanticide w prevalent in India. It was due to rigid patriarchal minds

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[5] , Lady followed her husband after his death whose soul was taken away by Yama she requested and prayed Yama and brought the life of her husband and made him live for once again.

[6] Parvati wife of god Shankar has the name state when her father did not invited Shankar god to Kagna, she Sati jumped into flames with anger and was burned to ashes.

[7] Pachauri S.K. 'Sati problem past and present ', in JILI.April – June 2003, p.257-258

[8] Tejsingh V/s State AIR 1958 Raj.169 (1500 people attended the procession and 12 were convicted for abetting sati by saying -Sati hona Dharam hai in 1974.)

[9] Sood Sushma , Crime against women 1990, P.357.

[10] Ghosh S.K. Indian Women through the ages P-155

[11] Dinalal V/s State of Rajasthan 1985 1 crimes 127

[12] Imprisonment which may extend of 1year, this punishment is with punishment to commit Suicide under IPC.

[13] This provision is at par with disqualification of murderer fro inheriting certain property

[14] Economic and Political Weekly August-17, 2002 P.3383

[15] ibid

[1616] National Crime Records Bureau, New Delhi, India





ज्ञान - विज्ञान विमुक्तये

Two Decades of CEDAW: Challenges and Responses - National and International Perspectives

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ROLE OF JUDICIARY IN ACHIEVING GENDER JUSTICE

Dr. Aparna N. Kottapalle*

ABSTRACT

Indian judiciary especially apex judiciary has played a great role in achieving gender justice. In this research paper the researcher tries to trace the role of judiciary including subordinate judiciary and family court in achieving gender justice with special focus on personal laws. The researcher also finds judicial activism and public interest litigations as effective tools for achieving the goal of justice to women. While appreciating the role of judiciary for bridging the gap between international law and municipal law the researcher also has considered difficulties and hurdles before the judiciary in achieving gender justice. The researcher suggest some ways out to overcome the problems and difficulties, which include enhancing gender sensitivity especially amongst lower judiciary, change in the casual approach in granting adjournments, special budgetary provisions for additional courts.

Indian judiciary especially apex judiciary has played a great role in achieving gender justice. Justice V.R. Krishna Iyer mentions that, 'the courts come out with flying colours because judicial pronouncements have challengingly upheld woman's claims through girlhood and womanhood'.[1] It has interpreted provisions in laws with gender sensitive approach and preserving human rights values. With wide interpretation it has extended the scope of legal provisions. The Judiciary not only has performed the function of interpretation of existing laws but also has laid down laws by judicial activism. With 'judicial creativity'[2] it has awarded compensations also. The Hon'ble Supreme Court has tried to apply and incorporate international law into the domestic spheres. Public Interest Litigations also are found to be important on women's issues.

INDIAN JUDICIARY ON THE PERSONAL LAWS AND GENDER JUSTICE

The cases under personal laws when ever have reached to the Hon'ble judiciary, most of the times it has tried best to give justice by liberal and gender sensitive approach. They have expanded the scope of the term 'cruelty' so as to suit the changing circumstances and changing scenario of the society. A similar approach was taken to deal with cases of maintenance especially under Muslim personal law and the Supreme Court in most of the cases related to personal

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MEDIA TRIALS; A THREAT TO INDIAN JUDICIAL SYSTEM

Dr. Kottapalle Aparna N
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"Just as one does not have the freedom to falsely shout 'fire' in a crowded theatre, one should not have the right to proclaim 'guilty' in the arena of public opinion, trampling the fair trial rights of the accused in the ensuing stampede" Mark R. Stabile

The media performs the role of providing information on the current scenario in all the spheres of the society, facilitates freedom of speech and expression of the individual and also performs for the entertainment. Press is considered to be the fourth pillar of Indian democracy.'The role of media, print electronic and traditional, have through their fast increasing variety, efficiencies and skilled communicators, more to contribute than even before in bringing about social change and mobilizing public opinion[1].

The role of media towards creating informed society is appreciable.Media enjoys freedom of speech and expression. The freedom includes the freedom of ideas, their publication and circulation.[2] It includes the right to acquire and impart ideas and information about matters of common interest.[3] The print media, the radio and the tiny screen play the role of public educators, so vital to the growth of a growth of healthy democracy.[4](T)he Indian constitution regards freedom of press as part of citizens fundamental right of freedom of speech and expression and does not place it on any higher pedestal.[5] The right to an unbiased trial as well as right to freedom of expression are both rights which are capable of provoking emotions and rhetoric, naturally tending to cloud the basic public interest involved[6]. Sometimes we come across the incidences[7] when media in invading right to privacy of someone, or conducting investigations or trials on their own when the cases are pending before the judiciary,or expressing unverified information or such as it affects the rights of many in various dimensions and also hampers rights of accused to fair trial.Instances are not lacking where instant SMS polls have been held to decide between guilt and innocence. *photographs are shown on television, hypotheses made and comments generated, which, at times, seem to point towards a particular person, who, it appears, has been assumed to be guilty. Till the trial has concluded and judgment rendered, it is unfair for the media to present the guilt of the accused. Such a biased approach is prone to cause harm to the concerned persons*[8].

A question comes in the mind that whether media is crossing the boundary. Can it be called as media overreach? In the words of Shri.Bhagwanrao Deshpande 'The 1st fundamental duty ordained by Art. 51 A of the constitution obligates every citizen to abide by its provisions and to respect its ideals and institutions which we have to respect, preserve and promote under our constitution, the question that we are compelled to ask ourselves is whether the media itself respects and promotes the goal and obligation incorporated in the constitution.[9] In this research paper the researcher deals with the issues of media trials. Trial by media is a phrase to describe the impact of television and newspaper coverage on a person's reputation by creating a widespread perception of guilt or innocence before, or after, a verdict in a court of law[10]. Media certainly have right to provide the information about the status in judicial proceedings.

Following can be considered as important issue when we talk about the media responsibility pertaining to media trials and reporting of judicial trials.

- There is a professional and moral obligation on the media agencies to ensure fair and accurate reporting of court proceedings. However, we find some incidences of distorted public perception.
- Many times there is compelling need to protect the identity and privacy of parties for the reason of security and protecting interests such as in cases of family matters, cases of juvenile delinquency . Also in cases of sexual violence where in camera proceedings are expected, victim's identity must not be disclosed. We find some incidences, where disclosure of identity is attempted by media that hampers the interests of victims or parties.
- Need to check prejudice against parties which can arise as a consequence of reporting on sub judice matters. Particularly, in criminal cases, photographs are shown on television, hypotheses made and inferences are drawn, which at times, seem to point towards a particular person, who may have been assumed to be guilty.
- If excessive publicity about a suspect or an accused, before trial prejudices a fair trial, creates a pressure and is unwarranted interference with, the administration of justice, which may lead to contempt of court proceed-

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On

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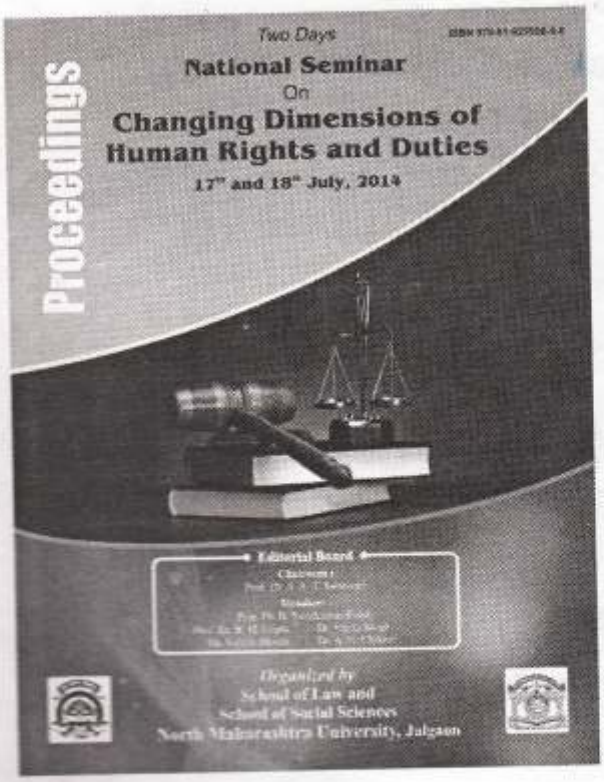

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CAPITAL PUNISHMENT THROUGH THE LENSES OF HUMAN RIGHT

Dr. Aparna N. Kottapalle
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In the primitive society eye for an eye and tooth for the tooth was the rule, hence anybody could ke the revenge and cause injury to other even could take the life for the personal vengeance. There was certainty, peace and equilibrium. Later people in a society surrendered their rights and state was created r the protection of the society[1]. Nobody is allowed to take the revenge.

'Punishing the offender is a primary function of all civil states. James Stephen expresses that 'Law mainly a system of licensed revenge'[2] there are various kinds of punishments amongst which capital nishment or death penalty is one of the important kind of punishment.

Capital punishment i.e. death punishment always had been a subject of debate for sociologist riminologist, jurists and Human rights activists. Many countries throughout the world have abolished is punishment and many including India have retained it. This issue is also discussed in Indian parliament r 5 times i.e. 1949, 1956, 1958, 1961 and 1962. Even the law commission of India in its various reports d particularly in 35th report has expressed the need of retention of capital punishment. Indian Judiciary lso has time and again expressed the need of death penalty and has explored jurisprudential dimensions. ecently in the year 2014 Hon'ble SC commuted 15 convicts death penalty to life imprisonment for the ason of undue, unreasonable and indeterminate delay in disposal of mercy petition and once again the ssues of capital punishment, its justifiability, and execution, human rights of the death convict and the rdoning powers of President and governor under the constitution of India are discussed widely.

In this research paper the researcher deals with the issues like pros and cons of capital punishment, hy human right activists demand abolishing capital punishment, significance of capital punishment, risprudential dimensions of capital punishment developed by the Indian judiciary and powers of President nd governor to decide mercy petition.

oundation of the capital punishment

Capital punishment can be understood as the permanent elimination of incorrigible criminals by overeign authority through the legal process. Throughout the world we find various modes of execution f this punishment that may include hanging, fire, throwing in front of wild animals, stoning, skinning, thal injection, use of electric chair, gas chamber, shooting etc.

Capital punishment serves the purpose of Retribution, Prevention and the foremost important it is very effective method of creating deterrence in the mind of society. Some of the important criminologists ho support death penalty on the ground of deterrence are Lombroso, Garafalo, Sir John, Salmond, James tephan Those who are supporters of this punishment they opine that the person who has committed most rrible offence must die, it also achieves the feeling of revenge & 2ndly all the criminals cannot be reformed ence elimination of such harden criminals by providing them death sentence for the social peace and afety is necessary.

However, human right activists demand abolition of death sentence for the reason of barbarous, uel kind of punishment which does not give opportunity to the convict to reform. It is also argued that nerally who are from weaker section from the society they will be convicted and provided capital nishment as they are not economically sound to hire services of the best lawyers. If accused is having od financial health he may hire good lawyers, and thus violates the human rights of poor person.

The criminologist and Italian Jurist Ceasare Beccaria (1738-1764) is the first champion of abolishing

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ROLE OF MEDIA IN COMBATING TERRORISM

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'The freedom of expression tending to violate another person's right to life guaranteed under Article 21 or putting the national security in jeopardy can never be justified by taking the plea of freedom of speech and expression. Any attempt to justify the conduct of the TV channels by citing the right of freedom of speech and expression would be totally wrong and unacceptable in such situations.... The coverage of Mumbai terror attack by the mainstream electronic media has done much harm to the argument that any regulatory mechanism for the media must only come from within1'.

-Hon'ble Mr. Justice Aftab Alam J

Terrorism is an organized crime which poses direct challenge to the national security system, creates threat to the national economy; it also attempts to disturb social integrity and peace, it is not only to create terror but it is an attempt to show government that they cannot have control over the law and order, creating social disorder it is to show that the state has not remained the state of law.

All countries over world are more or less sufferer and victimized with the terrorist attacks, may it be the super power USA or any small country like Shri Lanka or Bhutan. Statistics published by National Counter terrorism an U.S based organizations -in 2007 total 14000 terrorist attacks all over the world occurred and total 22,000 persons lost their lives. Iraq, Afghanistan and Pakistan are first three countries in suffering terrorism where as India stands fourth. Thus terrorist attacks and aftermath are of great concern for India[2].

With the process of globalization the world has come nearer and closer than ever before. We come to know the happenings, developments wars, sorrows accidents, terrorist attack and every incidence all over the globe immediately. It is because of media. The role played by media

in this process cannot be sidetracked and needs proper consideration. The media has the potential of turning people into passive viewers in the sense that they tend to accept and believe on whatever is being shown on television. We cannot keep ourselves aloof from the impact of media. Impact of media with the process of terrorism is also a matter of great concern. The terrorist attack on world trade centre and after math was shown live on media on 11th September 2001. It was the first time when terrorist attack was captured by media. 13th December 2001 when terrorist attacked Indian Parliament the unfortunate and life threatening moment was captured by the cameras of media. Some sacrificed their lives. Role of media in combating terrorism became evident.

Thereafter 26/11/2008 terrorist attack at Mumbai and steps taken by the Indian Army were continuously shown on all national television channels which further threatened the security of India. Hon'ble Supreme Court of India while delivering judgment in Ajmal Kasab's case has taken judicial note of the fact that 'the terrorist attacks at all the places, in the goriest details, were shown live on Indian TV from beginning to end almost nonstop. All the channels were competing with each other showing the latest developments on a minute to minute basis, including the position and the movements of the security forces engaged in flushing out the terrorist. The reckless coverage of the terrorist attack by the channels thus give rise to a situation where on the one hand the terrorist were completely hidden from the security forces and they had no means to know their exact position or even the kind of firearms and explosives they possessed and on the other hand the position of the security forces, their weapons and all their operational movements were being watched by the collaborations across the border on the TV screens and being communicated to the terrorist ..... it is beyond doubt that the way their operations were freely shown made the task of the security forces not only exceedingly difficult but also dangerous and risky.3 (394 & 395)

PRESS AND MEDIA IN INDIA

In India media enjoys fundamental freedom of speech and expression provided under Art. 19(a) 1 of the constitution of India. Though the Article unlike US constitution, does not expressly provide for the right of the press it was settled long back that 'There can be no doubt that freedom of speech' and expression includes freedom of propagation of ideas, and that freedom is ensured by the freedom of circulation "Liberty of circulation is as essential to that freedom as the liberty of publication4

4 Romesh Thapar V. State of Madras 1950 AIR (SC) 124 5 Dr. Susheela Jain Youth Media and Social Change P.01

Press is recognized as a fourth pillar of our democracy. It plays vital role in dissemination of information to people and keep them updated with the happenings all around the world. In the words of Dr. Jain 'media has not only changed the

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DYNAMICS AND DILEMMAS IN PRISON ADMINISTRATION

Dr. Kottapalle Aparna N.*

Prison is an institution where convicted person is placed by way of punishment with complete seclusion from the family and society, restrain on the liberties &if it is rigorous imprisonment compelled to work. More importantly, a place and time span for the introspection and correction. Imprisonment is a kind of punishment which satisfies almost all theories of punishment such as preventive measure, deterrence, and retribution & in the new era also the reformation of the criminal. Under trials are also detained in the prison as a security measure and also to achieve ends of justice.

Prisons have undergone radical changes since ages. Previously prisoners were treated as nuisance elements & as like enemies, were placed in solitary confinement, and not allowed to talk to each other and in very inhuman ways without any basic amenities such as proper food, water, sanitation, medical facilities. Prisons have undergone radical changes with the changing perceptions towards criminals and their human rights. One may see a paradigm shift in prison administration at national and international level with the acceptance and practice of probation and parole. However all problems in prisons are not solved rather increased such as overcrowded prisons and health issues of prisoners. Hence the researcher here in this paper intends to study the linkages of theories of punishment and prison administration and to find out effective remedies to reduce the problems in prison administration. For this paper the researcher carries two hypothesis Indian Prison administration provide a unique blend of all theories. The other one is prisons in India suffers due to overcrowding and health issues. The research method adopted for this paper is Doctrinaire.

Linkages of theories of punishment and Prison system

Punishing the offender is a primary function of all civil States. Sir Walter Moberly while accepting the definition given by Grotious, suggests that Punishment pre supposes that what is inflicted is as ill that is something unpleasant which is sequel to some act disapproved by authority and infliction upon someone who is answerable for the wrongdoings[1]. Punishment can be justified for creating Deterrence, Incapacitation of the criminal so as to avoid repetition of the crime, restoration and rehabilitation also is possible with various kinds of punishments. Various theories of punishment try to justify the imposition of punishment.

Deterrent theory founded by Jeremy Bentham supports infliction of swift, certain & severe penalties on offender so as to create deterrence in the mind of criminal and society for attaining social security. This theory is based on Principle of Hedonism.[2] However this theory is criticized being failure in two circumstances such as crime by hardens criminals & crime occurred without design. Punishment of imprisonment certainly creates deterrence as the liberty of an individual is taken away for a specific period with the procedure established by law.

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*The author of this research paper is Asst. professor at M.P. Law College

[1] See Paranjape N.V. Criminology & Penology with victimology P.280

[2] Punishment as a necessary evil











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REASONABLE PRICES OF DRUGS- A DEMAND FOR RIGHT TO HEALTH

- Dr. Kottapalle Aparan N.*

Indian culture since ages has shown unquestioned faith on the doctors and considered doctors as life saving god. Medication given by the doctors usually was followed by the patients. However, with the changing time, development in medical science and technology has taken place. Generic medicines, life saving drugs are available in the market, various techniques and tests have envisaged and surgeries are easier as never before. Definitely these are for the benefit of the mankind. Though it is so, we find growing complexities of life which are developed along with these developments. People are now aware of their rights and they do not show unquestioned faith on doctors.

Previously, medical professionals could be prosecuted under the provisions of IPC for the negligence in performance of their duties, now after the landmark case of the Indian Medical Association versus VP Shantha,[1] it is well recognised that doctors can also be dragged to the consumer forums for the negligence in performance of their duties. It is one of the reasons for development of highly professional attitude amongst medical professionals. To keep themselves on safer side, many times various tests are suggested to the patients, which are not much necessary. Such practice adds to the anxiety and economic burden on patients. It is also noticed that doctors are responsible for adding economic burden on patients by prescribing medicines by brand names and not by generic names. In this research paper the researcher would focus on two important issues i.e. right to health vis-a- vis high prices of medicines, governmental control on the prices of medicines and professional liability of doctors prescribing brand medicines.

Right to Health – A Basic Human Right

Universal Declaration of Human Rights 1948, in its Art. 25 (1)[2], International

Covenant on Economic, Social and Cultural Rights, in its Art 12[3] recognises right to health as human right. Thus Right to health is universally recognised human right. India is signatory to these international documents and hence it is an obligation on India to comply with the necessities to protect right to health of an Individual. Constitution of

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Challenges In Implementation Of Social Boycott Act, 2016 And Role Of Police Society And Media

● **Dr.Aparna Kottapalle***

Human being is a social animal and is comfortable in the society. For the continuation of smooth functioning in the society, certain norms and behavioral patterns are accepted by the group of persons/ caste/community which an individual is expected to follow, eg. Endogamous marriages. So as to keep persons under control, influential persons in the society may be from the different caste or same caste sometimes uses the social exclusion techniques of social boycott whereby a person is excommunicated or expelled from the group and is not allowed to interact or participate in any community functions or ceremonies including marriage ceremonies, or last ceremonies of the deceased persons. They are compelled to move out from the village, abused and even suffer life threatening or life taking torture may it be Honour killing incidences. This is done through the orders and dictates of extra judicial authority called caste panchayats or samaj panchayats or Gavakis. Sometimes even heavy fine is imposed by them on the alleged wrongdoer. There are many tribal communities and areas in India wherein due to the existing superstitions people boycott and torture individuals calling them Dayan's or darkens[1]. Though superstitions amongst society is a major cause for such practice of Dian, it is not only single cause , but economic and social interest such as property issues or denial for the sexual demands by women are also the reason for which under the garb of social practice people stamp individuals Dian[2].

It is reported that in Assam from Jan 2010 to 2015 almost 77 people were killed after they were held dian, amongst which 35 were women. 66 people were seriously injured for the same reason. Activist people working in this area feel that this is reported to police and actually the number may be more. Taking serious cognizance of the same, the Assam government has enacted the Law to curb such practice[3]. The Law of Assam provides punishment from 3yrs to 10 years imprisonment for declaring person as dean also for abusing torturing ,forcibly taking away her cloths /and compelling the person to move out of the village. The government there provides financial assistance to NGOs and organizations working for eradication of the practice of Dian. Such practice of torturing abusing compelling to leave the village and sometimes causing serious threat to life and limb of a person is also prevalent in Gadchiroli and Nandurbar District in the name of Dakin, i.e. witch, of Maharashtra which is a tribal district. It is reported that 900 women are held witch from 2002 to 2011[4]

Maharashtra Social boycott (prohibition and redressal) Act, 2016; its scope and ambit

The practices which are not in the public interest need to be eradicated with the state regulations. Social boycott and allied acts are violation of the fundamental rights covered

HUMAN RIGHTS

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"HEALTH PROBLEMS OF VILLAGE WOMEN'S: A CONFLICT ISSUES UNDER THE INDIAN LAWS"

AMOL DEO CHAVHAN

Abstract: The right to health is a fundamental and essential right of every human being. The overall development of human being is depending on good health. Healthy life of individual makes nation healthy and worthy. The concept of a right to health has been included in constitution of India as well in international agreements which include the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities. The United Nations further defined the right to health[1] and guarantees "right of everyone to the enjoyment of the highest attainable standard of health", and calls for the "provision for the reductions of . . . infant mortality and for the healthy development of the child; the improvement of all aspects of environmental and industrial hygiene; the prevention, treatment and control of epidemic, endemic, occupational, and other diseases; and the creation of conditions which could assure to all medical service and medical attention in the event of sickness."

Introduction: The right to the enjoyment of the highest attainable standard of physical and mental health was firstly expressed in 1946 Constitution of the World Health Organization, whose preamble defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". The preamble further states that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition."

Right to health is not included directly in part III[2] of constitution but same is guaranteed by various judicial pronouncements by Hon'ble Supreme court. The Constitution maker imposed certain duties on states under Part IV[3] of Indian constitution. Some provisions are directly or indirectly related with public as well as individual's health. Right to health is not confine with the facilities provided by the Govt. It is absolute right which everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services[4].

Article 38 of Constitution of India, impose liability on State that states will secure a social order for the promotion of welfare of the people but without public health we cannot achieve it. It means without public health welfare of people is impossible. Article 39(e) related with workers to protect their health. Article 41 imposed duty on State to public assistance basically for those who are sick and disable. Article 42 makes provision to protect the health of infant and mother by maternity benefit. Supreme Court has brought the right to health under the preview of Article 21. The state has an obligation under Article 21 to safeguard the right to life of every person, preservation of human life being of paramount importance. The right to health and medical care is a fundamental rights of every individual irrespective of any kind of discrimination and state is bound provide the same. Mere medical assistance is not expected under Art. 21 of constitution of India, but it is more related with making the life meaningful and purposeful with dignity of person. The right to life does not merely animal existence it has a much wider meaning which includes right to livelihood, better standard of life, hygienic conditions in workplace and leisure[5].

Causes of Health Problem of women's: The situation and problem of health of adolescent and old women's in rural area is very complex. It needs immediate and proper attention regarding the improvement of health. The rural background women's are deeply rooted in their old and outdated traditions and that is why they are not aware about their wellbeing and good health though it needs more attention. Normally they are depending and develop their own orthodox method of health and treatment. Sometime it is very difficult to make adolescent girls to realize their rights in many parts of the world especially in education and health. India is growing dynamically in every field. Although the boom in economy, innovative technologies, etc. has become nation's pride yet the country is witnessing a bias against the girl's and women's. India still follows a culture where people idealize sons and mourn daughters. Female feticide and infanticide are not the only issues in India. At every stage of life she is neglected and discriminated for basic nutrition, formal / informal education and living standards[6].

There are abundant health issues which is face by women's in rural areas like facts about first menstruation, acne, menstrual cramps and premenstrual syndrome, unwanted pregnancy by sexual abuse and other health issues.

In India every women irrespective of age face so many problems relating to good health. The health of Indian women is intrinsically linked to their status in society. Research on women's status has found that the contributions Indian women make to families often are overlooked, and instead they are viewed as economic burdens[7].

While women particularly in rural India face many serious health anxiety, including lack of awareness about right of reproductive health, violence against women, nutritional status, unequal treatment of girls

and boys, and HIV/AIDS. Which cause more and everlasting effect on the psychological imbalance on the women's. Due to the poverty and lack of awareness about the rights the women's are facing so many problems relating to health. It is need to give some health education. For improving the health of Women it is necessary to encouraged and engages the women in community activities through the social development programme and legal literacy relating to right to health. This exposes them to information, promotes social activity and encourages them to be independent relating to improving their health issues.

Some common health problems among rural girls like skin diseases, Vitamin deficiency etc. most of the these health problems of rural women's brought out by lack of basic information about the causes or causal agents of diseases, transmission of diseases, preventive and control measures, sanitation and hygiene from society at large and from their family members. Some of the common causes which cause health problems are as follows.

Poverty: due to poverty, women's health is not protected by the family members. Indian tendency much emphasis on male dominating society and women's have less status and priority in availing medical facility in the family and that is why, the male are not ready to expend the money on women's health. Another factor of poverty is more than 75% people from village are depend on traditional income source like as farming business and like and for the reason they are not ready to pay for health issues. Some diseases are cured by using traditional and herbs medicine which is commonly prepared in house without any hygienic preparation.

Lack of education: women's education in India has been one of the major issues of concern of the Government of India as well as the society at large. Nevertheless eradication of female illiteracy is considered as a major concern today. The education among women's in India is on alarming stage. Due to the family influence and religious ritual the girls are not permit to take education and due to that they are not understand and aware about their right to health which is recognised by the statute. At the same time, due to lack of education the women's are not understand the importance of health for good and healthy life.

Social influence: due to social backwardness, family custom, tradition, blind faith on supernatural elements women's are far away from their basic rights. The inferior position of women compare to men in society causes her backwardness in every field, specially the village women's are the major victims. Due to social backwardness the women's health is neglected.

Family influence: due to the male dominating society the women's are not permitted to avail their rights. Instead of enjoying their rights they are dominating like puppet in the hand of male dominating society. Due to discrimination between genders the women's are not permitted for availing the basic rights though they are confirmed and guaranteed by the statute.

Nutrition: due to lack of economical resources, social backwardness, education poverty, etc. the women's are not facilitate by good and healthy food compare to male. In fact women's work hard than male but her health is not protected by providing health and nutrition food.

Biological factors: the women's especially from the rural area are more negligent about their health and related matter. They are not more a tentative about their health issues. The social background, surroundings, biological development, and impact of externals influences they are not conscious about their health. The women's biologically very tender and mushy and for the reason they need more attention relating to their health. But in fact women's are not aware and conscious about their health.

Right to Health: We frequently associate the right to health with access to health care and the building of hospitals. This is correct, but the right to health extends further. It includes a wide range of factors that can help us lead a healthy life. The Committee on Economic, Social and Cultural Rights, the body responsible for monitoring the International Covenant on Economic, Social and Cultural Rights[8].

As human beings, we are more concern about health which is a matter of daily concern. Regardless of our age, gender, economical condition we consider our health to be our most basic and essential asset. The right to health is a fundamental part of our human rights as well as constitutional right. The right to the enjoyment of the highest attainable standard of physical and mental health and well-being are deeply personal matters of every individual.

The laws and Policies which confirm what level of health care provision is guaranteed, what kinds of service will be offered, how priorities are established between competing claims, where resources are determined, and what alternatives are available all become far more immediate when they affect us or our loved ones.

In short we can conclude that, right to health is fundamental right and same is protected by our constitution and various Govt. Policies. The Govt. is more conscious about protecting the health of individual specially women's and for that purpose introduced various scheme and facilities through various health care providers.

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damental rights expressly guaranteed in the Constitution of India which body the basic concept of gender equality in all shares of Human activity.

Vishaka v. State of Rajasthan[7] there was an incident of alleged gang rape a social worker in a village of Rajasthan. It was held that each such incident ults in violation of the fundamentals rights of gender equality and the right life and liberty. It is a clear violation of the rights under Articles 14, 15 &

It was further held that gender equality includes protection from sexual assment and right to work with dignity, which is universally recognized man right. S.C. has also laid down detail guidelines for protection of women work place.

ONCLUSION

can be seen from above case laws that judiciary has been playing a vital role protection of Human Rights. It is playing a role of savior in situations here the executive and legislative have failed to address and tackle the oblems of the people. From above, it is clearly indication that the Indian diciary has been very sensitive and alive to the protection of the Human ights of the people and thereby through judicial activism forged new tools id devised new remedies for the purpose of maintaining the most precious of e precious Human Right to life and personal liberty, accused persons, omen and all human beings, etc.

[7] AIR 1997, SC 3011

HUMA[illegible] FOR PERSONS WITH DISA[illegible]LITIES

Amol Deo Chavhan*

INTRODUCTION:

Every person has right to life and personal liberty irrespective of any discrimination. It is basic human right of individual which are inherent in our nature and without which we cannot live. These fundamental rights called basic right of persons or Human Rights of individual which recognised by constitution as well as various international agreements at world level. No one is authorised to discriminate on the basis of race, caste sex, place of birth or any kind of disabilities to person.

Human rights are sometimes called fundamental rights or basic rights or natural rights. As fundamental or basic rights they are the rights which cannot, rather must not, be taken away by any legislative or any act of the government and which are often set out in a constitution. As natural rights they are seen as belonging to men and women by their very nature. They may also be described as "common rights" for they are rights which all men and women in the world would share, just as the common law in England.[1]

The roots of Human Rights were deeply rooted in Natural Law theory which was ancient one. Firstly it was recognised in 1776;[2] later on it was embodied in the constitution of United State of America. It was developed and spread throughout the world by various remarkable changes. It takes place in various constitution and developed through various legislations. The Human Rights place under Art. 21[3] of Indian Constitution which guarantees right to lead a dignified life.[4]

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1 J.E.S. Fawcett, The Law of Nations (Alien Lane, The Penguin Press, London, 1968) P. 151

2 United State Declaration of Independence 1776.

3 Protection of life and personal liberty:- No person shall be deprived of his life or personal liberty except according to procedure established by law

4 D.N. Venkatesh Reddy Vs The Chief Enginner, B.W.S.S.B. Bangalore, AIR 2004 Kant. 494, 496

Declaration of Human Right, specifically mentions the socio-economic rights of people with disabilities: the right to an adequate standard of living, including food, clothing, housing and medical care and social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age.[11]

Apart from this, The Covenant does not explicit refer to disability. However, disability can be included under "other status" in article 2 (2), which call for non-discrimination on any grounds such as race and colour, and "other status".[12]

All persons have the right to the best available mental health care and that persons with a mental illness shall be treated with humanity and respect for the inherent dignity of the human person. Individuals with mental disabilities also have the right to protection from economic, sexual and other forms of exploitation, physical or other abuse and degrading treatment. The Principles stipulate that there shall be no discrimination on the grounds of mental illness and that persons with a mental illness shall have the right to exercise all civil, political. In case a person lacks legal capacity due to his or her mental illness any decisions related to the well-being of this person shall be made only after a fair hearing by an independent and impartial tribunal established by domestic law.[13]

Development of disability policy:

For protection of disable person United Nation take an effective and important action at international level. Based on the International Bill of Rights, the United Nation formulated the first specific document regarding disabilities in 1971 in the Declaration on the Rights of Mentally Retarded Persons. In 1981, the General Assembly declared the first International Year of Disabled Persons. It was followed by the World Programme of Action Concerning Disabled Persons in 1982 and the Decade of Disabled Persons 1983-1992. Throughout the 1990s all United Nation conferences dealt with disability rights and addressed the need for protective instruments.[14] At present, the Ad Hoc Committee on Disabilities is involved in a process to create a convention

[11] Article 25 (1) of The Universal Declaration of Human Right

[12] International Covenant on Economic, Social and Cultural Rights (1966)

[13] Principles for the Protection of Persons with Mental Illnesses and the Improvement of Mental Health Care, 1991

[14] World Conference on Human Rights 1993, Fourth World Conference on Women 1995, Habitat II 1996.

that protects disabled persons [illegible] nal level. A high level of awareness is also demonstrated [illegible] Union, the year 2003 was declared as the European Year [illegible] Disabilities. Other important regional observances include the Asian and Pacific Decade of Disabled Persons (1993-2002), the African Decade of Disabled People (2000-2009), and the Arab Decade of Disabled Persons (2003-2012).[15]

Conclusion:

For the better protection of disables we have lots of laws and policy not only in our country but at international level. The rights are given to everyone under constitution as well as by various substantive laws. Recently the criminal law amendment was introduced for the protection to disables in case of crime committed against him/her. But in fact theses laws are merely on paper which need to implement in proper manner. But unfortunately the disables till today discriminate on various grounds. They treated as distinct form stream of society. Only making laws is not sufficient to understand and protect the problems of disables. Time is come to implement the laws in proper ways by applying the mindset of person. Every disable person has same rights which are available to everyone under the constitution as well as various human rights laws in the world.

[15] Human rights of persons with disabilities, http://www.hrea.org/index.php?base_id=152 visited on 11/08/2014.

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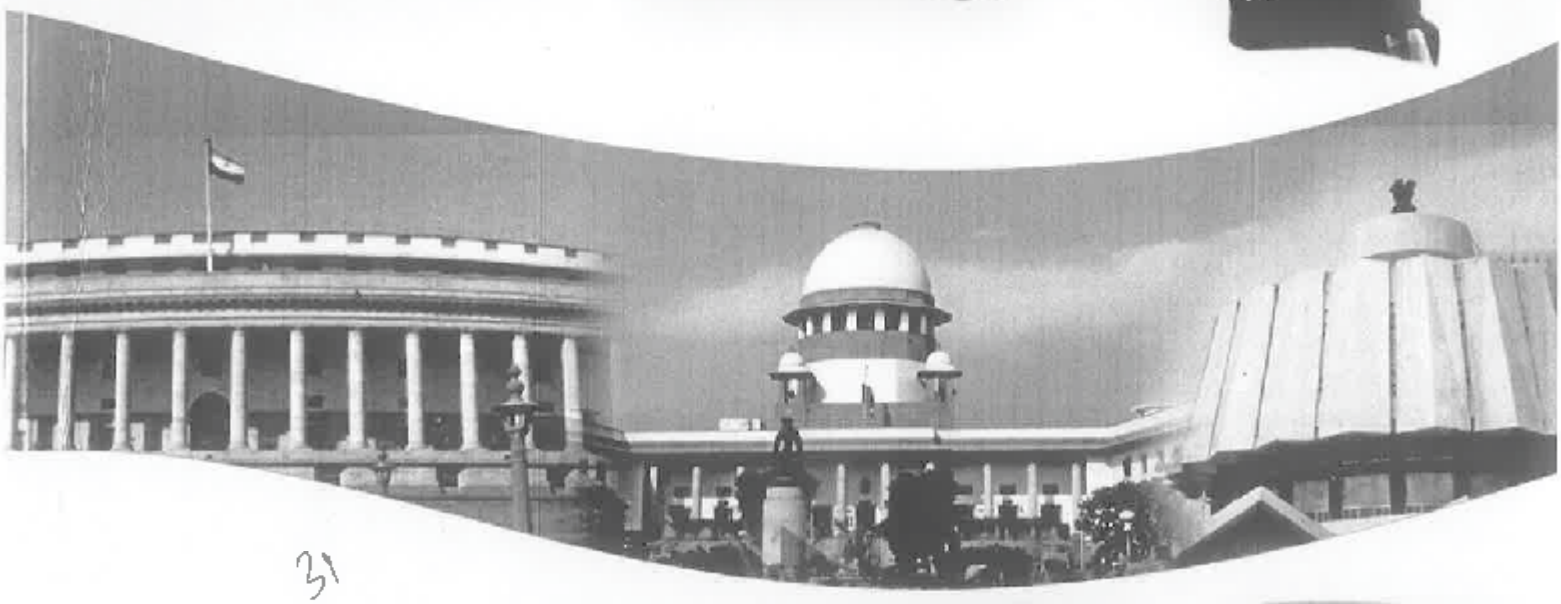

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PORTING JUDICIAL PROCEEDING BY MEDIA IN ADMINISTRATION OF JUSTICE

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Abstract

This research paper explain and analysis of reporting to judicial proceeding by media. Media and judiciary play vital role in democracy. Attempt has made to explain the restriction on media in reporting of judicial proceeding. The media is bound by its ethical standards and code of conduct. The responsibility of the press has changed along with the changing role of the government and its relationship with the people. Media enjoy freedom of speech and expression guaranteed by constitution but at the same time bound by some laws and policy. In the era of competition the media for snatching the attention of readers, viewers it reports often turn to distortion of facts and create sensitive attitude in the mind of readers and viewers. Though the media got independence and freedom under constitution of India but has some limitation for publishing judicial proceedings. In recent years, judicial affairs have become a popular subject of media reporting. Sometime media without any restriction comment on judicial decisions which create confusion and misunderstanding about judicial system in the mind of common person. The Contempt of Courts Act, 1971 provides power to punish for criminal contempt in instances of scandalizing the court, prejudicial acts and the obstruction of justice by media.

Introduction

Freedom of press and independence of judiciary is root for success of Indian democracy. These two wings play fundamental role in maintaining law and justice as well control over all other organ of Government. It is truly accepted that media and judicial fairness are crucial institutions for a democratic political system. Both are work for checking abuse of powers and protecting the rights of common people.

From last two decades the use of media through various TV channels, cables, and newspaper widely spread throughout the globe. Media cover global village through modern technology and law. It provides true and correct information form one corner of globe to another. It happen because media got freedom of speech and expression under various constitution including Indian Constitution. Another reason it circulated in vernacular language of nation.

In Indian democracy, the media and the judicial system play vital political roles. A freedom of press keeps people informed, enables them to express their opinions, and serves spectator against the abuse of power by the government and society. A fair and trustworthy judicial system protects citizens' rights, facilitates dispute resolution, and ensures the rule of law. Both institutions are cornerstones of democratic politics. However, the relationship between these two institutions is quite complex.

The judiciary and the media share a common bond and play a complimentary role to each other man is the centre of their universe. While the media explores, discovers, and reveals the achievements of man, the judiciary deals with the legal problems created by him. Both the judiciary and the media are engaged in the same task to discover the truth, to uphold the democratic values and to deal with social, political and economic problems. The media, in fact, has been called the handmaiden of justice, the watchdog of society; the judiciary, the dispenser of justice and the catalyst for social reforms. Thus, both are essential for the progress of a civil society.

Reporting of Judicial Proceeding by Media: In the era of competition the media for snatching the attention of readers, viewers it reports often turn to distortion of facts and create sensitive attitude in the mind of readers and viewers. The relation of media and law come to problem when media widely covers and interpret judicial matter by publishing information and opinion which is harmful to parties involved in litigation before the court. But on the other hand, media reporting of the judicial system is necessary for ensuring judicial accountability and guard against miscarriage of justice. On the other hand sometime it cross limits and chase to judicial independence which is basic rule for impartial delivery of justice system. Hence, this trend calls for a balance between the constitutional guarantees of 'freedom of press' on one hand and the 'right to fair trial' on the other.

Though the media got independence and freedom under constitution of India but has some limitation for reporting judicial proceedings. Media is bound by its professional and moral obligation to certify fair and accurate reporting of court proceedings. Most of the occasion's media person misinterpreted judicial decision which adversely affected to peoples.

In India, judicial proceeding should be open for all. Anyone can analysis of any decision but sometime in some cases it is need to maintain secrecy and privacy about parties. If media published anything about the same it cause to other party. The more precaution should be necessary in case of rape or sexual assault. For instance media reports should not disclose the identity of victims of sexual offences.

Our procedural laws also protect the victim of rape cases and family related dispute. Camera proceeding is provided for witness and victims from undue pressure in the court rooms. The Madrid principles on the relationship between the media and judicial independence (1994) expressly allow for legal measures for the preservation of secrecy during investigation of crimes even when such investigation forms a part of the judicial process.

It is essential to check prejudice parties due to media reporting of judicial matters. Sometime in criminal cases the photographs, videos, are shown on TV and same is published in daily newspapers. Sometime hypothesis and comment are made as the person guilty which prejudice to person. 'No doubt, it would be mischievous for a newspaper to systematically conduct an independent investigation into a crime for which a man has been arrested and to publish the results of the investigation. This is because trial by newspapers, when a trial by one of the regular tribunals of the country is going on, must be prevented. The basis for this view is that such action on the part of a newspaper tends to interfere with the course of justice, whether the investigation tends to prejudice the accused or the prosecution."

In recent years, judicial affairs have become a popular subject of media reporting. Sometime media without any restriction comment on judicial decisions which create confusion and misunderstanding about judicial system in the mind of common person.

Art. 19 (1) (a) provides freedom of speech and expression including freedom of press. Everyone has right to make fair comment on any proceeding and person. Likewise, judicial reporting is permissible if they are made according to Art. 19 (2) of constitution of India. It can be permitted for educating the people about how the judicial system works, fair and neutral observations about the judicial system, reports of public opinion about judicial affairs, and criticisms of what goes on in the judicial system, but it should not cross the limits impose by constitution.

Unfortunately In our legal system, no courts have power to impose 'prior restraints' on the publication of prejudicial material during the pendency of court proceedings. But if media prejudicial reporting on judicial matters court has power to punish for contempt. Under Article 19(2) specify 'Contempt of Courts' as a ground for placing reasonable restrictions on the freedom of speech. The Contempt of Courts Act, 1971 provides power to punish for criminal contempt in instances of scandalizing the court, prejudicial acts and the obstruction of justice.

Section 3 of the Contempt of Courts Act, 1971 restricts the freedom of speech and expression which includes both freedom of the media, both printed and electronic. The threshold for the same is prescribed in the following words: 'If any publication interferes with or obstructs with or tends to obstruct the course of justice in connection with any civil or criminal proceeding which is actually pending'. At the same time Section 3(1) is exceptions to this rule and person who make fair or 'innocent publication' is exempted from liability.

Though the media and judicial system showed complex relations but above all the media play vital role in administrating the justice for common people. In Jessica's murder case as also in the Priyadarshini Matoo murder case, the media played a crucial role of informing people and thereby ensuring that justice was delivered and delivered in time.

Conclusion

In a growing democracy like India, the media and judiciary have a key role to play. Both have to maintain the constitutional philosophy and the rule of law. The judiciary and the press have to supplement with each others. While the people have a right to be informed, the individual has the right to be protected and defended in a criminal case. The media owes social responsibility. It has a multifarious role to play. Only with the help of media we overcome various problems not only in administration of justice but also in judicial system. But at the same time the media should not cross the limits of restrictions.

In short we can say that, media reports of judicial act show overall an active approach. This creates close relationship of the judicial system with the government, judicial education to common people. It increases in the reporting of public opinions, and an increase in the criticisms of various aspects of the judicial system.

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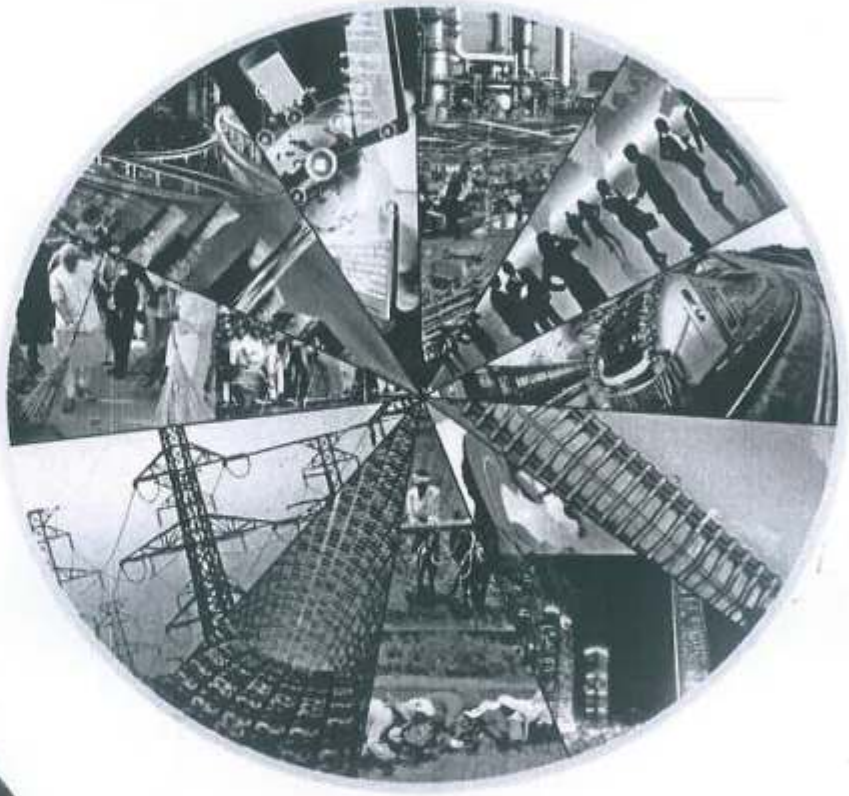
UGC Sponsored Two Days National Seminar

on

ज्ञान विज्ञानं विमुक्तये

"LOCAL GOVERNANCE – RURAL AND URBAN DEVELOPMENT IN INDIA"



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Editorial

' privilege for me to present this book
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ıkful to the Management and Principal
all my associates for the support and
ch they extended. This publication is
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h of them.

Prof. S. G. Shirsat

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"Evolution and Development of 'Local S
Governance' in India: A Study"

-Amol D. Cha

ABSTRACT

The principles of local self-government were traced during Vedic period in India. In ancient period the village administration or assemblies were governed and known by *'Sabha'* and *'Samiti'*. During *Mauriya* and Gupta period they enjoyed greater level of independence in administration. These *'Sabha'* and *'Samiti'* was hub of local administration. During Muslim period it was kick back due to incorporated power in the hands of kings. With the gradual development, it was revived during British period and shaped in modern sense. This system was introduced by the Britishers first in Madras then in Bombay and Calcutta. The current structure of municipal administration is largely based on *Lord Ripon's* reforms on local self-government introduced in 1882.

In a democratic country like India the power of Government was not only decentralised but shared by different level. Basically the power was functioned by Central and State Government. These powers were decentralized at the local level like as Municipal Corporation, Zilla Parishad, and Gram Panchayat etc. The 73rd and 74th amendment of Constitution have not only made it mandatory to hold election after five years on a regular basis but also develop power and function on these institutions and create an effective functioning of local government in India.

The local Self-Government ensures effective people's participation and ensures overall development. These small units of government enable people to feel a sense of responsibility and understand values of democracy.

Keywords: local self-government- ancient history-development of local self-government- Constitutional amendments.

Introduction

India has different and unique system of federalism. Ordinarily, federalism involves a two level system i.e. Union and State Government but the Indian constitution provides three layer federal structures as Union

Government at the top State Government in the middle and local Government i.e. Panchayats and Municipalities at grass root. This system of government was well known and developed in ancient age. The village were centralised and exercise various powers of Government through various agencies. With the rapid development in every sector the local self-government were more autonomous and more self-centralised.

During the Muslim period it was set back due to absolute and centralised powers of administration with kings. Afterwards it was well organised and developed by the British. On the other hand the local self-government, to borrow a phrase from *Sydney Webb*, is "as old as the hills". This can be truer of India than any other country of the world[1]. But in fact the concept of self-government was developed in India from immemorial period.

Local self-Government during Ancient India

As stated earlier the concept of local self -government was developed and well flourished during Vedic period. The Vedic texts are the proof of development of local self-government in ancient India. According to Vedic text, around 600 B.C., the territory of Bihar and eastern U.P. was under control of small republics called *'Janapadas'* among which *'Lichhavis*[2]*'* were the most powerful. In these *'Janapadas'*, the affairs of the State were conducted by an assembly consisting of local rulers.

Later on in *Mauryan* period the system of local self-government was existed and decisions were taken by *'sabhas'* and *'Samiti'*. From the court of *Chandragupta Mauryan* evidence has found that their city council which governed *Pataliputra*, comprising six committees with 30 members. Similar participatory structures also existed in South India.

In the *Chola Kingdoms*[3], the village council, together with its sub-committees and wards, played an important part in administration, arbitrated disputes and managed social affairs. They were also responsible for revenue collection, evaluating individual contribution and negotiation. These council had virtual ownership of village waste land, with right of sale, and they were active in irrigation, road building and related work. Their transactions, recorded on the walls of village temples, show a vigorous community life and are a permanent memorial to the best practices in early Indian polity.

Local self-Government during Muslim Period

After end of 8th century gradually the Muslim rules over India. With the introduction of Muslim monarchy the concept of local self-government was kick back, due to highly centralized dictatorship with kings. The Muslim crown was enjoying the absolute power of entire administration. The government was absolute and supreme authority centralised in one hand i.e. king. The means of communication, large territory, political imbalance and people's views were responsible for the non-development of local self-government.

The Muslim rulers recognised local chiefs and *Zamindars* as the centres of local authority, to the exclusion of the people. *"The villages and towns of the Mughal Empire enjoyed parochial self-government rather than local autonomy. A person who do not possess political freedom and powers of self-taxation for national purposes, cannot be said to enjoy local autonomy"*[4] Basically, Mughals did not initiate any positive measures of encouragement to local institutions, and for the reason the local self-government was not flourished in middle age. Between the failure of the Mughal Empire and the coming of the British, there was complete disorder and military tyranny in most parts of the country.

Local self-Government during British Period

The concept of local self-government was highly appreciated and developed during British period. There was constant growth in the self-government which was blend of British rule and continental shapes. Concept of local self-government was developed in four phase. The first phase may be assumed, when *Lord Ripon* issued his well-known resolution on local self-government at the end of 1882,

The second phase covers developments from 1882 to 1919, when more powers were transferred from the centre to the provinces, and the recommendations of the Decentralisation Commission of 1907.

The third phase stretched up to 1935, during which the Indian Taxation Enquiry Committee 1925, considered the problems of local taxation, along with central and provincial finances.

The Simon Commission of 1930 reversed the process of decentralisation, by recommending strict control of the state over local bodies. The fourth phase covers developments up to 1947. But on the

other hand, after making a careful scrutiny of above phase it is found that, the Panchayat had never been the priority of the British rulers. The rulers were interested in the creation of 'controlled' local bodies, which could help them in their trading interests by collecting taxes for them.

In 1907 'The Royal Commission on Decentralisation' under the chairmanship of *C.E.H. Hobhouse* recognised the importance of panchayats at the village level. The commission recommended that "it is most desirable, alike in the interests of decentralisation and in order to associate the people with the local tasks of administration that an attempt should be made to constitute and develop village panchayats for the administration of local village affairs"[5].

The provincial independence under the Government of India Act, 1935, marked the evolution of Panchayats in India. *D.P. Mishra*, the then minister for local self-government under the Government of India Act of 1935 in Central Provinces was of the view that 'the working of our local bodies... in our province and perhaps in the whole country presents a tragic picture... 'Inefficiency' and 'local body' have become synonymous terms....'[6] With this the independence opened a new phase in socio-economic reforms, as embodied in the Directive Principles of State Policy, enunciated in the Constitution which established a federal system of public administration, and the objective of welfare state. Constitution lays down that the state would take steps to establish autonomous bodies in the form of village panchayats.[7]

Local Self-Government in the Post-Independence period

As already discussed above the villages Panchayats were centralised for good and smooth village administration since times immemorial but same was not designed and functioned according to particular status, structure, capitals, in ancient India. During the post-independence period the concept was emerged and developed with *Gandhian* economic thought. During the Constitution making process and the initiation of planning in India, certain rigid selections had to be made between national security, national unity and economic growth, on the one hand, and the consideration of attaining a measure of distributive justice, on the other. It means the benefit and development of people at root level ensue, and at the same time people were participated in the process of planning and development at different territorial levels.

During the 3rd five year plan the attempt were made for rural development through District and Taluka plans. Attempt was also made to evolve and constitutes three fold system based on the suggestion given by Balwant Rai Mehta Committee 1957. But same ideas did not give as

K. Santhanam Committee 1963

The *K. Santhanam* Committee was appointed to look solely at the issue of Panchayatraj. The Committee was asked to determine issues related to sanctioning of grants to Panchayatraj by the state government, through mutual financial relations, gifts and donation, handing over revenue in full or part to local government. The Committee make some recommendations

- Panchayats should have special powers to levy special tax on land revenues and home taxes, etc.,
- People should not be burdened with too many taxes,
- All grants and subsidies at the state level should be organised and directed in a consolidated form to various Panchayatraj institutions,
- A Panchayat Raj Finance Corporation should be set up to look into the financial resource and also provide non-financial requirements of villages.

These issues have been debated over the last three decades for tax sharing and assignment, determine the level of grants and recommend the final distribution of state's transfers to local authorities but all was vain.

Ashok Mehta Committee 1978

In 1977 *Janata Party* was in power at the Centre, and serious step was taken for the effective functioning of Panchayati Raj. The Committee was appointed under the chairmanship of *Ashok Mehta* in 1978. They made the following recommendations

- The district is a feasible administrative unit for which planning, co-ordination and resource allocation is feasible and technical expertise available,
- They suggest two-tier system, with Mandal Panchayat at the base and Zilla Parishad at the top,

3. The panchayatraj institution are capable of planning fo themselves with the resources available to them.
4. District planning should take care of the urban-rural group.
5. SCs and STs should be represented in the election to panchayatra institution on the basis of their population.
6. Four-year term of panchayatraj institution.
7. Participation of political parties in elections.
8. Any financial decentralization should be committed to accepting that much of the developmental functions at the district leve would be played by the panchayats.

The states of Karnataka, Andhra Pradesh and West Bengal passe new legislation based on this report. However, the change in politics the state level did not allow these organizations to develop their ow political restraints.

G.V.K. Rao Committee 1985

The *G.V.K. Rao* Committee was appointed to once again loo at various aspects of panchayatraj institutions. It recommended th following

1. Panchayatraj institution has to be initiated and provided with the vital support to become active organisations.
2. Panchayatraj should be assigned the work of preparatio operation and monitoring of rural development programmes, an
3. The block development office should be the backbone of rur development process.

L.M.Singhvi Committee 1986

After careful scrutinise panchayatraj system the *L.M. Singh* Committee consider and suggested that, the Gram Sabha was considere as the base of a decentralised democracy, same would actually facilita the participation of the people in the process of planning and developme

1. Local self-government should be constitutionally recognise protected and preserved by the insertion of new chapter in th Constitution,
2. Non-involvement of political parties in Panchayat elections.

The suggestion of giving panchayats constitutional status wa

opposed by the Sarkaria Commission, but the idea was push in the late 1980s especially endorsement by the late Prime Minister Rajiv Gandhi, who introduced the 64th Constitutional Amendment Bill in 1989. But it got defeated in the Rajya Sabha as non consideration as well as loos of general election. In 1989, an attempt was made through 74th Constitutional Amendment Bill, same was not appreciated as an Act because of the dissolution of Lok Sabha. All these various suggestions and recommendations and means of consolidation panchayatraj system were considered while formulating the new Constitutional Amendment Act.

The 73rd Constitutional Amendment Act

The Constitutional 73rd Amendment Act. passed in 1992 by the *Narasimha Rao* government, came into force on April 24, 1993. By this amendment bill it was constitutionally sanctioned as democracy at the local level.

Its main features are as follows

The Gram Sabha as a premeditated body to decentralised governance has been forseen as the foundation of the Panchayati Raj System.

A uniform three layer structures of panchayats at root level it was Gram Panchayat, in middle or blocks it was Panchayat Samiti and at district Zilla Parishad were recognised.

All the seats in a panchayat to be filled by elections.

Provision for reservation to women also considered in local governance.

Reservation for candidate belongs to SC and ST category at all levels should be protected.

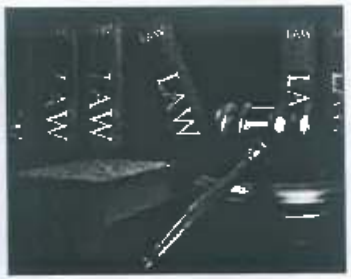
To supervise, direct and control the regular and smooth elections to panchayats, a State Election Commission has to be constituted in every State and Union Territory.

The Act has ensured constitution of a State Finance Commission in every State/ Union Territory, for every five years, to suggest measures to strengthen finances of panchayatraj institutions.

To promote District Planning Committee in every district has been accorded constitutional status.

An indicative list of 29 items has been given in Eleventh











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NG DEFICIENCY ARISING OUT DICAL NEGLIGENCE UNDER MER PROTECTION ACT, 1986

-Amol Deo Chavhan*

"The law is the last result of human wisdom acting upon human experience for the benefit of the public."

-Samuel Johnson

Person's life is precious and important for the sake of healthy and good society. Not only human being is a part of the society but also person must be healthy, though there is marvelous growth and progress in scientific environment in society. The place of human being is till prominent. For the sake of this contention so many laws of the country provides various protection to every human being.

Growth in scientific segment is no doubt a great achievement by human intellectual but due to that so many problem might arise and due to such problem human life is come in danger zone. From the protection of such type of artificial atmosphere persons find so many ways for the sake of his as well as his family members.

Owing to the rapid expansion of scientific achievement human being faced so many problems relating to their health. And for that purpose man reach again great achievement in medicine.

From the evolution of society the person was sick and need some help form expert in particular field which protect them from risk of sickness. Giving Treatment for sick person was a part of morality. Ethics, more preciously said that, humanity of doctors. Though the place of treatment or a place for diagnosis was pertaining to humans a high-risk profession but person or patient may havefaith on the doctor that is why, there was little chance of accident on the part of doctor, not only this, the doctors or professional were also perform their duty with dignity, self inspiration and with high ethical manner.

In fact in olden days (during the period of kingship) there was no provision of laws which punish the doctors for his wrong, as well as there is no provision of single elementary right for patient. The entire Medical practice was protected by one thing i.e. morality and principle of Dharma. But after the introduction of Human rights and Constitutional rights the rights or interest of Patients have been protected in various

ways as well as under various laws.

Not only this, but also from 20th Century onwards, it has been seen that the people are more aware about their fundamental rights guaranteed by the constitutions in other countries and by the Constitution of India.[1] Right to life is an older phenomenon and is protected by Art. 21 of the constitution.[2] So far as international law is concerned, there are so many provision in Human Rights, various international conventions, treaties, which provides right to life and personal liberty of every individual.

Due to this, there is great responsibility on the shoulders of medical professionals. In any case, if the doctor seems negligent then medical professional may face scrutiny by the public and by the laws also. Medical professionals have faced legal actions including criminal and civil filed by the patients. This position is in all over the globe,t means health of person is protected worldwide.

So many times the doctors may behave in negligent manner during treatment may be because of lack of knowledge regarding the problem of patient or some time doctor may behave willfully negligent and that is why, the innocent patient may face consequence, due to such wrong diagnosis and treatment which is termed as "wrong" or "harmful act" to the patients.

In India negligence during treatment in the medical world has assumed great importance and any victim may file a suit in the civil court for compensation as well in a criminal court for criminal prosecution. After 1986 the consumer forum has a jurisdiction for medical negligence cases.

Doctor's Negligence during Treatment.

Treatment means medical attentions given to a sick or injured person during the course of medical facility which is provided by medical professional. There is a verity in disease and due to that doctors use different type of practices and method for curing the risk of patient. For every patient the nature of treatment is different, taking in to consideration the sickness or infection of patient and response during treatment doctors use different types of method. If doctors fail to follow particular type of precaution which is necessary during treatment then patient may suffer irrevocable loss.

Some known or common practices of negligence during treatment are:

1. Wrong diagnosis of patient.
2. Lack of precaution in venereal diseases of patient during treatment.
3. To use infected needles and vaccination.
4. To use second-hand hand glows during operation.
5. Un-Hygienic condition of Operation Theater, lack of or non availability of basic items which are required during operation.
6. Wrong prescription of medicine.
7. Corrupt practices.
8. Diagnosis the patient without having related qualification in particular kind of sector.
9. In pathology laboratory, mix a sample of blood, urine, etc with another patient's sample.
10. Wrong diagnosis during pathology laboratory test.
11. Prescribe medicine of particular company which is very high in cost.
12. Operate a patient in intoxication.
13. Lack of proper care and caution during operation of patient.
14. Use infected and damaged equipment during treatment. Etc.

This is very short list of cases of negligence of doctors during treatment taking in to consideration the immensity of subject. Apart from this in so many other cases doctors may seem careless during treatment.

Medical Negligence during Treatment and Consumer Law.

As far as the medical negligence is concerned the person injured /complainant may file a complaint under the consumer Protection Act in the appropriate forum. All the patient who take the service form medical professional are eligible to file complaint before the forum because medical service is covered under the definition of services under Section 2(1)(o) of Consumer Protection Act, 1986 and the patient who avail the medical service is covered under the definition of Consumer within section (2)(1)(d) of Consumer Protection Act, 1986. It means that, if doctors found guilty during treatment of patient then any aggrieved person may file a complaint before the competent forum and claim remedy.

There are so many cases reported before various State forum and National consumer forum as well as before the Hon'ble Supreme

Court of India. In many cases it has been held that, if doctors commit any breach of duty or fault, or shortcoming during treatment then doctors may held responsible for such negligence.

There are so many cases come to court where the patients or their family members claim damages and compensation from the medical practitioners on the ground that the medical practitioner/doctor was negligent during treating or operating the patient. Before the enforcement of the Consumer Protection Act, 1986 such cases were tried by the ordinary civil courts and the cases were quite few because of lack of awareness of his own rights, but after the enforcement of the said Act, there has been a tremendous increase in such type of cases and the cases are now being tried and disposed of by the respective Redressal Agencies, like the District Forum, State Commission and the National Commission, constituted under the Consumer Protection Act. This increase in the number of cases could be attributed to various reasons, one being that the complainant had to pay no amount as fees for seeking the redress (though now, by the Amendment Act of 2002, a nominal amount has been made payable before filing the complaint). The other reason seems to be the early disposal of the cases under the Consumer Protection Act. Such cases in Civil Courts use to take several years for decision but the time limit fixed under the Act is three months. One reason also could be the awareness in the public regarding their rights but the fact remains that generally the public is not aware of the true import of the word 'Medical Negligence'.

Remedy for Patient under Consumer Law

1. Entitle for claim for legal medical expenses as well as expenses accumulated for filing the case, including lawyer fees, court fees, and other legal expenses during pendency of case before appropriate forum.
2. Entitle to claim damages which include mental, physical, economical loss.
3. Restraining the medical practitioner for further medical practice.
4. Prohibition on practice if doctor used to practice other than his/her specialization.

Conclusion

No doubt for a patient, the doctor is like God. And, the God is



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Protection of Research and Invention in Outer Space: An Indian Perspective

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Invention is human demeanor which can be performed in every part of the world including outer space. For every invention the inventor can claim patent throughout the glob subject to requirement of innovation, usefulness and novelty. Protection under patent law has a dual nature. The inventor can claim rights both under national and international law. The national laws protect the inventors' rights within country and international conventions ensure minimum rights and provide certain measure for enforcement of rights with contracting states. A patent is an exclusive right granted by a country to the owner of an invention to make, use, manufacture and market. The continuous research and invention in every science and technology is the need for the universal coordination of industrial and intellectual property laws. The inventors are busy in good invention not only on earth but also in outer space.

Outer space is unique place and healthy environment for experiments and results. The results and inventions are more successful than earth experiment because of microgravity in outer space. Outer space provides hygienic surroundings not easily or reasonably achievable on Earth. The Mir Space Station as well as NASA' Shuttle Flights already provides opportunities for experiments to be conducted in outer space. When the Multi-National Space Station is established there will be even greater numbers of experiments and research projects conducted there.[ii]

The NASA produced a variety of intellectual property including: patents, trademarks, copyright etc. The question is come about its protection specifically when invention made in outer space. Another question is that, if the invention which makes on earth can it be used in outer space without the prior permission of inventor?

The issue may arise about the invention made in outer space. The liability, compensation against infringement and licence issue can be threatening before state. The sustainable question may arise which law should protect the invention which made in outer space. Therefore it is possible that the different laws of a number of countries could be applied to activities occurring in outer space. The interesting question may arise about the jurisdiction of law and court. This issue must be settled before making invention in outer space.

The permissibility of commercial research activity depends on the interpretation of the Space Treaty and the concept of the common heritage of all mankind as well as other provisions of the Space Treaty. It is also necessary to determine the extent to which commercial entities, rather than Space agencies can participate in space activity.[iii]

To determine the legal position and right of inventor with solution to the system of law governing in this regards, it is necessary to ascertain the competing jurisdiction that come in to play if anything goes wrong. The space treaty provide that: A state Party to the treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body.[iv]

The above provision is not clear in its application. There is lack of protection to those countries which already launched their outer space activity. The position of India is differs compare to other western countries. In India there is no single legislation regarding space activity and protection thereto. The outer space protection provides under Art. 51of the Indian Constitution which imposes on the state obligation to strive for the promotion of international peace and security, including maintaining just and reasonable

relation between nations, respect for international law and treaty obligation, and settlement of international dispute by arbitration.

The protection of outer space activity is based on international treaties which sometime not compulsory to follow by the contracting state. This is based on harmonious relation between states. In1968 Vienna Convention on the law of the treaties provide that every state, in international law, has to carry out all the international obligations in good faith, regardless of whether or not it harmonises those obligations with its nationalized laws.[v]

The tremendous growth in space technologies in Indian industries including electronics, communication, and optical and remote sensing data utilization etc is calling for protection under intellectual property law. Intellectual property rights specially in granting patent for invention which is made in outer space is alarming vital issue before law providers. Time has come to think and look separately towards Indian space programme development and protection to inventors for smooth and encouraging development in technologies, industry which is vital organ for overall progress of country.

Therefore, it is time to think seriously about legislation which will be broadly covering all these contemporary issues and matters related to outer space inventions. Our existing outer space legislation should include space transportation systems, the legal issues connected to satellite telecommunications, including satellite broadcasting, analyzes the intellectual property rights (IPR) regime and transfer of technology etc. with the advancement in science and technology the India is developing at such a great pace in outer space and space related matters. If now we neglect to improve the outer space legislation, we will experience a huge loss to our industry and innovations.

India has a tradition in the field of scientific research. Former Prime Minister, Pandit Jawaharlal Nehru has vision relating to the space law in India. The space revolution in India began with the launching of small sounding rockets in the year 1963 under the support of the United Nations and developed with PSLV[vi] and GSLV[vii].

In 21st century India looking for industrialization, privatization and commercialization and for the reason it is call of time to make effective outer space legislation which provides protection to invention not only in India but also throughout the globe. The law provides protection to space assets, expand ability in space study and scientific discovery. For achieving the above object it is need to enact special laws which create clear and transparent regulatory guidelines for domestic industry in order to accelerate investment and to ensure the growth and development in this capital intensive high return strategic sector.

The outer space is not owned and regulated by any particular country. Every nation has its own limitation and laws relating to protection of invention in outer space. No country has sovereignty over the outer space. The United Nation on 20 December 1961 passed a resolution and clear that the outer space is not govern by any country. The outer space treaty also provides that, "Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means"[viii]. Thus there is no state sovereignty in outer space. UN also provides that International law, including the charter of the United Nations, applies to outer space and celestial bodies and outer space is free for exploration and use by all States in conformity with international law and are not subject to national appropriation.

Outer space inventions are most advanced technical area which is the fruit of intellectual creations. Recently the intellectual property protection in connection with outer space activities has raised wider attention throughout the globe. Which include remote sensing from space, direct broadcasting and research and manufacturing in microgravity environments etc.

Due to tremendous awareness about the intellectual property rights the Government agencies are interesting in collaborating with the private enterprises for space activities due to financial and technical resources. More licensing contracts are made between governmental space agencies and private companies. For the reason the intellectual property rights protection in outer space activities definitely bears a positive effect on the participation of the private sector in the development of outer space activities. Secondly,

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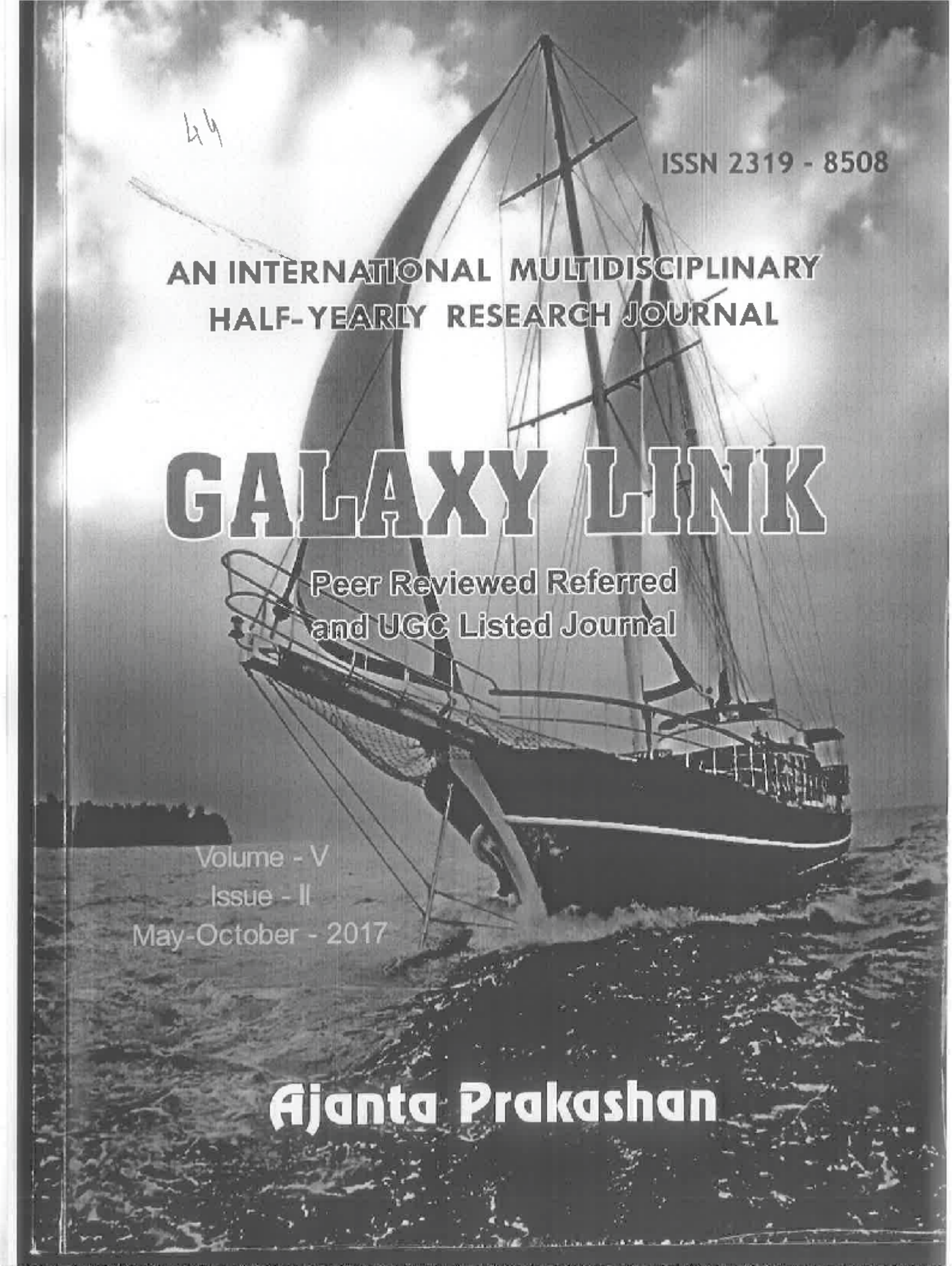

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Remedies for Medical Negligence Under Law of Torts

Dr. Amol Deo Chavhan

Assistant Professor of Law in Manikchand Pahade Law College, Aurangabad (M.S.)

Introduction

Cases of medical negligence are increase day by day. It is act committed or omitted by medical professionalsagainst patients. In other word, it is lack of responsibility on the part of doctors during discharging the medical duty. In fact diagnosis and treatment of person relating to various diseases is very risky and complicated profession. The doctors must be perfect and well educated in their respective field. If the doctor or physician fail to diagnosis to the patients in proper way then doctors will be responsible for litigation in the court of law.

"A professional may be held liable for negligence on or two findings; either he was not possessed of the requisite skill which he professed to have possessed, or he did not exercise, with reasonable competence in the given case, the skill which he did possess."[1] The requisites medical skill means ability to diagnosis the disease or illness. The standard to be functional for judging, whether the person charged has been negligent or not, would be that of an usualproficient person exercising ordinary skill in that profession. It is not possible for every professional to possess the highest level of expertise or skills in that branch which he practices. The Supreme Court while adopting a liberal approach, has approved the rule of "ordinary skilled professional standard of care" laid down in *Bolamcase*,[2] *Dr. SureshGupta v. Govt. of N.C.T of Delhi*,[3] *State of Punjab v. Shiv Ram*[4] and *Jacob Matthew*[5] cases. These cases are some of the instances where the court has preferred to follow liberal approach in the matters of medical negligence and held that, "no sensible professional would intentionally commit an act or omission which would result in harm or injury to the patient since the professional reputation of the professional would be at stake". It means that the medical professional shall not obligates mistakedeliberately sometimes due to certain unavoidable fact and circumstance the error or mistakes was committed.

The liability of the doctor shall be civil or criminal or both. Apart from the above the doctor held responsible for professional misconduct before Medical Council of India. One of the essential elements in criminal law is *mensrea* the guilty mind or an evil intention. Before granting any remedy against the doctor the court must be satisfied beyond reasonable doubt the applicant or plaintiff prove guilty mind of doctor in present case. As *mensreais* essential, it is difficult to argue that the doctor had a guilty mind and was negligent intentionally. Because *mensrea* differ from case to case and it is not fix rule or degree to determine the negligence. It is based on facts and circumstances on each and every case.

Liability of professionals for negligence

Every legal professional held responsible for act committed during discharge of their professional duty. In India, the subject matter is governed by the legal practitioner (fees) Act, 1926. The act defines *inter alia* the right of legal practitioner to sue for their fees and their liability to be sued in respect of negligence in the discharge of their professional duty. No legal practitioner who has acted or has agreed to act shall, by reason only being a legal practitioner is exempted from liability to be sued in respect of any loss or injury due to any negligence during their professional duty.[6] The doctors are liable against the fees charged to patients.

At the same time the principle is settled that, legal practitioner cannot claim exemption from liability in respect of any loss or injury suffered by the client due to any negligence in the conduct of his professional duty merely by reason of being a legal practitioner.[7] Mere good medical practice is not criteria to get exemption from criminal as well civil liability of doctors.

Remedies under law of Torts

The principle laid down in law of Torts relating to medical negligence has various folds. The negligence must be tested on the various principles under the law of Torts. The principle of law of Torts is fundamentally based on some postulation as well as some responsibilities of wrongdoer. Bestowing to the nature of law and remedy of medical negligence also allocated according to its gravity and loss to patients. Fundamentally, the negligence is dividedconferring to liability under civil and criminal negligence.

Although the Tort of negligence is of very general application it may occur in number of cases such as accident, advice by the professional, medical negligence, defective premises etc. The civil negligence includes failure on the part of a physician and surgeon to discharge obligations that arise out of the contractual nature of the physician patient's relationship. It also includes failure of some duties towards society.

According to Sir Henry Maine, 'the penal law of ancient communities is not the law of crime; it is the law of wrong or to use the English technical word, of torts'.[8] The fact is that tort law is assortment in which the principle of counteractive justice and distributive justice are intermingled. And in situation of uncertainty and difficulty a choice sometimes has to be made between the two approaches.[9] It means every act or tort is not amount a crime under the law.

Negligence has certain essential components which must see at the time of deciding the case by the court. These are as follows.



The compensation under the law of tort is called damages. These damages are various kinds like nominal damages, substantial damages, contemptuous damages, exemplary damages, aggravated damages etc. so far the cases of medical negligence and its compensation is concern we divide and classified the damages under two head.

1) General damages and 2) Special damages.

General damages

This kind of damages includes non-pecuniary loss which includes pain and sufferings of patient, the injury etc. It can be calculate on the basis of pains and sufferings and they are calculated on general term of human prudence which is based on.

a) The pain and suffering
b) Loss of amenities
c) Loss of anticipation of life

Special damages

Special damages means damages which can be calculated on the basis of actual monitory loss to the plaintiff. This is based on the assumption of

a) Loss of earning
b) Cost of treatment
c) Loss of future earning

Common Principles for contemplation of damages

1) Loss of earning from the date of injury till disposal of trial
2) Other material loss including non-financial loss
3) Damage or injury to physical, mental, physiological, pain and suffering if any
4) Inconvenience, hardship, discomfort, disappointment, frustration, and mental stress if any
5) Damage or loss of expectation of life
6) Nature of damage or loss caused to patient due to act of defendant or doctor
7) Cost of litigation in the court including court fees, lawyer fees and other expenses incurred due to such litigation
8) Cost of mental suffering which can be calculated on the basis of suffering to plaintiff
9) Loss incurred due to physical or mental disability
10) Loss or injury or suffering caused to dependent on the plaintiff if any.

Standard principle for granting any damages

1) The loss claimed by plaintiff must be reasonable and according to provision of law.
2) The loss of suffering must be caused by the defendant act. The plaintiff is not contributed in the act or suffering.

rsonal injury must be caused due to defendant breach of duty.

ount claimed must be reasonable.

5) The loss or damage actually occurred to plaintiff.

6) The amount must be reduces if there is contributory negligence on the part of plaintiff.

7) Amount or claim should be rejected if plaintiff files any false or fictitious suit against doctor.

8) To determine the quantum of amount in case of death due to medical negligence.

9) Calculation must be based on fact and circumstance of each case.

The method of calculation of amount for compensation for medical negligence is based on various associated things. The compensation to patient is not measured in golden scale because the loss or suffering including injury sustained to mind, reputation, and person cannot be reimbursed in terms of money. Money is a method or kind of remedy to compensate monitory loss to the patient. It is just first aid facilityto the patient. All kinds of suffering and sorrow cannot be compensated in terms of money.

It is settled principle of law that, the wrongdoer must be liable to pay compensation. Likewise, if the doctor or hospital act negligently during their duty and caused any injury or loss to other person he must be responsible for compensation. The basic aim to providing compensation is to restore the financial loss of plaintiff or patient. After calculating the entire factor the compensation shall be granted to patients. Though the calculation of damages is imperfect up to some extent but in fact there is no other way to compensate the patient for his loss and suffering.

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AN ANALYSIS OF REPORTING OF JUDICIAL PROCEEDINGS BY MEDIA- HOW TO BALANCE RIGHT TO FREEDOM OF PRESS AND FAIR TRIAL

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Introduction

India is known as a big Democratic country throughout the world. In Democratic set up, rights of citizens are being protected. Likewise India in Constitution has laid down some basic rights in the form of Fundamental Rights and from time being Apex court has considered it as Inalienable rights.[1] One amongst them is Fundamental right to Freedom of Speech and Expression guaranteed under Article 19(1) (a) of the Constitution.

It has been rightly said that freedom of speech is the bulwark of democratic government. This freedom is essential for the proper functioning of the democratic process.[2] This right is very wide one and also includes right to know, freedom of Press etc.[3] The Supreme Court has laid emphasis in several cases on the importance of freedom of Press in a democratic Society. It has been rightly said that, "Now in a democratic set up 'Media' has become fourth pillar of government along with Legislature, Executive and Judiciary." It is the Media who is taking efforts to make awareness in the society and thereby protecting people's right. The Media seeks to advance public interest by publishing facts and opinions without which a democratic electorate cannot make responsible judgments. But the basic question arises, Can Media Publish Judicial Proceedings? The answer is yes, in many cases Court has itself urged that even judicial proceedings can be published.

But, on the other hand, Fair Trial has also been considered as one of the Fundamental Right reading under Article 21 by Supreme Court.[4] Now again another question arises, will publishing of judicial proceedings by Media affects Fair Trial? It means conflict of interests will arise. In this paper an attempt has been made to highlight a balanced view between freedom of press and fair trial with special reference to reporting of judicial proceedings by media.

Objectives of the Research:

The main objectives of the present research paper are as follows.....

1) To highlight role of Media in Indian Democracy.

2) To highlight extent or limits of reporting of judicial proceedings by Media.

3) To lay down some suggestions to maintain balance between freedom of press and fair trial.

Constitutional foundations of freedom of press and right of fair trial:

It is said that, "Publicity is the very soul of Justice." In a democracy, freedom of speech and expression opens up channels of free discussion of issues. It plays crucial role in the formation of Public Opinion on social, political and economic matters.[5] With this noble objective framers of our Constitution had incorporated freedom of speech and expression as one of the Fundamental Right under Article 19 (1) (a). This right is very wide one and includes ample of other ancillary rights. The Supreme Court of India has covered many rights under Article 19 (1) (a) of the Constitution.

But here one important question comes, will it cover right to freedom of Press? To find out the answer of this, here the First Amendment made in U.S.A Constitution is worth mentioning because our Constitutional makers have borrowed chapter of Fundamental Rights from them. Amendment I of the Constitution says, "Congress shall make no law abridging the freedom of speech or of the Press." This Amendment specifically mentions right to press. In India though right to press has not been specifically mentioned as fundamental right but Supreme Court has ruled out in many decisions that it impliedly covered under Article 19 (1) (a). A reference can be made to the decision of Supreme Court in **Express Newspaper Vs Union of India**[6] wherein Court held that, "Freedom of press is included in Article 19 (1) (a) of the Constitution and it is unnecessary to plead for the freedom of press in this country." Upholding its earlier decisions Supreme Court again reiterated that, "the freedom of press is regarded as a species of which freedom of expression is a genus."[7] More particularly a reference can be made to the decision of Supreme Court in **Printers (Mysore) ltd Vs Assistant Commercial Tax Officer**[8] wherein Court held, "though freedom of press is not expressly guaranteed as fundamental right, it is implicit in the freedom of speech and expression. Freedom of the press has always been a cherished right in all democratic countries and the press has rightly been described as fourth estate.

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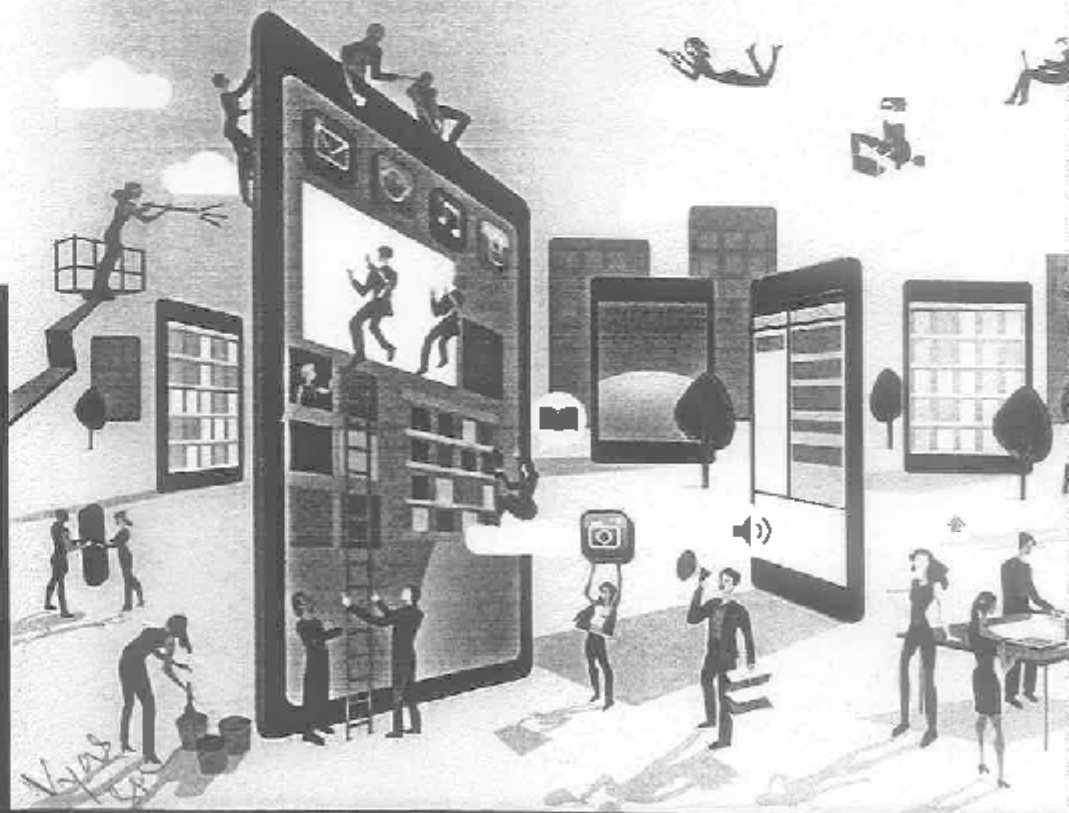

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Study of Library and Information Science Theses on Shodhganga Repositories

Vyas Jagdish R.

ABSTRACT

The present chapter has attempted to overview the current status of E-theses repositories in India. The UGC Notification (Minimum Standards and Procedure for Award of M.Phil./Ph.D Degree, Regulation, 2016) dated May 5, 2016 mandates submission of electronic version of theses and dissertations by the researchers in universities with an aim to facilitate open access to Indian theses and dissertations to the academic community world-wide. Electronic theses in Library and Information Science subject submitted by different Universities on Shodhganga upto December 5, 2016 will be studied in present chapter. There were 843 e-theses submitted by 66 universities on Shodhganga.

Keywords: *Shodhganga; Repository; ETD; Theses Academic Community Electronic these and dissertations.*

Introduction

Research is a most important intellectual activity in the higher education system which provides dependable solutions to the problems being manifested in various fields of knowledge. Research brings prestige not only to the nation and the department/university but also to the research scholar. Today in this competitive world, no university can afford to remain static, it has to evolve continually and consciously by adding new ideas, inventions and discoveries in different fields of knowledge through research. Research generates

new knowledge which ensures development of a subject, and helps to establish sound theories of the subject. Research is directly responsible for the social and economic development of a country. Research in Library Science dates back to 1950s when Manindra Nath Basu was awarded Ph.D on a topic, 'Museum methods and the process of cleaning and preservation' from University of Calcutta.

Earlier, researchers were not able to access all the scholarly literature published across the world due to lack of proper communication technologies. With the advent of Information and Communication Technology (ICT), this problem is solved to a major extent and the results of the research going throughout the world made available to the public without any restriction. The researchers adopted Budapest Open Access Initiative (BOAI) in 2002, and with the help of Open Access (OA), made the research literature available to the world-wide user community.

Indian ETDs and Repositories

1.	Name	**Mahatma Gandhi University**
	Description	Mahatma Gandhi University Open Access Online Theses Digital Library is an important step towards democratization of knowledge and it is the model of digital archives created by MG University will be emulated by other Indian universities leading to transparency in education research.
	URL	http://www.mgutheses.org/
2.	Name	**Indian Institute of Science**
	Description	This is the digital repository of Theses and Dissertations of Indian Institute of Science, Bengaluru, India. You can search, browse and access theses and dissertations from this collection. This repository has been developed to capture, disseminate and preserve research theses of Indian Institute of Science. It complements ePrints@IISc, the research publications repository of IISc. Number of theses in etd@IISc: 1535.
	URL	http://etd.ncsi.iisc.ernet.in/
3.	Name	**Etheses—A Saurashtra University Library Service**
	Description	Welcome to Etheses, the online archive of Ph.D theses of Saurashtra University. It contains completed and examined Ph.D theses from doctoral candidates who have studied at Saurashtra University. From the 2011-12, session once you have successfully completed your Ph.D.
	URL	http://etheses.saurashtrauniversity.edu/

Cont...

4.	Name	**Dyuthi, Digital Repository of Cochin University of Science and Technology**
	Description	Welcome to Dyuthi, Digital Repository of Cochin University of Science and Technology. Dyuthi is a digital service that collects, preserves, and distributes digital material. Repositories are important tools for preserving an organization's legacy; they facilitate digital preservation and scholarly communication.
	URL	http://dyuthi.cusat.ac.in/xmlui/
5.	Name	**Library of the Indian Institute of Science (JRD Tata Memorial Library)**
	Description	The Library of the Indian Institute of Science (IISc) Bengaluru, was established in 1911. The JRD Tata Memorial Library Annex and Digital Library located opposite NCSI was inaugurated on March 12, 1998 by Mr. Ratan Tata. Some of the library collections like technical reports, standards, patents and theses are located in this building.
6.	URL	http://www.library.iisc.ernet.in
	Name	**North-Eastern Hill University Digital Library**
	Description	The NEHU Central Library at Shillong and the NEHU Campus Library at Tura cater to the needs of the students, research scholars, faculty, administrators and staff of the university. The library building, funded by DoNER, was inaugurated on September 20, 2006 by Shri P.R. Kyndiah, Hon'ble Union Minister of Tribal Affairs & DoNER, Govt.
	URL	http://dspace.nehu.ac.in

Shodhganga: Reservoir of Indian Theses

"Shodhganga" is the name coined to denote digital repository of Indian Electronic Theses and Dissertations set-up by the INFLIBNET Centre. The word "Shodh" originates from Sanskrit and stands for research and discovery. The "Ganga" is the holiest, largest and longest of all the rivers in Indian subcontinent. The Ganga is the symbol of India's age-long culture and civilization, everchanging, ever-flowing, ever-loved and revered by its people, and has held India's heart captive and drawn uncounted millions to her banks since the dawn of history. Shodhganga stands for the reservoir of Indian intellectual output stored in a repository hosted and maintained by the INFLIBNET Centre.

The Shodhganga@INFLIBNET is set-up by using an open source digital repository software called DSpace developed by MIT (Massachusetts Institute of Technology) in partnership with

Hewlett-Packard (HP). The DSpace uses internationally recognized protocols and interoperability standards. Shodhganga provides a platform for research scholars to deposit their Ph.D. theses and make it available to the entire scholarly community in open access. The repository has the ability to capture, index, store, disseminate and preserve ETDs (Electronic Theses and Dissertations) submitted by the researchers.

Shodhganga replicates academic structure of each University in terms of Departments/Centres/Colleges. Each University has to facilitate ease of navigation. This structure facilitates research scholars from universities to deposit their theses in the respective Department/Centre/College. Option for simple search and advance search are available on the home page along with browsing facility through universities and departments. The Centre is also developing a semantic web-based interface to facilitate subject-based browsing, navigation, search and retrieval of contents available in the repository.

Scope and Limitations

Electronic theses in library and Information Science subject submitted by different universities on Shodhganga up to December 5, 2016 is the subject of present study. There were 843 e-theses submitted by 66 universities on Shodhganga.

Data Analysis and Interpretation

Total 843 Ph.D. theses in Library and Information Science subject on Shodhganga repositories were analysed and result of analysis is as follows:

University-wise Contribution of Theses

Researcher found 843 theses uploaded by 67 universities in India on Shodhganga. Among these universities, Karnatak University secured first rank by uploading 90 theses with 10.40% followed by the Aligarh Muslim University securing second rank by uploading 83 theses with 9.60% and third rank secured by Panjab University with contribution of 39 theses in Library & Information Science with 4.51%. Lowest contribution is One theses secured by fifteen universities.

It is concluded that many universities have not uploaded their theses on Shodhganga but few universities like Karnatak University and Aligarh Muslim University are in progressive stage.

Table 1: University-wise Contribution of Theses

Sl. No.	Name Of University	No. of Theses	%	Cumulative No. of Theses	Cumulative %
1	Alagappa University	7	0.81	7	0.83
2	Aligarh Muslim University	83	9.60	90	10.43
3	Andhra University	4	0.46	94	10.89
4	Annamalai University	13	1.50	107	12.39
5	Bangalore University	3	0.35	110	12.74
6	Bharathiar University	37	4.28	147	17.01
7	Bharathidasan University	22	2.54	169	19.56
8	Bundelkhand University	22	2.54	191	22.10
9	Dr. Babasaheb Ambedkar Marathwada University	38	4.39	229	26.49
10	Dr. Harisingh Gour Vishwavidhyalay	2	0.23	231	26.73
11	Gauhati University	20	2.31	251	29.04
12	Gujarat University	1	0.12	252	29.15
13	Gujarat Vidyapith	7	0.81	259	29.96
14	Gulbarga University	8	0.92	267	30.89
15	Guru Ghasidas University	19	2.20	286	33.08
16	Guru Nanak Dev University	6	0.69	292	33.78
17	Indira Gandhi National Open University IGNOU	1	0.12	293	33.89
18	Jadavpur University	1	0.12	294	34.01
19	Jiwaji University	7	0.81	301	34.82
20	Kalasalingam University	1	0.12	302	34.93
21	Kannur University	1	0.12	303	35.05
22	Karnataka State Women's University	2	0.23	305	35.28
23	Karnatak University	90	10.40	395	45.69

Contd...

24	Karunya University	7	0.81	402	46.49
25	Kurukshetra University	11	1.27	413	47.77
26	Kuvempu University	15	1.73	428	49.50
27	Madhya Pradesh Bhoj (Open) University	1	0.12	429	49.62
28	Madurai Kamraj University	1	0.12	430	49.73
29	Maharaja Krishnakumarsinhji Bhavnagar University	9	1.04	439	50.77
30	Maharaja Sayajirao University of Baroda	7	0.81	446	51.58
31	Mangalayatan University	1	0.12	447	51.70
32	Manglore University	1	0.12	448	51.81
33	Manipur University	23	2.66	471	54.47
34	Manonmaniam Sundaranar University	37	4.28	508	58.75
35	Mizoram University	8	0.92	516	59.67
36	Mother Teresa Women's University	7	0.81	523	60.48
37	North-Eastern Hill University	15	1.73	538	62.22
38	North Maharashtra University	2	0.23	540	62.45
39	Osmania University	4	0.46	544	62.91
40	Panjab University	39	4.51	583	67.42
41	Pt. Ravishankar Shukla University	9	1.04	592	68.46
42	Punjabi University	4	0.46	596	68.92
43	Sambalpur University	7	0.81	603	69.73
44	Sant Gadge Baba Amravati University	13	1.50	616	71.23
45	Sardar Patel University	7	0.81	623	72.04
46	Saurashtra University	1	0.12	624	72.16
47	Savitribai Phule Pune University	7	0.81	631	72.97
48	Shri Jagdishprasad Jhabarmal Tibarewala University	1	0.12	632	73.08

Contd...

49	Singhania University	1	0.12	633	73.20
50	SNDT Women's University	11	1.27	644	74.47
51	Solapur University	1	0.12	645	74.58
52	Sri Krishnadevaraya University	30	3.47	675	78.06
53	Sri Venkateswara University	21	2.43	696	80.48
54	The Gandhigram Rural Institute	3	0.35	699	80.83
55	The IIS University	1	0.12	700	80.95
56	The University of Burdwan	27	3.12	727	84.07
57	Tilak Maharashtra Vidyapeeth	16	1.85	743	85.92
58	University of Calicut	20	2.31	763	88.23
59	University of Delhi	4	0.46	767	88.69
60	University of Jammu	10	1.16	777	89.85
61	University of Kalyani	3	0.35	780	90.19
62	University of Kashmir	4	0.46	784	90.66
63	University of Kerala	23	2.66	807	93.32
64	University of Lucknow	2	0.23	809	93.55
65	University of Mysore	36	4.16	845	97.71
66	Utkal University	19	2.20	864	99.91
67	Veer Narmad South Gujarat University	1	0.12	865	100
Total		**865**	**100.00**		

Year-wise and University-wise Contribution of Theses

Table 2 shows Year-wise and University-wise contribution of theses on Shodhganga repositories. Deposition of theses on Shodhganga started in year 2009 but first two theses in Library & Information Science were deposited by Mizoram University in year 2010. Later on, deposition of theses in year-wise were five in year 2011, 17 in year 2012, 72 in year 2013, 84 in year 2014, 253 in year 2015 and 432 in year 2016. Thus, largest contribution was found in the year 2016 i.e. 432.

Trend of deposition of theses was found at increasing stage i.e. progressive phase which improves open access movement among scholarly communication society.

Table 2: Year-wise and University-wise Contribution of Theses

Sl. No.	Name of University	2010	2011	2012	2013	2014	2015	2016	Total
1	Alagappa University						6	1	7
2	Aligarh Muslim University				4	2	74	3	83
3	Andhra University				3	1			4
4	Annamalai University						9	4	13
5	Bangalore University							3	3
6	Bharathiar University						12	25	37
7	Bharathidasan University			3	1	9	5	4	22
8	Bundelkhand University				18	4			22
9	Dr. Babasaheb Ambedkar Marathwada University							38	38
10	Dr. Harisingh Gour Vishwavidhyalay						2		2
11	Gauhati University					5	2	13	20
12	Gujarat University						1		1
13	Gujarat Vidyapith					4	3		7
14	Gulbarga University					2	3	3	8
15	Guru Ghasidas University				16	1	1	1	19
16	Guru Nanak Dev University					4		2	6
17	Indira Gandhi National Open University—IGNOU							1	1
18	Jadavpur University					1			1
19	Jiwaji University						4	3	7
20	Kalasalingam University							1	1
21	Kannur University							1	1
22	Karnataka State Women's University				1			1	2
23	Karnatak University				3	4	2	81	90
24	Karunya University			1	2			4	7
25	Kurukshetra University				2		6	1	11
26	Kuvempu University					1		14	15

Contd...

27	Madhya Pradesh Bhoj (Open) University		1						1
28	Madurai Kamraj University						1		1
29	Maharaja Krishnakumarsinhji Bhavnagar University				2			7	9
30	Maharaja Sayajirao University of Baroda						6	1	7
31	Mangalayatan University			1					1
32	Manglore University							1	1
33	Manipur University				2	3	18		23
34	Manonmaniam Sundaranar University					9	17	11	37
35	Mizoram University	2						6	8
36	Mother Teresa Women's University					1	3	3	7
37	North-Eastern Hill University						15		15
38	North Maharashtra University						1	1	2
39	Osmania University					3	1		4
40	Panjab University							39	39
41	Pt. Ravishankar Shukla University		1			2	2	4	9
42	Punjabi University		1		2		1		4
43	Sambalpur University						5	2	7
44	Sant Gadge Baba Amravati University				5	3	1	4	13
45	Sardar Patel University						3	4	7
46	Saurashtra University		1						1
47	Savitribai Phule Pune University			6				1	7
48	Shri Jagdishprasad Jhabarmal Tibarewala University							1	1
49	Singhania University							1	1
50	SNDT Women's University			1	4	3		3	11

Contd...

51	Solapur University							1	1
52	Sri Krishnadevaraya University					5	2	23	30
53	Sri Venkateswara University						10	11	21
54	The Gandhigram Rural Institute						1	2	3
55	The IIS University						1		1
56	The University of Burdwan					1	12	14	27
57	Tilak Maharashtra Vidyapeeth			3		3	3	7	16
58	University of Calicut		1		6	4	7	2	20
59	University of Delhi					4			4
60	University of Jammu							10	10
61	University of Kalyani						1	2	3
62	University of Kashmir						4		4
63	University of Kerala			1		1		21	23
64	University of Lucknow					1	1		2
65	University of Mysore			1	1	3	4	27	36
66	Utkal University							19	19
67	Veer Narmad South Gujarat University						1		1
Total		2	5	17	72	84	253	432	865

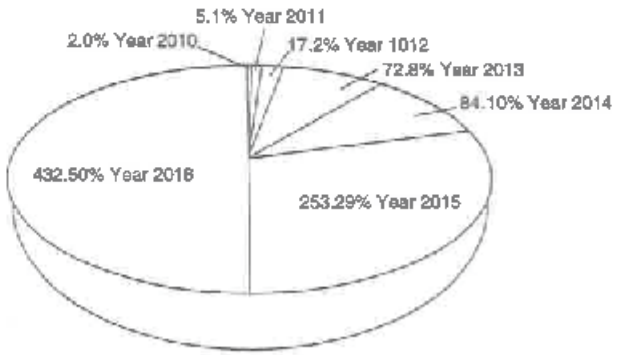

Figure 1: Year-wise Distribution of theses

State-wise Contribution of Theses

No. of universities which have contributed were 67 and these were occupied by 20 States. Tamil Nadu state contributed ten universities as maximum contribution with a percentage of 14.93% followed by Karnataka and Maharashtra with each 7 universities with 10.45%. Lowest no. i.e. one contributed by Assam, Haryana, Manipur, Mizoram and Meghalaya Universities.

Table 3: Year-wise and University-wise Contribution of Theses

Sl. No.	State	No. of Universities	Percentage	Cumulative No.	Cumulative %
1	Tamil Nadu	10	14.93	10	14.93
2	Uttar Pradesh	4	5.97	14	20.90
3	Andhra Pradesh	4	5.97	18	26.87
4	Karnataka	7	10.45	25	37.31
5	Maharashtra	7	10.45	32	47.76
6	Madhya Pradesh	3	4.48	35	52.24
7	Assam	1	1.49	36	53.73
8	Gujarat	7	10.45	43	64.18
9	Chhattishgarh	2	2.99	45	67.16
10	Punjab	3	4.48	48	71.64
11	Delhi	2	2.99	50	74.63
12	Haryana	1	1.49	51	76.12
13	West Bengal	3	4.48	54	80.60
14	Kerala	3	4.48	57	85.07
15	Manipur	1	1.49	58	86.57
16	Mizoram	1	1.49	59	88.06
17	Meghalaya	1	1.49	60	89.55
18	Odisha	2	2.99	62	92.54
19	Rajashthan	3	4.48	65	97.01
20	Jammu & Kashmir	2	2.99	67	100.00
Total		67	100.00		

Findings

It is concluded from analysis that many universities have not uploaded their all the theses on Shodhganga but few universities like Karnatak University and Aligarh Muslim University are in progressive phase. Deposition of theses on Shodhganga started in year 2009 but first two theses in Library and Information Science were deposited by Mizoram University in year 2010. Later on, deposition of theses in year wise were five in year 2011, 17 in year 2012, 72 in year 2013, 84 in year 2014, 253 in year 2015 and 432 in year 2016. Thus, largest contribution was found in year 2016 i.e. 432.

Trend of deposition of theses is found at an increasing stage which improves open access movement among scholarly communication society. Numbers of universities contributed were 67 and these were occupied by 20 States. Tamil Nadu state contributed ten universities as maximum contribution with percentage of 14.93% followed by Karnataka and Maharashtra with each 7 universities with 10.45%. Lowest no. i.e. one contributed by Assam, Haryana, Manipur, Mizoram and Meghalaya Universities.

Conclusion

The present study has attempted to overview the current status of E-theses repositories in India. Out of the various types of institutional repositories, E-theses repositories help in enhancing education and research. Even in the absence of any National Open Access policy in India, on the lines of National Institute of Health (NIH) Policy of the United States, various institutions, academies and scholars are making their research output open access. The ETD repositories should be properly updated and maintained in order to showcase the current research work done. However, key issues such as Intellectual Property Rights and Plagiarism needs to be discussed globally to stop misuse of the scholarly literature available through open access.

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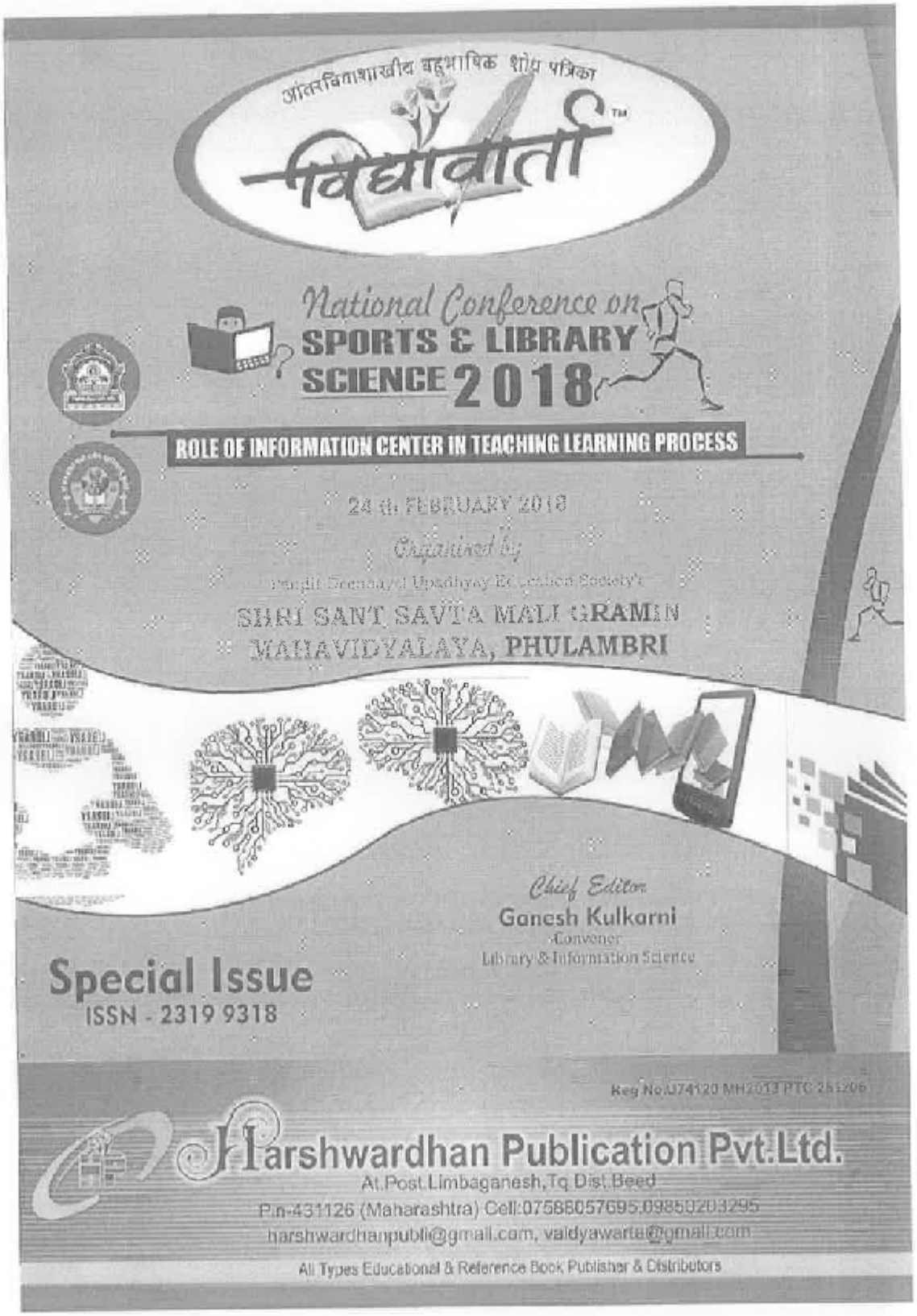
PART V
LIBRARY SECURITY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MAPPING OF LIBRARY & INFORMATION SCIENCE RESEARCH ON SHODHGANGA

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Abstract

To examine productivity of research in Library and Information Science subject, researcher studied 108 theses uploaded up to March 2014 on Shodhganga.. Shodhganga is the repositories for uploading theses submitted in Indian Universities on different subjects. Study found14state and 28 university in India contributed 108 Ph.D. theses in Library and Information Science on Shodhganga. Study also analysed subject wise contribution of theses, language wise distribution of theses , document types used by LIS researcher and application of Zipf's Law of Word Occurrence. The product of rank (r) of a keyword and frequency (f) of occurrence of keyword ranged between 48 to 497 which is not constant in all frequency of words hence Zipf's law is not valid for present study .

Keywords :Zipf's Law, Library & Information Science , Shodhganga, bibliometry

1. Introduction

Research increases growth of knowledge. It fills gaps in our knowledge and is an authentic and reliable process of problem solving and investigation. It throws more light on more facts and discovers hidden relations between entities.In library science research bibliometric technique are being used for a variety of purposes like determination of various scientific indicators, evaluation of scientific output , selection of journals for library and even forecasting the potential of a particular field. The popularity in the adoption of bibliometric technique in various disciplines stimulated growth of literature . The three fundamental laws which laid the formation of bibliometrics are Lotka's Inverse square Law of Scientific Productivity , Bradford's Law of Scattering of Scientific Papers and Zipf's Law of Word Occurrence. Zipf's law can be effectively used in the generation of semiautomatic or

automatic indexes useful for an information retrieval system (Fedorowicz , 1998, pp.285-293) .

2. Zipf's Law

Zipf (Zipf,1949) developed and extended an empirical law, as observed by Estoup, governing a relation between the rank of a word and the frequency of its appearance in a long text. It is based on frequency of occurrence of words in a text and their ranking in a descending order. If 'r' is the rank of a word and the 'f ' is its frequency, then mathematically Zipf's law can be stated as follows (Li,1992 ,pp.1842-45).

r f = c where 'c' is a constant

His law states that in a long textual matter if words are arranged in their decreasing order of frequency, then the rank of any given word of the text will be inversely proportional to the frequency of occurrence of the word. In any communication, the words and, the, a, an, of etc. occur many times in a text, whereas measurable is rare. Therefore, in discussion about Zipf's law such frequently appearing common words are excluded. In other words, Zipf's law addresses to those words that indicate subject content and not linguistic mandatory words.

3. Shodhganga

To facilitate open access to Indian thesis and dissertations to the academic communityworld-wide UGC made mandatory for submission of electronic version of thesis anddissertations by the researchers in universities by Notification (Minimum Standards & Procedure for Award of M.Phil. / Ph.D. Degree, Regulation, 2009) dated 1st June 2009.To rise standard and quality of research by online availability of electronic thesis through centrally-maintained digital repositories, made easy access andarchiving of Indian doctoral thesis and help in raising the standard and quality of research. This would overcome serious problem of duplication of research and poor quality resulting from the "poor visibility" and the "unseen" factor in research output."Shodhganga" is the name coined to denote digital repository of Indian Electronic Thesis and Dissertations set-up by the INFLIBNET Centre. It provides a platform for research scholars to deposit their Ph.D. thesis and make it available to the entire scholarly community in open access. (http://shodhganga.inflibnet.ac.in).

At present Shodhganga contains 180053 full text theses, 3900 Synopses deposited by 310 Universities. (Source - Shodhganga , 10 Feb.2018)

4. Objectives of the Research

Main Objective of study were

1. To Identify state wise and university wise contribution of Ph.D. theses in Library and Information Science on Shodhganga .
2. To identify subject wise contribution of Ph.D. theses.

3. To study language wise distribution of theses.
4. To find keywords in title of theses and apply Zipf'slaw .
5. To identify the document types used by LIS researcher.

5. Methodology

The references appended at the end of each chapter and bibliography of 108 Ph.D. theses submitted on Shodhganga Repository in the subject of Library and Information Science up to March 2014 were studied as data source for the present study. Each theses was examined manually and noted its references. Later the data was fed Into the computer using MS-Access 2007 . After feeding data, database file in Access was imported in MS Excel and analysedusing MS Excel Software.

6. **Analyses and Interpretation**

6.1 University wise and State wise Distribution of theses

Table 1 attempts to analysed University wise and State wise Distribution of theses on Shodhganga. Table contains URL of University and its established year with university wise and state wise distribution of number of theses and number of University and type of University i.e. Deemed , Central , State, Private and also theses deposited after March 2014 and up to Dec 2016. Total number of theses deposited before March 2014 were 108 but after 2014 and up to December 2016 these were 330 .....

Table depicts that maximum no. of University contribution is 4 (14.29 %) and occupied by two states namely Maharashtra and Karnataka . Uttar Pradesh has got second rank by contributing 3 (10.71 %) University. Six States among 14 States contributed by each two (7.14 %) Universities. Five states are contributed by each one (3.57%) University .

No. oftheses wise distribution of States indicate that Uttar Pradesh has got first rank among 14 States with uploading of 26 (24.07 %) theses contributed by three Universities followed by Maharashtra State with 21 theses contributed by four Universities, Chhattisgarh with 17 theses contributed by two Universities respectively. Madhya Pradesh and Telangana State contributed by least no. of theses i.e. one each .

From table it is concluded that 108 theses uploaded by 28 Universities among 14 States and maximum no. of University (4) contributed by Maharashtra and Karnataka . Maximum no. of theses (26) deposited by Uttar Pradesh.

It is inferred from table that deposition of theses on Shodhganga in LIS shows steady increase in growth which is a mark of progression of research in LIS .

6.2 Subject wise distribution of theses

A total number of 108 theses in LIS are analysed subject wise.There are 38 subjects covered in 108 theses . Data presented in table indicate that highest number of theses 10 (9.26 %) are submitted in the subject of Information Seeking Behavior followed by 9 (8.33 %) in Information Communication Technology , 7(6.48 %) in Library Management and 7 (

6.48 %) in Academic Libraries respectively. Least number of theses i.e. One was submitted in the subject of Librarianship, Intellectual Property Right, Web Technology, Reading Habits, Bibliographical Database, Outsourcing of Services, Total Quality Management, Library Education, Library Classification, Library Movement, Information index, LibraryConsortia, Disaster Management, Solo Librarian, Cost Effectiveness, Resource Sharing & Networking, Semantic Web and Patent Literature.

Table No. 1 University wise and State wise Distribution of theses on Shodhganga

Sr. No.	Name of University	No. of Theses In LIS Deposited on Shodhganga Before March 2014	States of University	URL of University	University Established Year	Theses In LIS on Shodhganga Deposited after March 2014 &Upto Dec. 2016	Type of University
1	Aligarh Muslim University	4	Uttar Pradesh	www.amu.ac.in	1875	27	Central
2	Andhra University	3	Andhra Padesh	www.andhrauniversity.edu.in	1926	1	State
3	Bharathidasan University	4	Tamil Nadu	www.bdu.ac.in	1982	18	State
4	Bundelkhand University	21	Uttar Pradesh	https://www.bujhansi.org	1975	1	State
5	Gulbarga University	1	Karnataka	www.gug.ac.in	1980	7	State
6	Guru Ghasidas University	16	Chhattisgarh	www.ggu.ac.in	1983	3	Central
7	Guru Nanak Dev University	1	Punjab	http://www.gndu.ac.in/	1969	5	State
8	Karnataka State Women's University	1	Karnataka	http://www.kswu.ac.in/	2003	1	State
9	Karunya University	3	Tamil Nadu	www.karunya.edu	1986	4	Deemed
10	Kurukshetra University	2	Haryana	http://www.kuk.ac.in/	1956	9	State
11	Madhya Pradesh Bhoj (Open) University	1	Madhya Pradesh	www.bhojvirtualuniversity.com	1991	0	State
12	Maharaja Krishnakumarsinhji Bhavnagar University	2	Gujrath	www.mkbhavuni.edu.in	1978	7	State
13	Mangalayatan University	1	Uttar Pradesh	http://mangalayatan.in/	2006	0	Private

14	Manipur University	2	Manipur	http://en.manipuruniv.ac.in/	1980	21	Central
Sr. No.	Name of University	No. of Theses in LIS Deposited on Shodhganga Before March 2014	States of University	URL of University	University Established Year	Thesesin LIS on Shodhganga Deposited after March 2014 &Upto Dec. 2016	Type of University
15	Mizoram University	2	Mizoram	http://www.mzu.edu.in/	2001	6	Central
16	Osmania University	1	Telangana	www.osmania.ac.in	1918	3	State
17	PL RavishankarShukla University	1	Chhattisgarh	http://www.prsu.ac.in/	1964	8	State
18	Punjabi University	3	Punjab	www.punjabiuniversity.ac.in	1962	1	State
19	SantGadge Baba Amravati University	6	Maharashtra	www.sgbau.ac.in	1983	7	State
20	Saurashtra University	1	Gujrath	www.saurashtrauniversity.edu	1967	0	State
21	Sri Krishnadevaraya University	2	Andhra Pradesh	http://www.skuniversity.ac.in/	1981	28	State
22	Tilak Maharashtra Vidyapeeth	4	Maharashtra	www.tmv.edu.in	1921	12	State
23	University of Calicut	7	Kerala	www.universityofcalicut.info	1968	13	State
24	University of Kerala	1	Kerala	www.keralauniversity.ac.in	1937	22	State
25	University of Mysore	3	Karnataka	www.uni-mysore.ac.in	1916	33	State
26	University of Pune	6	Maharashtra	www.unipune.ac.in	1948	1	State
27	SNDT Womens University	5	Maharashtra	https://sndt.ac.in	1916	6	State
28	Karnatak University	4	Karnataka	www.kud.ac.in	1949	86	State
	Total	108				330	

6.3 Language wise distribution of theses

English is the most prominent language found in Library and Information Science research which occupies 95 (87.96 %) theses among 108 theses . Second ranking occupied by Marathi language by contributing 9 (8.33%) theses . Hindi and Gujrathi language contribution are two theses each .

Sr. No.	Language	No. of Theses	Cumulative	Percentage	Cumulative %
1	English	95	95	87.96	87.96
2	Hindi	2	97	1.85	89.81
3	Marathi	9	106	8.33	98.15
4	Gujrathi	2	108	1.85	100.00

Table 2 Language wise distribution of theses

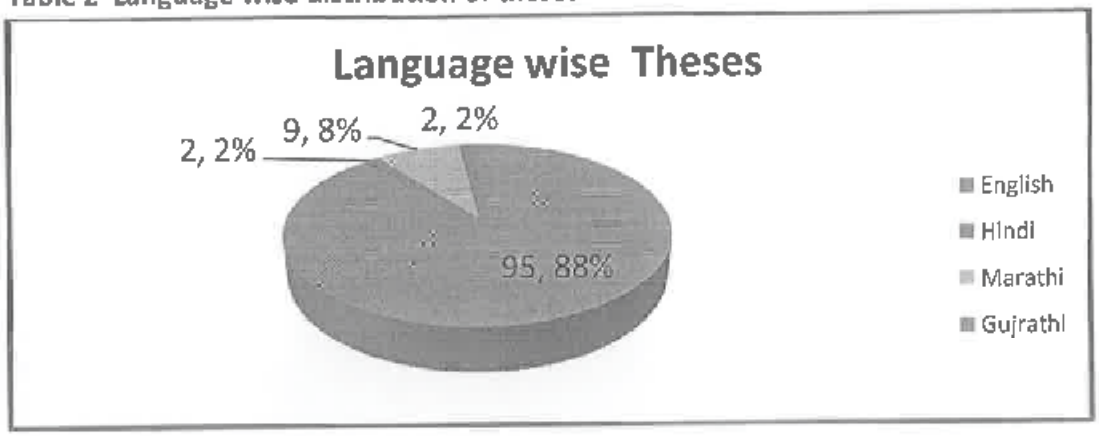

Fig 1 Language wise Theses

6.4 Title Keyword of High Frequency

Keywords in the title of research represent whole content of study hence it is most important . The content of the dissertations is expressed through such keywords (Dixit and Katare, 2010). Keywords in the title of all theses are analysed and listed for frequent occurrence and a list of keywords of high frequency in table 3. Total 1054 words found in the title of theses by excluding all the non substantive words like adverb (as), articles (a, an, the), conjunctions (and, or, but), prepositions (by, for, in, of, on, to, under, with) and pronoun (its, some).

Table reveal that word 'Information' has got highest rank and observed 48 (4.55 %) times followed by word 'study' with 47(4.46 %) times and word 'libraries' with 46 (4.36 %) times respectively .

Sr. No.	Name of Title Keyword	Frequency	% of Frequen	Cumulative	% of Cumulatl

			cy	Frequenc y	ve Frequenc y
1	Information	48	4.55	48	4.55
2	Study	47	4.46	95	9.01
3	Libraries	46	4.36	141	13.38
4	University	23	2.18	164	15.56
5	Library	17	1.61	181	17.17
6	India	12	1.14	193	18.31
7	Technology	11	1.04	204	19.35
8	Services	10	0.95	214	20.30
9	Special	10	0.95	224	21.25
10	Delhi	9	0.85	233	22.11
11	College	8	0.76	241	22.87
12	Impact	8	0.76	249	23.62
13	Reference	8	0.76	257	24.38
14	Use	8	0.76	265	25.14
15	Chhattisgarh	7	0.66	272	25.81
16	Comparative	7	0.66	279	26.47
17	Engineering	7	0.66	286	27.13
18	Management	7	0.66	293	27.80
19	Science	7	0.66	300	28.46
20	Behaviour	6	0.57	306	29.03
21	Development	6	0.57	312	29.60
22	Electronic	6	0.57	318	30.17
23	Pustakalay	6	0.57	324	30.74
24	Resources	6	0.57	330	31.31
25	Selected	6	0.57	336	31.88
26	State	6	0.57	342	32.45
27	Survey	6	0.57	348	33.02
28	Analysis	5	0.47	353	33.49
29	Analytical	5	0.47	358	33.97
30	Andhra Pradesh	5	0.47	363	34.44
31	Critical	5	0.47	368	34.91
32	Digital	5	0.47	373	35.39

33	Education	5	0.47	378	35.86
34	Evaluative	5	0.47	383	36.34
35	Needs	5	0.47	388	36.81
36	Organisation	5	0.47	393	37.29
37	User	5	0.47	398	37.76
38	4 Keywords of 20 Times	80	7.59	478	45.35
39	3 Keywords of 33TImes	99	9.39	577	54.74
40	2 Keywords of 70 Times	140	13.28	717	68.03
41	1 Keywords of 337 Times	337	31.97	1054	100.00

Table 3 Title Keyword of High Frequency

6.5 Rank Frequency of Occurrence of Keywords

Kewords in descending frequency are analysed with ranking, their product and logarithmic value is given in table 4.

Table 4 depicts that maximum frequency is 48 among 337 keywords and value of log r ranges from 0 to 2.70 , log f rages from 1.68 to 0 respectively . Product rf i.e. c value ranges from 48 to 497 and log c ranges from 1.68 to 2.70 .

Frequency(F)	Keyword	Rank(r)	Log r	Log f	Product rf=C	Log c
48	1	1	0.00	1.68	48	1.68
47	1	2	0.30	1.67	94	1.97
46	1	3	0.48	1.66	138	2.14
23	1	4	0.60	1.36	92	1.96
17	1	5	0.70	1.23	85	1.93
12	1	6	0.78	1.08	72	1.86
11	1	7	0.85	1.04	77	1.89
10	2	8	0.90	1.00	80	1.90
9	1	10	1.00	0.95	90	1.95
8	4	14	1.15	0.90	112	2.05
7	5	19	1.28	0.85	133	2.12
6	8	27	1.43	0.78	162	2.21
5	10	37	1.57	0.70	185	2.27

4	20	57	1.76	0.60	228	2.36
3	33	90	1.95	0.48	270	2.43
2	70	160	2.20	0.30	320	2.51
1	337	497	2.70	0.00	497	2.70

Table 4Rank Frequency of Occurrence of Keywords

6.6 Zipf's Law

Relationship between the frequency of words and its rank given by Zipf .Zipf's law states that if words are arranged in their decreasing order of frequency then the rank of any word of the text will inversely proportional to the frequency of occurrence of the words. It is used as a predictive measure for the frequency of occurrence of particular words within text .

It has been observed form table 4 that Zipf"s Law approximates the relationship between rank *r* and frequency *f* . The product of rank (r) of a keyword andfrequency (f) of occurrence of keyword ranged between 48 to 497 which is not constant in all frequency of words hence Zipf's law is not valid for present study . Following fig.2 shows graphical representation of Log of ranking and Log of frequency bit . It is observed that there is no correlation between words ranking and words frequency.

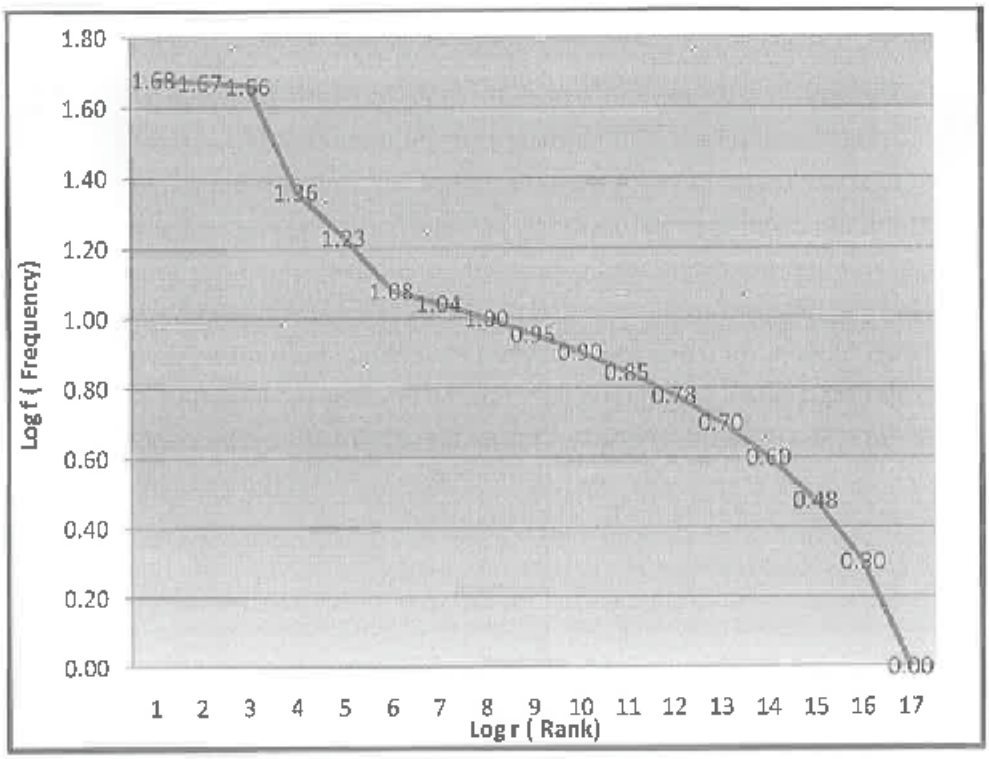

Fig 2 Word ranking V/s Frequency

6.7 Bibliographic Form of Cited Documents

Bibliographic Form of Cited Documents in Ph.D. theses are analysed and their analysis is given in table 5.

Researchers uses different scholarly information resources to rectify results hence they refer many resources and cited in their research as a references. These references are given in bibliographic form of documents as Book, Journal , Website , Conference Proceeding , Theses / Dissertations , Grey literature , Encyclopedia , Annual Report , News Papers, Dictionaries, Manual, Review and documents which could not be identified due to non availability of complete information termed as Unidentified or Others . Website citations contains various types of web resources such as website , online databases , e books and e journals

Sr. No.	Form of Document	No. of Citation	Percentage	Cumulative No. of Citations	Cumulative %
1	Journal	8024	47.25	8024	47.25
2	Book	3655	21.52	11679	68.77
3	Website	1894	11.15	13573	79.93
4	Conference Proceeding	1123	6.61	14696	86.54
5	Theses/ Dissertation	383	2.26	15079	88.79
6	Grey Literature	236	1.39	15315	90.18
7	Encyclopedia	215	1.27	15530	91.45
8	Annual Report	186	1.10	15716	92.55
9	News paper	274	1.61	15990	94.16
10	Dictionary	175	1.03	16165	95.19
11	Review	295	1.74	16460	96.93
12	Manual	117	0.69	16577	97.62
13	Unidentified / Others	405	2.38	16982	100.00
Total		16982	100.00		

Table 5 Form of Cited Documents

Analysis of citations according to document type reveal that Journal articles received 8024 (47.25 %) citations and ranked first , book 3655 (21.52 %) citations with rank second , Website 1894 (11.15 %) citations with rank third and Conference Proceeding 1123 (6.61 %)

citations with rank fourth . Grey literature includes documents in seminars, lectures, key note addresses, brochure, smarnika, letters , leaflets , manifestoes, pamphlets and refresher course materials which occupies 236 (1.39 %) citations durlng the study. Remaining bibliographic form contains Theses/ Dissertation with 383 (2.26 %) citations, Encyclopedia 215 (1.27%) citations, Annual Report 186 (1.10 %) citations, News paper 274(1.61%) citations, Dictionary 175(1.03 %) citations , Review 295 (1.74 %) citations, Manual 117 (0.69 %) and Unidentified / Others with 405 (2.38%) citations .

7. Findings and conclusions

On the basis of analysis following findings and conclusions are drawn

Maximum contribution obtained by 22 (78.57 %) State Universities by 80 (74.07 %) theses followed by 4 (14.29 %) Central Universities by 24 (22.22 %) theses also One Deemed Universities by 3 (2.78 %) theses and One Private Universities by 1 thesis. It means that largest no, of Contribution of theses 80 (74.07 %) is found by State University and least contribution i.e.1 (0.93 %) thesis by Private University.

There are 38 subjects covered in 108 theses . Highest number of theses 10 (9.26 %) was submitted in the subject of Information Seeking Behavior followed by 9 (8.33 %) in Information Communication Technology. More research contribution require in Librarianship, Intellectual Property Right and Web Technology .

English is the most prominent language found in Library and Information Science research .

Frequency (f) of occurrence of keyword ranged between 48 to 497 which is not constant in all frequency of words hence Zipf's law is not valid for present study .

Bibliographic form of cited document reveal that type of bibliographic form i.e. journal was more cited than the other sources of information.

During present study researcher found that some universities are still not submitting theses on Shodhganga after Ph.D. degree awarded hence all universities strictly implement regulation of M. Phil. / Ph. D. 2016 regarding compulsory uploading of theses on Shodhganga

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CRITICAL ANALYSIS OF SURROGACY AND ITS LEGAL IMPLICATIONS IN INDIA WITH SPECIAL REFERENCE TO SURROGACY (REGULATION) BILL 2016

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Abstract: India is always a favorite country for those wanting a surrogate child, for here the service is available at very cheap value compared to other country. In 2002, the Indian Council of Medical Research laid down guidelines for surrogacy, and made the practice legal, but it was lacking legislative support. In case of ***Baby Manji vs. Union of India*** the Supreme Court recognized surrogacy as a positive practice. A draft ART (Assisted Reproductive Technology) Bill was formulated in 2010, but was never passed as a law. In light of this, the Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha in November. The cabinet approved bill, however, has not been passed yet. The major scheme under the bill is to completely abolish commercial surrogacy. This provision is aimed to control the business of surrogacy that encourages exploitation. The Bill is the prohibiting single parents, homosexuals, live-in couples from becoming commissioning parents. The bill also disallows childless or unmarried women to be surrogate mothers.

In present paper attempt is made to explain the concept of surrogacy, types of surrogacy, current scenario of surrogacy in India and critical analysis of surrogacy law in India with special reference to Surrogacy (Regulation) Bill 2016 which has proposed various changes in existing system of surrogacy along with some recommendations.

Keywords: Surrogacy, Draft, Law, Parents.

Introduction: Couples wedding day begins family and birth of a child grows it further. Children are God's best present. They give lots of meaning to one's life. Without them, a family seems to be incomplete. They are a source of joy and happiness. The feeling of becoming mother and father is priceless. The significance of having children is very badly felt by parents who cannot have child or are infertile. There are various reasons due to which couple cannot have child. Sometimes due to illness or medication women can't carry pregnancy, sometimes due to age or some physical defect also begetting child is difficult. Besides this there are other reasons like same sex marriage couples could not have child, some women think that they will lose their beauty on giving birth to child and thus avoid pregnancy and now a day's even unmarried persons are willing to go with single parenting. For all these people surrogacy is ray of hope. India is always a favorite country for those wanting a surrogate child, for here the service is available at very cheap value compared to other country. In 2002, the Indian Council of Medical Research laid down guidelines for surrogacy, and made the practice legal, but it was lacking legislative support. In case of ***Baby Manji vs. Union of India*** the Supreme Court recognized surrogacy as a positive practice. A draft ART (Assisted Reproductive Technology) Bill was formulated in 2010, but was never passed as a law. In light of this, the Surrogacy (Regulation) Bill, 2016 was introduced in Lok Sabha in November. The cabinet approved bill, however, has not been passed yet. The major scheme under the bill is to completely abolish commercial surrogacy. This provision is aimed to control the business of surrogacy that encourages exploitation. The Bill is the prohibiting single parents, homosexuals, live-in couples from becoming commissioning parents. The bill also disallows childless or unmarried women to be surrogate mothers.

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CHILDREN AND RIGHT TO FOOD

Girbane Pratibha Ramesh*

INTRODUCTION:

India is a subcontinent and seventh largest country in the world with 3.3 million square km. geographical area which accounts for about 2.4 per cent of the total surface area of the world[1].The total population of India as estimated in 2011 was 1.21 billion shows that the country represents 17.31 per cent of the world's population, and is second most populous country in the world[2].India achieved sufficiency in food grains long back but still problems relating to food security exists. According to 2010 data from the United Nations Development Programme an estimated 37.2 per cent of Indians live below the country's national poverty line[3].As per 2nd National Family Health Survey 47 per cent all Indian children are under-nourished, 52 per cent adult women are anaemic and 36 percent have a less body mass index[4].For all these reasons protection of right to food is essential. Right to food is birth right and everybody from birth has right to be free from hunger. No doubt that right to food is available to all irrespective of their cast, sex, religion ;nationality, race, but special attention is required to be given to weaker sections of society and in them also towards the children.Because for them access to food is of great consideration. If child is malnourished it will not develop properly. It will be deprived of proper physical and mental development. As result of which it could not become potential human being and useful citizen.

* Working as Asst. Prof. At M.P.Law College Aurangabad

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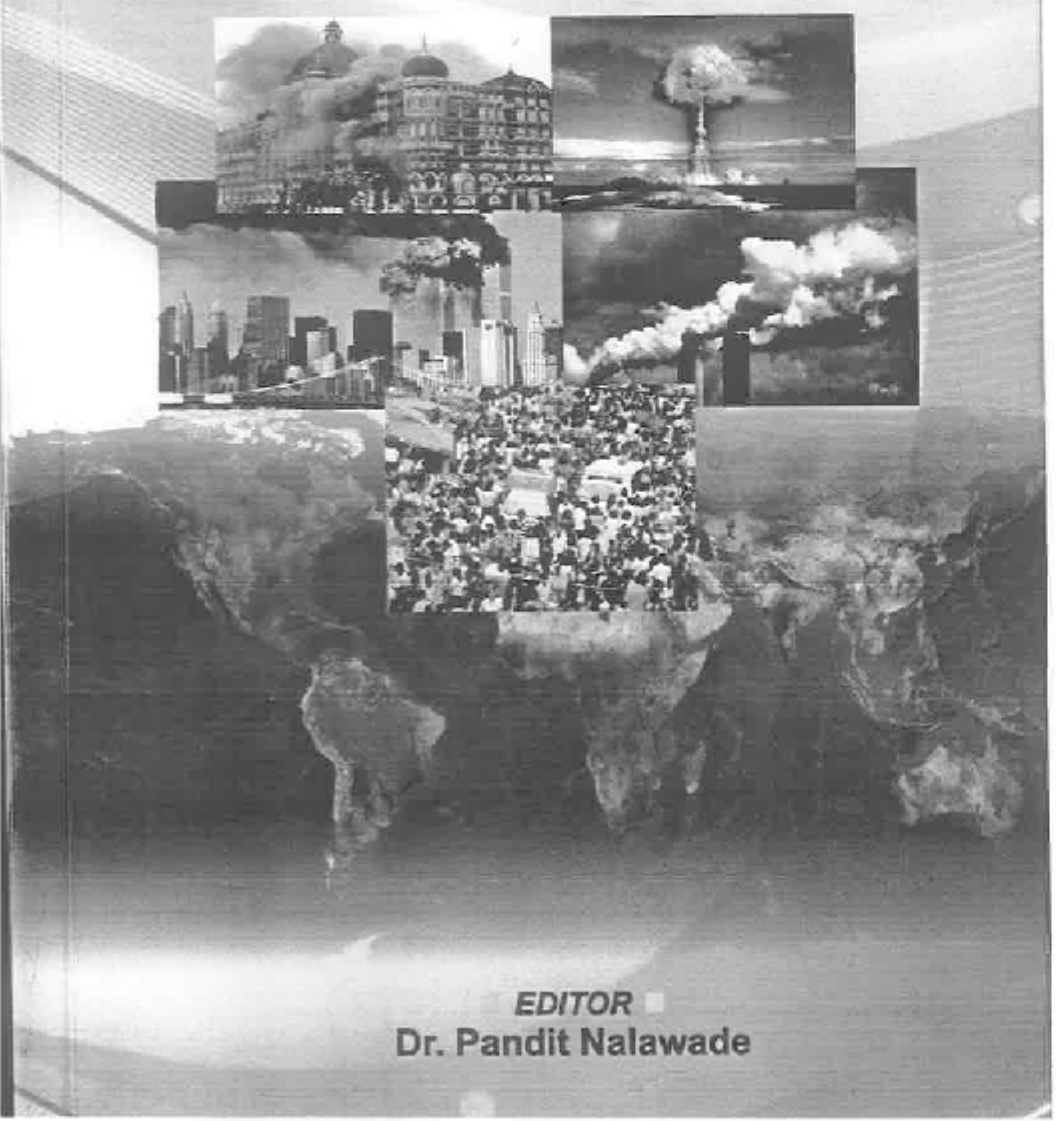

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MEAL SCHEME AN ATTEMPT TO CONTROL MALNUTRITION AMONG SCHOOL CHILDREN : PROS CONS

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1. INTRODUCTION: Malnutrition is broad term referring to under nutrition and over nutrition. It is caused if diet does not provide adequate calories and protein or if one cannot utilize food fully due to illness or even if one consumes more calories. Children are more at risk for serious complications due to nutritional deficiencies than adults. WHO adds that malnutrition during childhood usually results in worse health and lower educational achievements during adulthood. Children who are severely malnourished typically experience slow behavioral development, even mental retardation may occur. Even when treated, under nutrition may have long-term effects in children, with impairments in mental function and digestive problems persisting in some cases for the rest of their lives1.The World Bank estimates that India is one of the highest ranking countries in the world for the number of children suffering from malnutrition. The prevalence of underweight children in India is among the highest in the world2.To deal with this problem government of India introduced Mid-Day-Meal for school going children. Attempt is made in this paper to highlight effectiveness of this Scheme, its shortcomings, with certain suggestions and conclusion.

2. WHAT IS MID DAY MEAL SCHEME?

NP-NSPE3 popularly known as Mid-Day-Meal was started in 1995 .Initially in 2408 blocks and up to 1998 in all blocks of country4. Scheme was extended further in 2002, 2004, 2006 & 2009.Currently it covers nearly 12 crore children .The Central and State governments share the cost of the Midday Meal Scheme, with the Centre providing 75% and the States 25%.5For implementation of this scheme centralized and decentralized models are used. In centralized model external organization cooks and delivers meal to school and in decentralized model meal is cooked in school with help of cook. Now this scheme is included in national food security act 2013.

3. RIGHT TO FOOD MID DAY MEAL AND MALNUTRITION:

Right to food is a basic human right. There are various international instruments which recognized right to food as basic human right6 India was signatory to all these convention .Besides this Indian constitution also protect Right to Food through its different provisions7. Hence government has obligation to implement the laws in consonance with these conventions. Accordingly Mid Day Meal is step ahead towards this direction.

4. IMPACT OF MID-DAY-MEAL SCHEME:

The Midday Meal is the first successful nation-wide free school lunch program that caters to all students. The Scheme estimates a cooked mid-day meal with a minimum of 300 calories and 8-12 grams of protein to all children studying in classes 1 - V. Upper Primary meals consist of 700 calories and 20 grams of protein by providing 150 grams of food grains (rice/wheat) per child/school day8.2009-Food norms have been revised to ensure balanced and nutritious diet to children of upper primary group by increasing the quantity of pulses from 25 to 30 grams, vegetables from 65 to 75 grams and by decreasing the quantity of oil

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D CHILD DEVELOPMENT SERVICE: A TOOL FOR EMPOWERMENT OF WOMEN AND ITS WORKING IN AURANGABAD DISTRICT IN MAHARASHTRA

PRATIBHA R. GIRBANE

Abstract: Health and nutrition is very important in life of every human being .Without addressing these basic issues human development could not be achieved. Among all human beings additional attention is required to be given towards women because of role they play which is different from men. Nutrition plays different roles during different stages of a woman's life. During childhood it's important for proper growth. During pregnancy diet plays a role in a healthy pregnancy and prevention of chronic disease. During lactation its imp for health of herself and also of the child. In older year nutrition can help to keep minds sharp and bodies strong. Constitution of India under Art 47 imposes obligation on the state to raise the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties .In furtherance of it government has implemented number of policies for strengthening health of women. Attempt is made in this paper to focus on one of such policy namely Integrated Child Development Service(hereinafter termed as ICDS) under which various services are provided to women in respect of nutrition etc and thereby empowerment of women is sought to be achieved.

Introduction: Object And Justification: Main object of this paper is to study functioning and progress of ICDS and to observe how it is a effective tool for empowerment of women. Apart from the theoretical provisions of service attempt is made to cover the actual schemes implemented under this service. For that purpose I have selected Aurangabad District .There are two reasons for selecting Aurangabad District. One as I am resident of this district it will be convenient for me to get relevant information and second this district has done incredible work in this field in State of Maharashtra and also in India.

What Is Icds?: It is a centrally sponsored programme implemented by the Department of Women and Child Development and Ministry of Human Resource Development of Government of India. It is a programme to ensure development of children. It was initiated in 1975 and only 33 blocks were selected for this purpose[1]. Initially the criterion for providing service was below poverty line. In 2005 this service was expanded throughout country[2].It is one of the largest childcare programmes in the world and is in operation for more than three decades. The objectives of the service were to improve the nutritional and health status of children less than six years, to lay the foundation for proper psychological, physical, and social development of the child, to reduce the incidences of mortality, morbidity, malnutrition and school dropouts and to enhance the capability of mother to look after the normal health and nutritional health of the child through proper nutrition and health education. Beneficiaries under the scheme are pregnant women, nursing mothers, children less than 6 yrs and adolescent girls. These objectives are sought to be achieved through package of six services. Supplementary nutrition, immunization, health check up, referral services, preschool non formal education and nutrition and health education. As aim of paper is to focus on women empowerment hence provision in respect of women are only dealt in detail further

Supplementary Service: All families in community are surveyed to identify pregnant and nursing mothers. They are provided with supplementary feeding support for 300 days in a year.

Immunization: Under this service pregnant women and lactating mother are provided with TT and other vaccinations to protect them from future problems.

Health Check-Up: This includes antenatal care of expectant mother and postnatal care of nursing mother by way of regular heath check-ups recording of weight, immunization, to deal with anemia, iron deficiency etc.

Nutrition And Health Education: It aims at providing health education to women especially in the age group of 15-45 years so that they can look after their own health, nutrition and development needs as well as of their children and families.

The task of providing these services is done by ICDS team consisting of anganwadi workers, anganwadi helpers, supervisors, child development project officers, and district programme officers.

Various Schemes Implemented Under Icds In Aurangabad Dist: There are 553 projects in Maharashtra out of which 364 projects are in rural areas, 85 projects in Tribal areas, 104 projects in Urban Slum areas. There are 88,272 Anganwadi functioning Under ICDS scheme in Maharashtra[3] .Aurangabad is one of 35 dist in Maharashtra. It is capital of marathwada region. In Aurangabad district I visited department of women and child in Zillah Parishad. Following particulars are explained on basis of information and details provided by the concerned officers of the department working under ICDS.There are total 8 project officers, 90 superintendents are working. This service is provided to the beneficiaries mainly through anganwadis and there are total 2700 big anganwadis and 440 mini anganwadis working. The criterion for establishment of anganwadi is the number of population residing in particular area. For population of 800 big anganwadi is constituted and for population of 400 mini anganwadi is constituted.Anganwadi works through anganwadi workers who are women and are also trained for efficient working by the concerned department. Further details explained hereinafter are also as per the

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DEPRIVATION OF RIGHT TO FOOD GUARANTEED UNDER THE CONSTITUTION[1]

"A woman is full circle. Within her is the power to create, nurture and transform"

– Diane Mariechild.

INTRODUCTION

It is said that the progress of any society can be judged by the position of women in that society. India is such country where as mentioned in the scriptures women is treated like Goddess and thereby very honorable place is given to them .But what is the reality? Are they really treated like goddesses or like burden on society? In my opinion second one is somewhat right answer. Women are deprived of their basic rights by various ways like domestic violence, dowry deaths, harassment at work place, indecent representation, rape, bride burning, gender inequality, prostitution, and so on list is unending. These violations can easily be seen through one's eyes and hence got attention from the society .But there is another kind of problem which women are facing and towards it somewhat less attention is given and that is problem of malnutrition. Malnutrition occurs when one's body does not get enough nutrients. It causes damage to the health and thereby violates right to health and ultimately right to food a basic human right. Hereinafter the concept of right to food at International and National level is discussed along with how women are deprived of this right and some suggestions for reducing malnutrition among them.

WHAT IS RIGHT TO FOOD?

Right to Food is a basic human right. This right protects right of all human being to be free from hunger, food insecurity, and malnutrition. There are several International instruments which recognize right to food as part of right to adequate standard of living and freedom from hunger. Committee on Economic, Social, and Cultural Rights in its General Comment 12 of 1999 stated core elements of right to food by declaring that:

"The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and

1. Girbane Pratibha R, Asst. Prof. in Law at M. P. Law College, Aurangabad.

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COUNCIL OF INDIA AND FREEDOM OF PRESS

GIRBANE PRATIBHA RAMESH
Assistant Professor
M. P. Law College, Aurangabad.

INTRODUCTION

Press is a medium of publication, expression, criticism etc in relation to an individual, state, judiciary, parliament and public in general[1]. Press is an educational institution which informs and inculcates values. Press played very important role in freedom fight of India. Press makes people realize the value of freedom and to challenge the might of foreign rulers. Few decades back it was considered as an establishment where printing is done. But today its scope is widened. It is not only limited to publication of newspapers but also cover in its ambit television, radio, internet etc. For preserving democracy free media is one of the basic requirements. Media has capacity to influence and shape the views and opinions of people and policy makers. Thus besides being free it also should be responsible. Therefore press must have certain norms of journalistic ethics and standard of professional conduct. For that press council is constituted. Attempt is made in paper to deal with scope of freedom of press, need for establishment of Press Council of India and steps taken by Press Council for making media free and responsible.

SCOPE OF FREEDOM OF PRESS

Press is one of the four pillars of Indian democracy. Press acts as watchdog of public interest. If it is to work effectively it must be free. Freedom of press means- absence of control, interference or restriction by the state with the press, except in so far as it is authorized by the constitution and bylaws which are constitutionally valid[2]. Press should also not be interfered by any public authority or individual. If democracy is government by, for and of the people, the people must be allowed freedom to discuss public issues and to express their judgments. This could be attained by free press. Indian constitution guarantees fundamental right to freedom of speech and expression under Art. 19(1)(a), subject to the restrictions which may be imposed by state under cl.2 of that article. Our supreme court has held that it is unnecessary to plead for freedom of press separately because it is already included in freedom of expression[3]. Freedom carries with it responcibilities.Since freedom of press flows from freedom of expression which is guaranteed to all citizens, press stands at same footing like other citizens. Press cannot claim any privilege distinct from other citizens unless conferred by specifically by law. Also press cannot be subjected to any special restrictions which could not be imposed on any private citizen. Freedom of expression is guaranteed to citizens hence a non-citizen running a press is not entitled to the benefit of the liberty of press.

3. OBJECT, CONSTITUTION, POWERS AND FUNCTIONS OF PRESS COUNCIL

The media has extraordinary power to do good or bad, because of its capacity to influence events and minds. Thus it must have to act with more responsibility. At the same time it must have the ability to distinguish between right and wrong. If the media expects accountability from government, political parties, business and private individuals ; it too must offer itself to be judged by the same norms of accountability[4]. In ancient India the people bind themselves by the word dharma. Press should find its own dharma in Indian conditions and be true to it. Press is definitely having freedom but it needs to be exercised with due sense of responsibility. Thus there should be certain norms for press and for violation of those norms by unprofessional conduct a way must exist to check and control it .But control by government or official authorities may be destructive to freedom of press. Thus there is press council of India.

As per recommendations given by 1st Press Commission in 1954 and provisions of The Press Council Act 1965 first Press Council was established in 1966 as an autonomous statutory and quasi judicial body. During emergency in 1975 freedom of citizens and of press was interfered a lot .After withdrawal of emergency ,Pres Council Act of 1965 was replaced by The Press Council Act 1978 and now Press Council function under provisions of this Act. Press Council is headed by chairman who usually is a retired judge of Supreme Court. The council consist of 28 other members of whom 20 represent the press and are nominated by the press organizations/news agencies recognized and notified by the Council as all India bodies of categories such as editors, working journalists and owners and managers of newspaper; 5 members are nominated from the two houses of Parliament and 3 nominees of the Sahitya Academy, University Grants Commission (U.G.C.) and the Bar Council of India[5]. The members serve on the Council for a term of three years.

The press council is required to promote the standards of press and also to protect it from any threats to its

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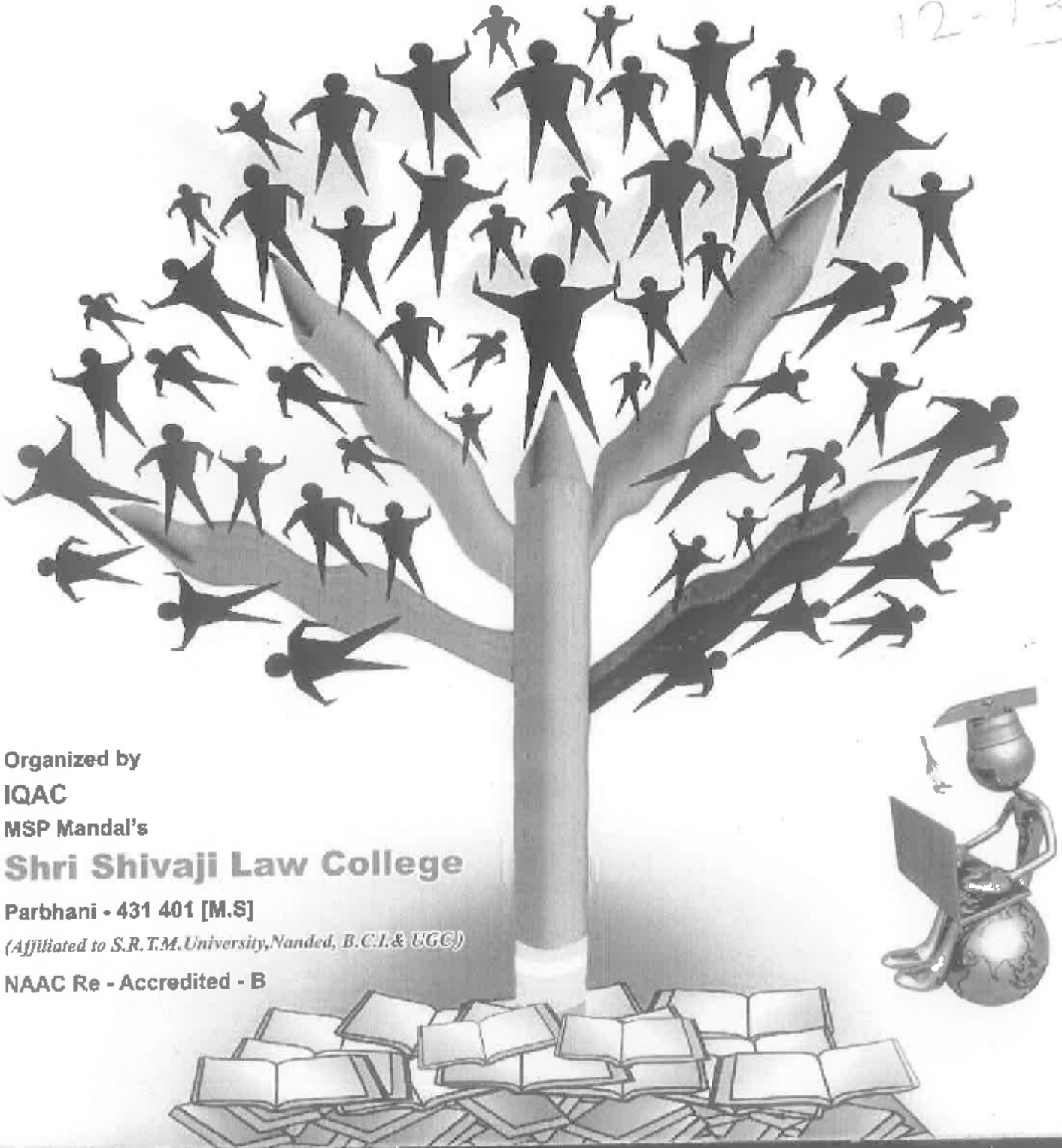

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Scientific and In[illegible]echnology and its Application in Rural Colleges

Pratibha R Girbane
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INTRODUCTION:

Information Technology has emerged as an inevitable phenomenon influencing every walk of life in all sections in the present society. It has changed many aspects of life. If we compare the fields like Medicine, Tourism, Travel, Business, Law, Banking, Engineering, Agriculture impact of Information and Scientific Technologies across the two three decades has been enormous. The way in which these fields operate today is vastly different from the way s they operated in the past. But in field of education there have been far less change than other fields. Education is socially oriented activity. Education will determine the prosperity, success and security in life of people. Education aims at welfare of learner. It can be done by personal contact with learner and use of Information and Scientific Technology in education itself lends more to student centered learning. The world is moving rapidly into digital media and information. Therefore role of Information Technology and Scientific Technology in education is becoming more and more important and this importance will continue to grow and develop in 21st century. Very often use of it in education creates tensions for some teachers and students.

It might have been because of lack of awareness in field of it. The fear can be removed away by giving proper training and motivation to students as well as teachers about benefits and usefulness of it. This paper seeks to focus the position of education in India giving special attention to the rural education and problems which are faced by rural colleges. This paper will also explore the impact of Information technology in education on teaching, learning etc.

Education in India:

Education in India is provided by the public sector as well as private sector with control and funding from three levels: central, state and local. Nalanda University was the oldest university and western education became ingrained into Indian society with the establishment of British raj. Education in India falls under the control of both the union government and the states, with some responsibilities lying with the union and the states having autonomy for others[1]. After independence India viewed education as an effective tool for bringing social change. The administrative control was effectively initiated in the 1950's. In 1952 government grouped villages under community development block- an authority under national programme which could control education in up to 100 villages. A block development officer oversaw a geographical area of 150 square miles which could contain the population of as many as 7000 people[2]. By the time the gandhigram rural institute was established a good network of rural education d been established and 5200 community development blocks were established in India. Nursery schools, elementary schools, secondary school and schools for adult education were setup. Recently in 2001-02 Sarva Shiksh Abhiyan had been launched by government of India in partnership with the state governments and Local Self Governments. The program aims to provide useful and relevant elementary education to all children in the 6 to 14 age group by 2010.

The Government continued to view rural education as an agenda that could be relatively free from bureaucratic backlog and general stagnation[3]. However in some cases lack of financing balanced the gains made by rural educational institutes of India. Some ideas failed to find acceptability among India's' poor and investments made by the

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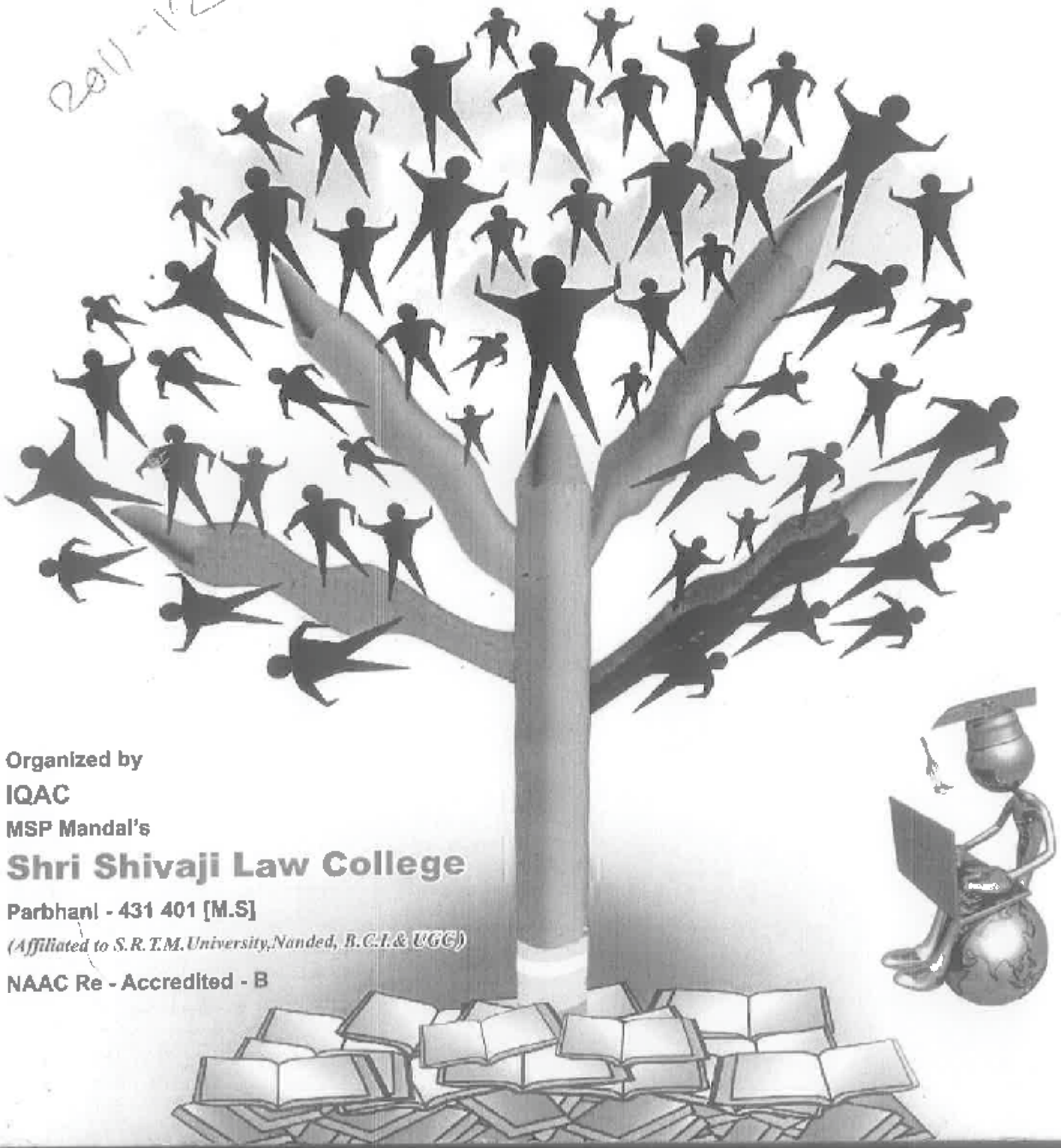

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Role Of Teachers In Enhancing Quality Education With Special Reference To Rural Colleges - An Overview Of Challenging But Necessary Job.

Jadhav Abhay Diliprao
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Aurangabad.

"You can teach a Student a lesson for a day; but if you can teach him to learn by creating curiosity, he will continue the learning process as long as he lives."

- Clay P. Bedford.

INTRODUCTION:-

As it is rightly said by Clay P. Bedford that if you want to develop the student, you need to develop the thinking powers of student which makes him a learner for lifetime. The present paper is an attempt made by the researcher to highlight the role which every teacher has to play to enhance the quality education with special reference to rural colleges. As it was the dream of our Mahatma Gandhi that there should be the development of the Rural Areas by educating them. Hence education is the most powerful weapon to mould the overall development of a person. Such objective can only be achieved when every teacher will play the role in enhancing the quality Education to the students. Teacher is the man who plays the most important role in bringing out the best out of an individual and gives him right type of Personality. No Teacher, however, can do his job properly if he lacks knowledge of not only human psychology in general, but even a more intimate knowledge of psychology peculiar to a specific age.[1]

India is known as an Agriculturist's country in the globe wherein Agriculture is the main source of Income of Rural peoples. Hence for the development of our nation well education in rural areas is of essence. The rural poor can neither migrate to the urban areas nor afford the very high fee charged in the corporate and private schools. Hence any new proposals in the education sector should improve the chances for the rural poor to have a good education on par with their urban counter parts in their villages themselves.[2]

OBJECTIVES:-

Main objectives of the Present paper are as follows.....

1) To highlight the role played by the teacher in enhancing quality education in Rural colleges.
2) To focus on the problems faced by the students as well as by the teachers in Rural colleges.
3) To suggest suitable solutions to overcome the said problems.

EDUCATION IN RURAL COLLEGES IN INDIA- AN OVERVIEW:-

India has progressed a lot in maintaining quality standards in Higher education. India's improved education system is often cited as one of the main contributors to the economic rise of India. Much of the progress especially in Higher education, Scientific research has been credited to various public institutions. India's higher education system is the third largest in the world, after China and the United States. The main governing body is the University Grants Commission, which enforces its standards, advises the government, and helps coordinate between the centre and the state.[3]

However, India is facing stern problems in maintaining quality standards in Rural Colleges. There are so many causes for the same but it needs attention of the Indian Government. If we compared with the facilities which are provided in Urban colleges, we will find very poor situations in Rural colleges. The government continued to view rural education as an agenda that could be relatively free from bureaucratic backlog and general stagnation.

'Violence Against Women - Need to Awaken the Conscience of Humanity'



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7. DOMESTIC VIOLENCE AS A TYPE OF VIOLENCE AGAINST WOMEN – AN OVERVIEW OF DRAWBACKS OF THE INDIAN LAW TO CURB THIS MENACE*

INTRODUCTION

Women constitute nearly one-half of the Indian population, but they are places at various disadvantageous positions due to gender discrimination and bias. In the male dominated society, women have been victims of violence and exploitation, India being a tradition bound society, women have been socially, economically, physically, psychologically and sexually exploited for centuries. A life free of violence is women's right. Domestic violence is a serious, widespread social problem not limited to the social context of India, but is worldwide phenomenon which affects both the developed and the underdeveloped world.[1] The concepts like sex equality, woman's empowerment etc. have come out of the Constitutional provisions after the constitution of India came into force on 26th January, 1950. But truly speaking equality of status guaranteed by the Constitution is only a myth to millions of women who are subjected to various kinds of violence within their domestic home. This Violence against women is popularly called as Domestic Violence. Domestic violence is perpetrated by both men and women.[2] The Protection of Women from Domestic Violence Act is a laudable piece of legislation that was enacted in 2005 to tackle this problem. The victim's inability to access to law makes legal remedies ineffective and the inability of law to reach the victim is even more tragic.

In this paper an attempt has been made by the Researcher to focus on the lacunas in the present Indian Law.

OBJECTIVES OF THE RESEARCH

The main objectives of this research are as follows.....

1) To place on the record various causes of Domestic Violence being one of the routine form of violence against women.

2) To learn the provisions of Indian Law in combating this menace.

*Jadhav Abhay Diliprao, Assistant professor in law in M.P. Law College, Aurangabad.

[1] Mamta Rao *"Women and children"*, second edition2008, Eastern Book co.pp.165-171.

[2] http://www.websites-online-dictionary.org/definitions/domestic%20 violence?

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NEW DIMENSIONS OF SOCIAL JUSTICE AS CONTEMPLATED UNDER THE DIRECTIVE PRINCIPLES OF STATE POLICIES OF THE INDIAN CONSTITUTION- A CRITIQUE OF JUDICIAL PROCESS

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"When a poor person dies of hunger, it has not happened because God did not take care of him or her. It has happened because neither you nor I wanted to give that person what he or she needed."

-Mother Teresa

INTRODUCTION:-

Let me begin with the above statements of Mother Teresa wherein she had rightly pointed out that a hunger person to be provided with what he needs and it is we are responsible for his death. In my opinion this saying is true in the present context as Indian Government has failed to provide to its Citizens justice to which I called as Social Justice. In the present paper the Researcher has made an attempt to highlight new dimensions of Social Justice as developed by the Indian Judiciary. The credit goes to the Justice Cardozo, who said, "The Judge legislates between the gaps and he (Judge) fills the open spaces in the law."[1]

After the deep study of the various Constitutions of the World. The Preamble of The Indian Constitution lays down the objectives which are to be achieved. At the time of Independence, the Constitution makers were highly influenced by the feeling of Social Equality and Social Justice. For the same reason, they incorporated such provisions in the Constitution of India. The Preamble aims at to achieve Justice. The term 'Justice' in the Preamble embraces three distinct forms- social, economic and political, secured through various provisions of Fundamental Rights and Directive Principles.

In this paper an attempt has been made to focus on the new dimensions of 'Social Justice' as Interpreted by the Indian Judiciary.

OBJECTIVES OF THE RESEARCH:-

The main objectives of this research are as follows…..

1) To place on the record new dimensions of Social Justice resulted from the Judicial process.
2) To learn the Constitutional perspectives of Social Justice.
3) To learn the problems and difficulties arising in maintaining Social Justice.

CONCEPT OF SOCIAL JUSTICE:-

With the growing awareness of public welfare, the term 'Social Justice' bas assumed global significance because the societies all over the world have been experiencing oppression, exploitation and inequalities in varying forms. The concept of Social Justice though so widely used is not clearly defined. Generally speaking it aims at securing different rights to different sections of people particularly the vulnerable underprivileged, oppressed and exploited sections for improving their lot.

It envisages social assistance, concessions, privileges and special rights to those who deserve them most. The true spirit behind social justice is to give every person his due and create conditions which are conducive to their upliftment.[2] Sir Allen in his book "Aspects of Social Justice" remarked that Social Justice has no definite content and it means different things to different people.[3] Let us consider some of the definitions……..

1) According to Plato:-

"Social Justice may be defined as the principles of society, consisting of different types of men… who have combined under the impulse of their need of one another, and by their combination in one society, and their concentration on their separate functions, have made a whole which is perfect, because it is the product and the image of the whole of the human mind."[4]

2) According to Dr. B. R. Ambedkar:-

"Social Justice means a mode of life to give every man his right place in society. Its precepts may be: to live honorably, to give respect to all, to injure no one, and to give every man his due without any artificial discrimination in mind and unnatural classification in society."[5]

3) According to Justice P. B. Gajendragadkar:-

"Social Justice takes within its sweep the objective of removing all inequalities and affording equal opportunities to all its citizens in social affairs as well as economic activities."[6]

CONSTITUTIONAL PERSPECTIVES:-

Social Justice is the foundation stone of Indian Constitution. Indian Constitution makers were well known to the use and minimality of various principles of justice. They wanted to search such form of justice which could fulfill the expectations of whole revolution. Pt. Jawaharlal Nehru put an idea before the Constituent Assembly:

** The Author is an*

[1] *Benjamin Cardozo, "The nature of Judicial Process", p.133 (1997).*

[2] *Dr.N.V.Paranjape, "Social Justice and Public Interest Litigation", Central Indial Law Quarterly.*

[3] *Dr. Suresh Mane, "Indian Constitutional Law-Dynamics & Challenges", Aarti & Co., Mumbai, First edition 2007 at p.383.*

[4] *Quoted from D. R. Jatava, "Social Justice- In Indian Perspective", ABD Publishers, Jaipur, First Edition 2006 p.54.*

[5] *Ibid at p. 96.*

[6] *Gajendragadkar P. B, "Law Liberty and Social Justice", pp.29,77.*

"First work of this assembly is to make India independent by a new Constitution through which starving people will get complete meal and cloths, and each Indian will get best option that he can progress himself."

Dr. Ambedkar is the man of millennium for social justice, since he was the first man in history to successfully lead a tirade of securing social to the vast sections of Indian humanity, with the help of a law. At the time of independence, the constitution makers were highly influenced by the feeling of social equality and social justice. For the same reason, they incorporated such provisions in the constitution of India. These are as follows –

The words, "Socialist", "Secular", "Democratic" and "Republic" have been inserted in the preamble, which reflects its form as a "social welfare state." The expression "Socialist" was intentionally introduced in the Preamble.[7] Again the Preamble of Constitution is calling upon its people to secure justice 'Social', 'Economic' and 'Political'. These objectives have been incorporated under the Directive Principles of State Policy. In **D. S. Nakara v. Union of India**[8], the Supreme Court has held that the principal aim of a socialist state is to eliminate inequality in income, status and standards of life.

The basic frame work of socialism is to provide a proper standard of life to the people, especially, security from cradle to grave. Amongst there, it envisaged economic equality and equitable distribution of income. In **Excel Wear v Union of India**[9], the Supreme Court held that the addition of the word 'socialist' might enable the courts to learn more in favour of nationalisation and state ownership of an industry. But, so long as private ownership of industries is recognised which governs an overwhelming large principles of socialism and social justice cannot be pushed to such an extent so as to ignore completely, or to a very large extent, the interest of another section of the public, namely the private owners of the undertaking.

As being a socialist state, the government is required to take steps to ensure that the minimum facilities of life are provided to every person, and there are equalities of income and material resources as far as democratically possible. A socialist state strives to achieve many ideals, some of them are-

- Removal of inequalities in distribution of economic resources
- Equality of opportunity for employment
- Equal pay for equal work.
- Elimination of exploitation of labourers
- Maintenance of minimum level of egalitarianism
- Establishment of a welfare state
- Initiation of schemes relating to health, education, social security, and other such essential matters.[10]

Part IV of the Indian Constitution deals with the Directive Principles of State Policy (DPSPs). These directive principles are most glaring examples of the scheme of Social Justice in our constitution, and these principles anticipate a lot of provisions for the welfare of people at large relating to education, environment, promotion of justice, free legal aid, living wages, protection of marginalized groups, forest and wildlife, etc. The government is required to take all possible measures for the fulfillment of directive principles in its economic capacity. In the case of **Consumer Education and Research Centre v. Union of India**[11] it was observe by the Supreme Court as follows: "Social justice, equality and dignity of person are cornerstones of social democracy. The concept 'social justice' which the Constitution of India engrafted, consists of diverse principles essential for the orderly growth and development of personality of every citizen."

By this we can say that Indian Constitution is imbedded with the idea of Social Justice and strive to achieve the object of Social Welfare State.

NEW DIMENSIONS OF SOCIAL JUSTICE- A CRITIQUE OF JUDICIAL PROCESS:-

In today's time it seems that the concept of social Justice has not been taken by the government as sincerely, as it must have. The attitude of the government is not very friendly and cooperative towards the people, and it is visible from the recent debate on the Lokpal Bill and the controversy relating to the determination of poverty line for poor people. The government does not seem to be sincere about its responsibility towards serving the people as many scams and irregularities have come up in the central and state governments.

Social justice is the signature tune of the constitution of India. Mr. Justice Krishana Iyer calls it a vortex of Indian ethos and Indianness which shows intimate concern and sensitivity to the cause of the poor. Social Justice presupposes abhorrence for economic exploitation. As a matter of fact, social justice constitutes the bed-rock on which the entire edifice of the Indian Constitution is built up. The Constitution enjoins on all the three organs of the government, a duty to demolish all man-made barriers and treat all alike and to exercise effective control on means of production and distribution with a view to promote the greatest happiness of the greatest number. The Constitution contains a series of provisions which aim at securing socio-economic justice. The post-independence era therefore, witnessed a period of extensive social reforms and progress with the promulgation of the Constitution. Social change is an inevitable phenomenon of every society because social conditions never remain static. Social change whether it comes through legislation or through judicial interpretation indicates the change in accepted modes of life, or perhaps a better life. The changing patterns do have an impact on the laws and life of a given society and law must keep pace with the changing socio-economic trends and political movements of the society. Thus social justice provides a potential force for attainment of a progressive social change. In India, courts have performed a great role to make the Social justice successful and have formulated new dimensions of Social Justice suitable to the changing need of the people.

Social justice found useful for everyone in its kind and flexible form. Although social justice is not defined anywhere in the

[7] *http://www.lawyersclubindia.com*
[8] *AIR 1983 SC 130.*
[9] *AIR 1979 SC 25.*
[10] *Avneesh Kumar, "Social Welfare and Constitutional Responsibilities of Government: An Analysis of the Current Scenario"*
[11] *AIR 1995 SC 922.*

constitution but it is an ideal element of feeling which is a goal of constitution. Feeling of social justice is a form of relative concept which is changeable by the time, circumstances, culture and ambitions of the people.[12] Social inequalities of India expect solution equally. Under Indian Constitution the use of social justice is accepted in wider sense which includes social and economical justice both. According to Chief Justice Gajendragadkar,

"In this sense social justice holds the aims of equal opportunity to every citizen in the matter of social & economical activities and to prevent inequalities".[13]

The supreme court of India has given a principal and dynamic shape to the concept of social justice. Social justice has been guiding force of the judicial pronouncements. In **Sadhu ram v. Pulin**[14], the Supreme Court ruled that as between two parties, if a deal is made with one party without serious detriment to the other Court would lean in favor of weaker section of the society. The judiciary has given practical shape to social justice through allowing affirmative governmental actions are held to include compensatory justice as well as distributive justice which ensure that community resources are more equitably and justly shared among all classes of citizens. The concept of social justice has brought revolutionary change in industrial society by charging the old contractual obligations. It is no more a narrow or one sided or pedantic concept. It is founded on the basic ideal of socio-economic equality and its aim is to assist the removal of socio- economic disparities and inequalities. In **J.K. Cotton Spinning and Wiving. Co. Ltd. V. Labor Appellate Tribunal,**[15] the Supreme Court of India pointed out that in industrial matters doctrinaire and abstract notions of social justice are avoided and realistic and pragmatic notions are applied so as to find a solution between the employer and the employees which is just and fair. It has also ruled that, "Concept of Social Justice consists of diverse principles essentially orderly growth and development of personality of every citizen. It is dynamic device to mitigate the sufferings of the poor, weak, Dalit's, tribal and deprived sections of people."[16] The Madras High in the case of **S. Mazhaimeni Pandian v/s State of T.N**[17] held that Part IV constitutes the stairs to climb the high edifice of socialist state.

CONCLUDING REMARKS:-

At the last it can be concluded that the Indian Judiciary is directing the Government to take necessary steps so as to achieve the objectives of Social Justice. The Courts have shaped new dimensions of Social Justice from time to time to accord with the changing needs of the society. It has been pointed out by the researcher that the current economic policies of the government, which are largely influenced by Globalization and Capitalism, are not in conformity with its welfare obligations. It has to be remembered that the policies of the Government must be society centered and not to be individual or particular body of individuals centered.

The Government must have to consider the Principles contained under Part IV of the Constitution while framing the policies even though these are non justifiable. These directive principles are most glaring examples of the scheme of Social Justice in our constitution, and these principles anticipate a lot of provisions for the welfare of people at large relating to education, environment, promotion of justice, free legal aid, living wages, protection of marginalized groups, forest and wildlife, etc.

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[12] *V.R. Krishna Iyear , Social Justice- Sunset or Dawn (1987) p.53*
[13] *P.B. Ganendragadkar, Law, Liberty and social justice (1964) p. 77, 99*
[14] *AIR 1984 SC 1471.*
[15] *AIR 1964 SC 737.*
[16] *AIR 1995 SC 922*
[17] *(2003) 1 ILD 778 (Mad)*

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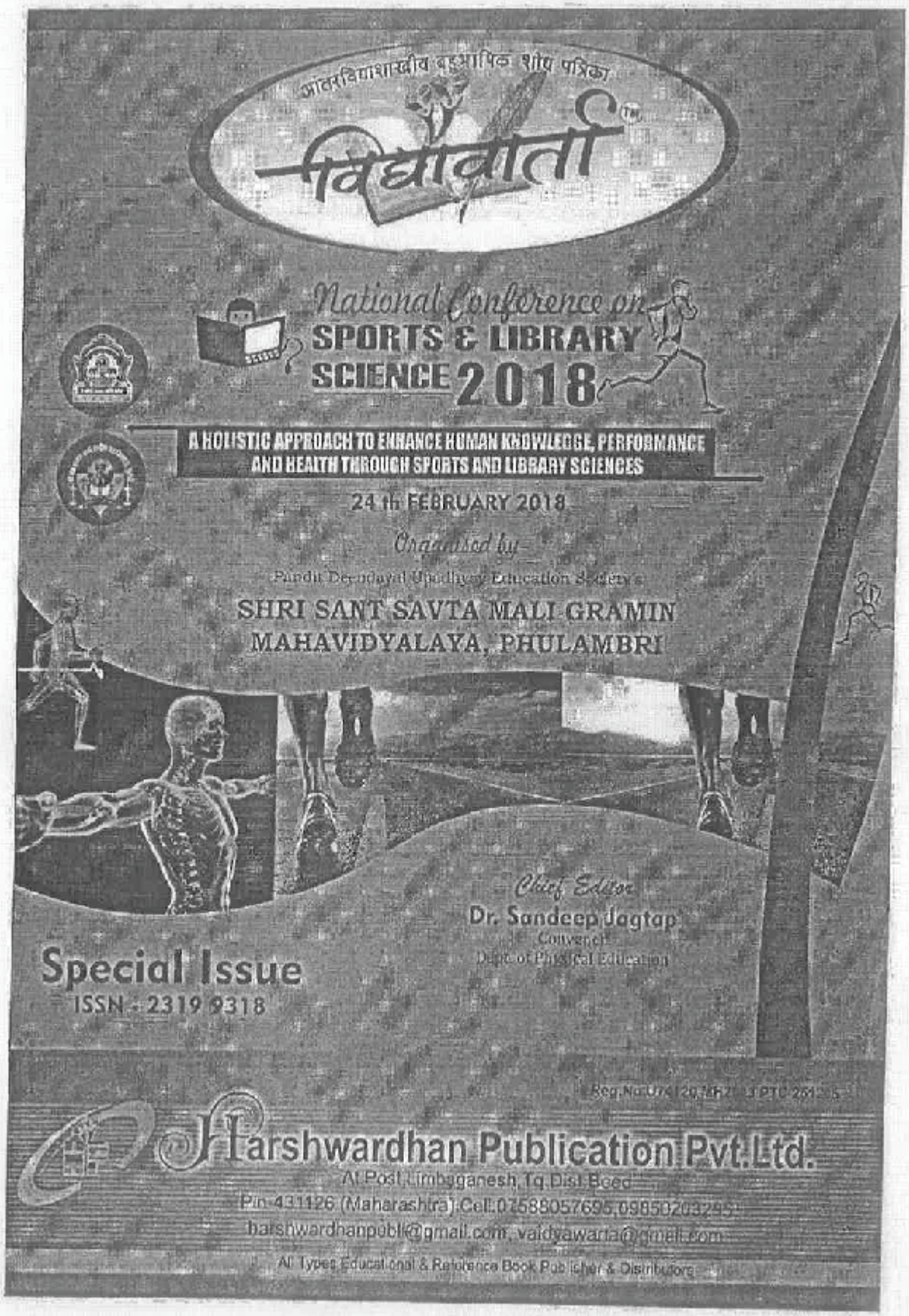
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PREVENTION OF SPORTS-RELATED INJURIES THROUGH STRETCHING AND WARMING-UP

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Abstract

In research: Most athletes incorporate some form of low intensity physical activity into their training routines before participating in more strenuous exercise. This preparatory workout is designed to improve physical performance and to prevent sports-related injuries. Warming up and stretching are the two primary methods of exercise that are typically utilised prior to recreational and competitive activities. Although the bulk of the scientific literature supports the physiological basis for the enhancement of performance and prevention of injury which results from warming up and stretching, lack of consistent methods, reference source for physicians, sports medicine specialists, physiotherapy ... Competitive and recreational athletes typically perform warm-up and stretching activities to prepare for more strenuous exercise. These preliminary activities are used to enhance physical performance and to prevent sports-related injuries.

Keywords: Sport for development, rehabilitation, At-risk populations, Rehabilitation & management, warm-up

Introduction

Sports Medicine bridges the gap between science and practice in the promotion of exercise and health, and in the scientific assessment, study and understanding of sports performance. Regular features include: sports injury prevention and treatment; exercise for health; drugs in sport and recommendations for training and nutrition.

Designed as a superb

Warm-up techniques are primarily used to increase body temperature and are classified in 3 major categories: (a) passive warm-up — increases temperature by some external means; (b) general warm-up — increases temperature by nonspecific body movements; and (c) specific warm-up — increases temperature using similar body parts that will be used in the subsequent, more strenuous activity. The best of these appears to be specific warm-up because this method provides a rehearsal of the activity or event. The intensity and duration of warm-up must be individualised according to the athlete's physical capabilities and in consideration of environmental factors which may alter the temperature response.

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Regulating sports and games in India: Need of a comprehensive legislation

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[2] Co Author Assistance Professor in Law, Manikchand Pahade Law College, Aurangabd, Maharashtra, India

Abstract
The aim of this paper is to identify the current challenges and for that need for sports Laws. There are various factors which are diminishing the interest of player's the major harms that the sporting world faces can be broadly categorized in points Drug use, Tort Laws, Laws Accountability. And Discussions on National Sports policy, sports Law and Welfare Association of India, Sport Authority of India, and Sports Broadcasting Law in India. An overview sport legislations to create awareness about the importance of sports Law and all these issues have been discussed in the present study.

Keywords: law, tort, accountability, sports policy and sport legislations

Introduction

There are laws and regulation on sports in number of countries and even the united Nations (hereinafter to as the 'UN') 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 not have a comprehensive law to deal, with sports issues.

There is a need to look at sports not as a frivolous means to enjoy oneself, but as the golden ticket for the Indian economy and an industry that promises great dividends for players and administrators alike. Also there is a need to utilize the youth in uplifting sports in the countey and the enthusiasm of the masses for it can be channelized in an optimum manner to involve them in running sports in country.

Sports Law is not a concept that has just begun its march towards prominence. It started gaining momentum with the commercialization of sports. Leagues were formed; player auctions took place and sport as we know it, changed forever. While cases like Miller v. Jackson used the law of torts to handle disputes relating to injury in sports, the interaction of law and sport increased with the passage of time which in turn, gave impetus to the growth of sports law.

In India, however, the status of sports law is still contested not just for its importance but also for its very existence. The sports industry in India has also experienced tremendous growth- be it the Indian premier League (hereinafter referred to as the "IPL") and the Indian cricket League (hereinafter referred to as the 'IPL") in Cricket the world series HOCKEY (hereinafter referred to as the "WSH") in hockey, the formula one championship at the Buddha International circuit in Delhi or the recently concluded Twenty 20 (hereinafter referred to as the "T20") Football tournament sponsored by Pepsi. This radical evolution in sport means that transactions involved right from the contract to organization to the actual event have become more complex.

Sports can be viewed as something done for recreation, but with increasing competition, technology and skill levels, it is not just another match being played in a stadium. Billions of rupees are riding on each team, each player and every league formed. As such, muriad legal issues arise and these nuances need to be looked into. Competition law, regulation of sports governing bodies, sports injuries – issues of liability, health and safety issues in sports, employment issues in sports e.g. discrimination, working with children in sport, intellectual property issues in sport involving broadcasts, arbitration in sports issues, issue of harassment in sports, organizational matters, among others are the key facets involving law and sports

Need for Sports Laws

The sporting world has been plagued by scandals and controversies in the past few decades. The Olympic Games Bidding Scandal, the recent IPL scam and allegations of sexual harassment by the Indian Women's Hockey Team have rocked the nation. From six gold medals in a row from 1928 to 1956, the Indian Hockey team hit an all time low failing to qualify for the 2008 Olympics. This incident exposed the maladministration and insularity of a defective system that drained our resources. Even the gentleman's game cricket has been marred by match fixing and payment by bookies. All these incidents expose the dark side of a highly competitive world.

Simon Rottenburg, in his seminal work on professional sports, analysed sports in terms of the same paradigms that are applicable to any other economic activity and came to some brilliant conclusions. He defined the sporting competition as a joint product and a collective effort of a number of factors. He said that no single sporting team or player could offer an interesting and independent product of value in sports. Thus a sporting spectacle required a competitive balance and the ordinary rules applicable to a pure market had to be modified here. Even though competition was the crore value that

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THEME : ROLE OF PSYCHOLOGY IN SPORTS
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ROLE OF SPORTS PSYCHOLOGISTS IN PHYSICAL EDUCATION

Mr. Sachin S. Deshmukh,
Principal Author working as College Director of Physical Education, M.P. Law College, Aurangabad.

Dr. Pradeep N. Deshmukh,
Co Author, Head, Department of Physical Education & Sports, Smt. Sushiladevi Deshmukh Sr. College Latur.

Abstract :

The most common role for the sports psychologists is to touch mental skill for enhanced performance a mental game aspect can help to improve confidence, focus, composure, intensity, and trust in athletes performance this mental skill helps athlete improve performance and can help in all other areas of an athlete's life.

Today, a sports psychologist can do several things to help athletes with sports and performance. A sports psychologist role is more accepted today as a part of the regular coaching staff for teams and for individual athletes–than 10 years ago. A sports psychologists can do are numerous, but they primarily teach athletes mental game skills to improve their performance and learning.

Sports psychology Coaching helps athletes to understand how the mind influences performance and apply mental strategies to help perform their best in competition. We also help athletes improve practice efficiency and focus. You'll learn how to mentally prepare for competition and how to take your practice game to competition. Sports psychology is not for problem athletes. We help you improve your performance using mental training strategies from sports psychology.

Key Words : sports psychologists, mental skill, mentally prepare

GOEIIRJ

Introduction

The most common role for the sports psychologists is to touch mental skill for enhanced performance a mental game aspect can help you improve confidence, focus, composure, intensity, and trust in athletes performance this mental skill helps athlete improve performance and can help in all other areas of an athlete's life.

Mental game coaching is that segment of sports psychology that concentration specifically on helping athletes breakthrough the mental barrier that are keeping them from performing up to their peak potential by focusing on the mental game coaching seeks to achieve the overall goal of performance improvement.

Question you need to ask yourself is this: Am I performing up to my capability? I'm sure that know some fellow athletes who have "great talent" or physical skills, but haven't played up to their potential.

One of the myths athletes buy into is that you first must develop "perfect" technique or knowledge about ones sport before you can work on the so-called mental game. But, from my perspective, you cannot separate the mental from the physical when it comes to motor skills. Decisions, thoughts, images, and feelings

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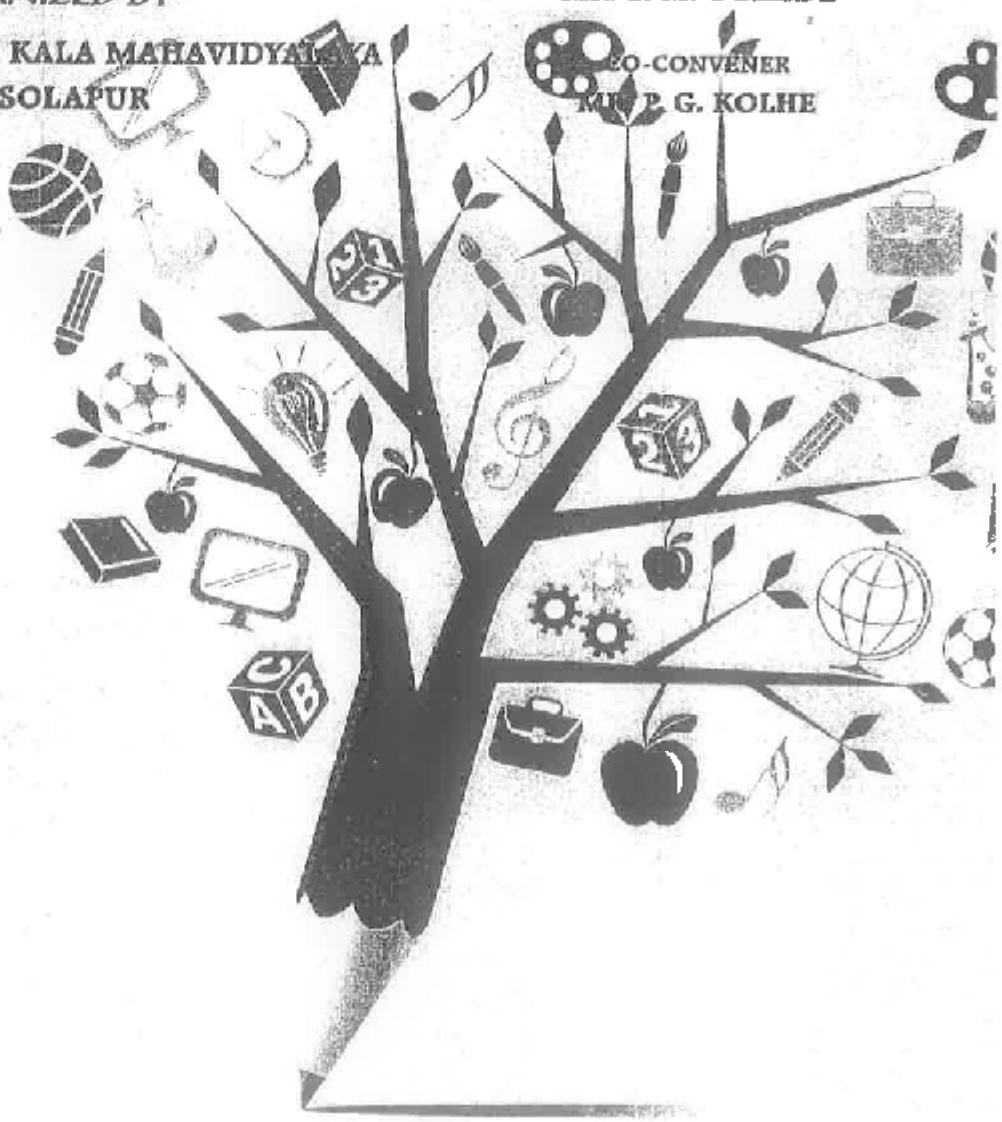

ENGLISH

PART - IV

AJANTA PRAKASHAN

30 New Trends, Future Challengesand Innovative Practices in Physical Education and Sports inIndia

Dr. Sachin Shivajirao Deshmukh

Principal Author Director of Physical Education & Sports, Manikchand Pahade Law College, Aurangabad, Maharashtra.

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.

Introduction

The importance of physical education has never been emphasised more than it is today. It is widely recognised that physical education 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 notgiven, 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, 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.

Role of Technology in Physical Education

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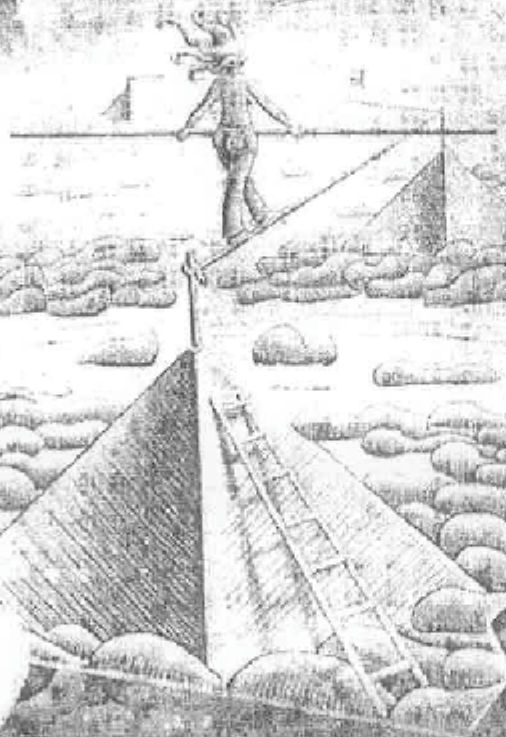



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CONSTRUCTION OF PHYSICAL EDUCATION FITNESS TESTS AND NORMS FOR SELECTED FIELD HOCKEY PLAYERS

Mr. Sachin Shivajirao Deshmukh
Director of Physical Education & Sports
Manikchand Pahade Law College,
Aurangabad, Maharashtra.

ABSTRACT
The purpose of the study was to construct the Physical Education Fitness Tests and compilation of norms for selected field hockey Physical Education Fitness Tests among college level players. Five hundred field hockey players were selected from various institutions in Dr. Babasaheb Ambedkar Marathwada University, Aurangabad state at random and their age ranged from 18 to 28 years. Data were collected from each subject on Speed, power and Agility. The collected data were statistically analysed by using descriptive statistics and Persenttile scale. The players' skills performance was described in the qualitative grading procedure namely low, low average, average, above average, good and outstanding. It was found that there was very less number of players in the outstanding and low performance grading.

Keywords: Field Hockey, Speed, Power and Agility.

Introduction

Field hockey is a multiple high intensity activity sport with a multidirectional nature. The ability to change direction rapidly while maintaining balance without loss of speed that is, agility is therefore an important physical component necessary for successful performance in field hockey. Elite field hockey players also need high level technical skills such as being able to dribble without losing running speed. For a technically good player, dribbling is essentially an automatic process, and the better players distinguish themselves by their running speed while dribbling the ball (Reilly and Bretherton, 1986). Coaches, trainers, and players are continually searching for effective methods of identifying and developing those characteristics in a player that may enhance performance. There are a variety of field tests with which to measure the physiological and technical characteristics of players in team games like soccer, rugby, and handball. However, there was no single test to easure both physiological and technical characteristics in field hockey players and for this reason we developed two tests specifically to measure these characteristics. Based on tests for repeated sprint ability and dribbling skills of field hockey players (Reilly and Bretherton, 1986) and soccer players (Reilly and Holmes, 1983). Field hockey is a field invasive sport in which players compete at the same field of action as their opponents (Hughes and Barlett, 2002). To obtain expert status in field hockey, players must excel in no less than four domains: physiological, technical, tactical, and psychological. The unique requirements of field hockey including dribbling the ball and moving quickly in a semi-crouched posture superimpose the work-load demanded by the game (Reilly and Seaton, 1990). Technical expertise refers to the degree of sensorimotor coordination

From which refined, efficient, and effective movement patterns emerge (Janelle and Hillman, 2003). For a technically sound player, dribbling is essentially an automatic process, and the better players distinguish themselves by their running speed while dribbling the ball (Reilly and Bretherton, 1986). The execution of tactical skills in field hockey is always related to the physiological and technical limitations of the individual player. All sports are based on

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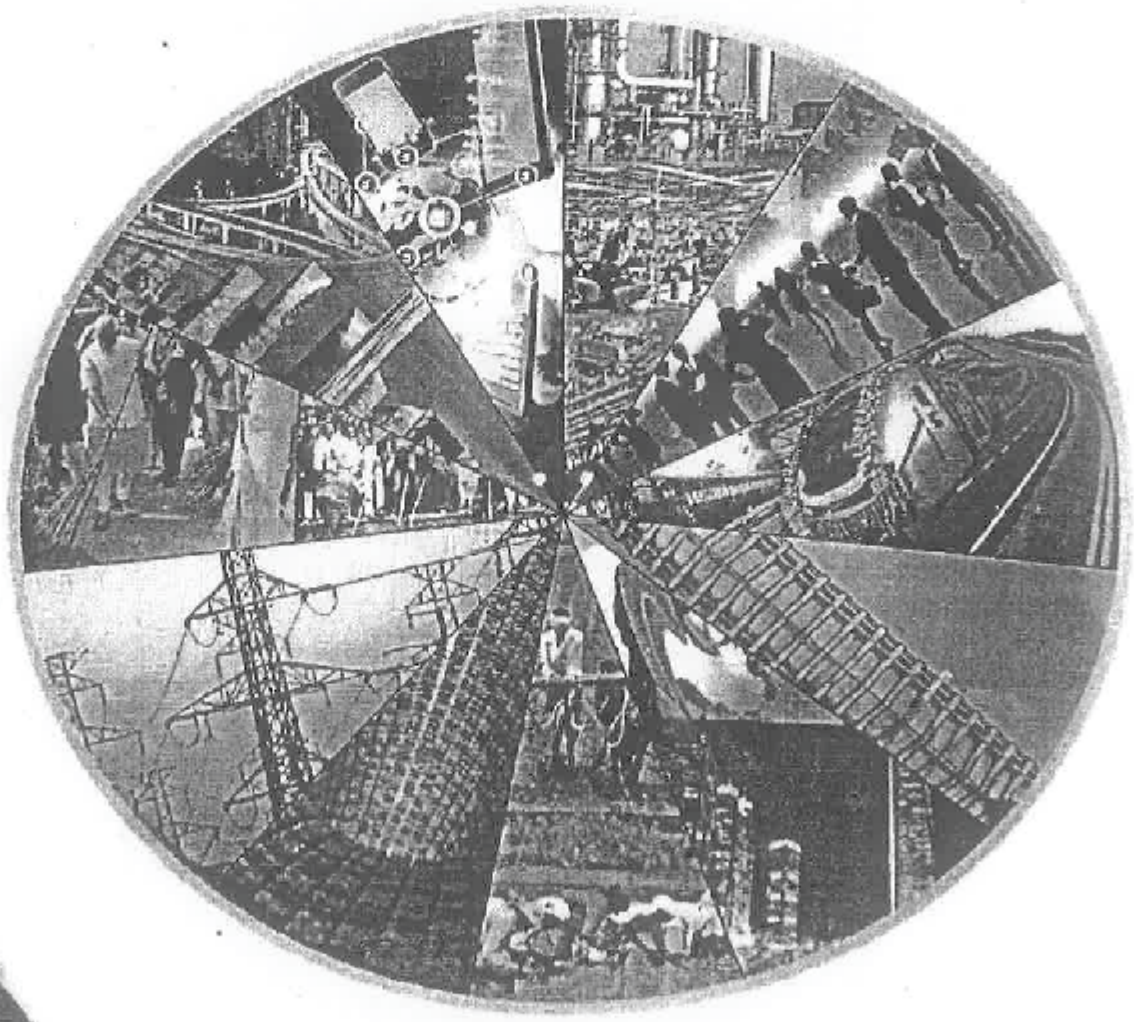

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A Successful story of Villages: Hivre bazaar

- Shashikant G.Shirsa
- Sachin S. Deshmukh

Land is a gift of the nature and it is used as a source of creation, sustenance and destruction of living and non-living things. It is a prime factor amongst the four factors of production, namely, Land, Labour, Capital and Organisation. It is also the second amongst the four elements constituting a sovereign 'State', namely, Population, Territory, Government and Sovereignty. The progress and prosperity of any country largely depends upon the geographical nature, yielding quality, intrinsic value, and extent of its territory. The value of the land in terms of economic growth and development of any given country is enormous.

Land occupies a predominant place in the human life especially in a materialistic world of modern times. Presently, about half of the population in the world and nearly two thirds in the developing countries live in rural areas. In India, 72 percent of the population lives in rural areas. Therefore, the national development is largely depends on the success of schemes for the well-being of people residing in rural areas.

Policy Interventions for Rural Development

Shri.G.Sreedhar in his research paper consider that, the policy interventions for rural development in independent India had their roots in the pioneering efforts in rural reconstruction initiated by a few spirited individuals on their own or with the support of voluntary organizations and the state in different parts of the country. These efforts include the Srinikethan experiment by Ravindranath Tagore, Martandam experiment by Spencer Hatch, Gurgaon experiment by F.L. Brayne, Sevagram experiment by Mahatma Gandhi, Baroda experiment by V.T. Krishnamachari, Firka Development Scheme by Tanguturi Prakasam, Etawah Pilot project by Albert Mayer and Nilokheri experiment by S.K.Dey. The important ideas/ principles that emerged from these efforts include the village self-reliance, active role of local self government institutions and cooperatives, self help approach, removal of untouchability, importance of education, vocational education, transfer of knowledge from lab to land, demonstration farms, local resource mobilization, building up rural infrastructure through active participation of people, decentralized planning, needs assessment, cluster approach

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PART - II

AJANTA PRAKASHAN

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The Indian Premier League Business Model of India

Ms. Manisha J. Waghmare
Mr. Sachin Shivajirao Deshmukh

Introduction

The Indian Premier League (IPL) is a professional league for Twenty20 cricket championship in India. It was initiated by the Board of Control for Cricket in India (BCCI), headquartered in Mumbai and is supervised by BCCI Vice President Rajeev Shukla, who serves as the league's Chairman and Commissioner. It is currently contested by nine teams, consisting of players from around the world. It was started after an altercation between the BCCI and the Indian Cricket League In 2010, IPL became the first sporting event ever to be broadcast live on YouTube in association with Indiatimes. The IPL works on a franchise-system based on the American style of hiring players and transfers. These franchises were put for auction, where the highest bidder won the rights to own the team, representing each city. .

The Basic 5 Components pf An IPL & There are Many Contracts Between these Parties

1) FRANCHISES
2) PLAYERS AND TEAM OFFICIALS
3) SPONSOARSHIPS
4) TELEVISION RIGHTS
5) UMPIRES AND OFFICIALS

1) FRANCHISES

IPL invites offers to bid for franchises through auction process. The party to be selected for franchise will be at the discretion of IPL body. The winning party holds the franchisee for perpetuity unless the termination of contract takes place. The franchisee holding fee is paid in a period of 10 years. Franchises' agreement is treated as contract based intangible asset and all the accounting and evaluation rules are applicable to team owners. The main terms and conditions of the contracts between IPL and franchises that define their earning and expenses are: Franchise can earn revenues through

- Broadcast rights
- Sponsorship
- Team sponsorship

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EFFECT OF NUTRITION ON SPORTS

Mr. Sachin S. Deshmukh & Dr. Pradeep N. Deshmukh

Abstract

For every sports person Nutritional Health is essential in order to be able to perform his or her maximum ability. Nutrition is the process of getting food into our body and using it as raw materials for growth, fuel for energy, and vitamins and minerals that keep the body healthy and functioning properly. The foods that we eat provide the energy to the body that needs to function. Sports and nutrition are directly related to each other. Taking into consideration the fact that sportspersons need more energy to carry out their sporting activity effectively, it becomes of prime importance to take care of the nutrition for sports performance. Careful planning and implementation is required, when it comes to athlete sports nutrition. As far as the nutritional diet of sportsperson is concerned, there are lot many things that deserve proper attention like selection of foods, timing of food intake, selection of nutrition supplement and many more. These things are again decided, keeping in mind several factors like the athletes' energy needs, body composition, nutritional needs etc.

Introduction

The nutrients we consume contribute greatly to our general good health and therefore have a large say in our bodily functions; the growth, strength, and general well being are largely impacted by the nutritional intake. It is highly recommended to eat at regular times and avoid excessive dieting and skipping meals. If the needis to lose weight then lose it gradually and the impact will potentially be a lot better. People on very strict diets often have withdrawal symptoms, which can lead to side effects and then adversely impact the individual's performance. Toxins within the body are released back into the system. Drinking fresh clean water is a great way to flushing out unwanted toxins within thebody. High fibre foods will also help to detoxify. Regular daily intake will help to reduce the risk of disease and keep clean within. Get to know how to keep the body well and how it reacts and adjusts to different quality foods that are definitely good. Good balance is the key, and as you educate your mind and body more, you will potentially find a definite improvement in the overall physical ability. Lack of research and therefore lack of knowledge can lead to either insufficient intake of nutrients or even excess which can be equally bad. The wrong foods can be detrimental to the health and can have a negative effect on the performance in sport. Unhealthy food classified as 'junk food' is particularly damaging to the overall health. Achieving excellent levels of nutritional health is essential for peak performance. Exercise and Nutrition go 'hand in hand' together. Exercise well and look to get the right combination. Reaching the highest levels of nutritional health is possible for many of us but only for those who study nutritional health well.

Here are some sports nutrition diet tips:

There is a need to consume fats and infact 20-25% of your energy should come from fats. If the fat intake would be less than that, it won't be able to make any contribution in boosting your performance level.

There is a need to eat food before, during and after your exercise session, as that helps to control blood glucose level, thereby helping in enhancing your sports performance. When an athlete performs his/her sporting activity, lot of fluid loss takes place, which causes dehydration. Dehydration can eventually cause heat stroke. So, it is vital to drink adequate water during and after your sports performance.

It is advisable for sportspersons to eat a balanced diet consisting of plenty of proteins, vitamins and minerals. Opt for complex carbohydrate food and the intake of fat should be in moderate quantities.

It is vital to plan out your pre exercising or sports meal that works best towards charging your energy. Limit the quantity of salt and simple sugar. Don't change your diet plan before going in for your sports competition. Fasting is not recommended for sportspersons, as it is likely to hamper their performance level. If you feel some kind of an uncomforted or pain in your abdomen or intestine, then you must have had a high fiber or high fat content food in your pre exercise/sports meal, so as to take care that it doesn't happen again.

Importance of Good Nutrition

Nutrition is the process of getting food into the body and using it as raw materials for growth, fuel for energy, and vitamins and minerals that keep the body healthy and functioning properly.

Dr. Babasaheb Ambedkar Marathwada University, Aurangabad

In Association with

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Art's Senior College, Aurangabad

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On

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(An Interdisciplinary Approach)

02/03/2015

Part - III

EDITOR

DR. VINOD BAIRAGI

AJATNA PRAKASHAN

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Information about Mountaineering Women's in India

Ms. Manisha J. Waghmare

Principal Author working as College Director of Physical Education & Sports, Dr.Saw. I.B.P.Mahela Kala Mahavidyalaya, Aurangabad.

Mr. Sachin S. Deshmukh

Co- Author working as College Director of Physical Education & Sports,M.P.Law college, Aurangabad.

Introduction

The Conquest of Mount Everest is a most challenging achievements of Indian Mountaineers during last 60 years. Up till now more than 300 mountaineers have captured Mount Everest through by facing different hardship and challenges. First captured Mount Everest recorded By Brigadier Singh, Capt. Kumar, Sonam Gyasto and Sherpa nawang Gombu reach 28300 feet just below the South Summit before retreating in a violent strome and driving snow. However numbers of Expiations were made by Indian Mountaineers by facing varoius difficulties. Along with male mountaineers female mountaineers have also performed well by fighting shoulder to shoulder effectively. In due course of time India continued expeditions with greater ambitions and greater confidence. In 1984, Ms. Bachendri Pal conquest Mount Everest and become First Indian Women.

1) Malavath Purna : (born 2000), on 25 May 2014 scaled the highest peak of Mount Everest and, aged 13 years and 11 months, became the youngest girl to have reached the summit of Everest. She was born at Pakala village, Nizamabad district of Telangana state of India on 10 June 2000. Purna is a student of class IX in Tadvai [Telangana Social Welfare Residential Schools]. Her parents are daily wageworkers. Extremely good in studies and extracurricular activities, she grabbed the opportunity by undergoing a four-stage screening test. Last year, Dr. RS Praveen Kumar, IPS, the Secretary, APS WREIS launched an operation with a code name OP EVEREST to promote adventure sports including rock climbing among the most underprivileged children. Mr Shekhar Babu, a Tenzing Norgay awardee who scaled Mount Everest in 2007 helped him train 108 talented students selected from 299 residential schools across the state in Bhongir of Nalgonda district. In the screening test for phase II only 20 students were shortlisted. They were trained at Darjeeling Himalayan Mountaineering Institute between October 26 and November 16.

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Proceedings of
ONE - DAY STATE LEVEL SEMINAR ON

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Nutan Vidya Mandir Education Society's

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A ROLE OF PHYSICAL EDUCATION & SPORTS IN WOMEN'S

Sachin Shivajirao Deshmukh*
Wakale Madhukar Pandurang*

Abstract: The physical health benefits of regular physical activity are well-established. Regular participation in such activities is associated with a longer and better quality of life, reduced risks of a variety of diseases and many psychological and emotional benefits. There is also a large body of literature showing that inactivity is one of the most significant cause of death, disability and reduced quality of life in the developed world. Some female athletes report having a stronger sense of identity and self-direction. Increasing the numbers of girls' participating in sports and physical activities does seem to open up routes through which they can acquire new community affiliations and begin to operate more openly and equally in community life. In doing so, girls' participation can challenge and change social norms about their roles and abilities.

Key words : Benefits of Sports and Physical Activities, emotional benefits, Mental Health

INTRODUCTION: There is an international consensus that participation in physical activities can offer a great deal to individuals, communities and nations. Evidence suggests that from an early age, differences in gender-based attitudes towards and opportunities for sports and physical activities

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Construction of Test and Selection Norms for Hockey Player's At University Level

Mr.Sachin S. Deshmukh
Dr.Pradeep N.Deshmukh

Abstract

The purpose of the study was to construct the skill tests and selection of norms for selected field hockey skills among college level players. Five hundred field hockey players were selected from various institutions in Aurangabad at random and their age ranged from 18 to 28 years. Data were collect from each subject on dribbling, Hitting, Stopping, *Pushing and Scooping. Physical Fitness test on* Endurance, Speed, Abdominal strength, Power and Agility The collect data were statistically analyzed by using descriptive statistics and T scale. The players' skills performance was describe in the qualitative grading procedure namely low, low average, average, above average, good and outstanding. There are various opinions about the evaluating, assessing and selecting talented Hockey players. Perceptual decisions of selection committee still in force are influenced by prejudiced opinion, personal interest, etc. as general criteria for final selection of Hockey players. In fact this process is not accurate for selection of the team .No specific performance factors i.e. psychology, Physical fitness, skills are assessed to select Hockey team.

Keywords: Field Hockey, skills, dribbling, hitting and pushing

Introduction:

Field hockey is a multiple high intensity activity sport with a multidirectional nature. The ability to change direction rapidly while maintaining balance without loss of speed that is, agility is therefore an important physical component necessary for successful performance in field hockey. Elite field hockey players also need high level technical skills such as being able to dribble without losing running speed. For a technically good player, dribbling is essentially an automatic process, and the better players distinguish themselves by their running speed while dribbling the ball. Coaches, trainers, and players are continually searching for effective methods of identifying and developing those characteristics in a player that may enhance performance. There are a variety of field tests with which to measure the physiological and technical characteristics of players in team games like Football, rugby, and handball. However, there was no single test to measure both physical and technical skill in field hockey players and for this reason we developed two tests specifically to measure these Physical fitness and Skill Field hockey is a field invasive sport in which players compete at the same field of action as their opponents . The unique requirements of field hockey including dribbling the ball and moving quickly in a semi-crouched posture superimpose the work-load demanded by the game. Technical expertise refers to the degree of sensor motor coordination from which refined, efficient, and effective movement patterns emerge For a technically sound player, dribbling is essentially an automatic process, and the better players distinguish themselves by their running speed while dribbling the ball . The execution of tactical skills in field hockey is always related to the Physical fitness limitations of the individual player. All sports are based on fundamental movement skills and sports skills. Basic movement skills include agility, balance, and coordination, while basic sports skills

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Yoga, Traditional Sports and Games

Dr. Manoj Reddy*
Mr.Sachin S. Deshmukh*

Abstract: Yoga is mind and body discipline developed In India In fact ,yoga is going to 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, you can be assured that yoga will help you 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.

Yoga as physical activity intervention

In India, the practice of yoga can be as sedentary as sitting for hours in deep meditation or as active as the jumping transitions in Ashtanga. When we talk about yoga as physical activity, we are actually focusing on the practice of hatha yoga. The practice of hatha yoga consists of several practical techniques aimed to make the body clean, healthy, and strong. These modalities includes cleansing techniques, physical exercises, breath work, attention focus, and attitude training. All of which, I believe, are important to physical and psychological health and well-being.

A recent review article comparing the health benefits of yoga versus conventional exercise suggests that yoga appears to be as effective as or even superior than exercise in reducing perceived fatigue and stress in addition to improving health-related outcomes like blood glucose, blood lipids, and salivary cortisol. This review implies that yoga, in general, can be an effective alternative physical activity intervention program which not only addresses the health/fitness triad of aerobic exercise, muscular fitness, and flexibility, but also provides a number of psychological benefits such as reduced stress and anxiety.

Yoga for mental skills training

Yoga also teaches positive thinking. Generally, attitude training in yoga involves the practice of ethical rules and observances called yamas and niyamas, but in the context of sport psychology, attitude training in yoga means thinking positively or applying positive self-talk.

Yoga for Sports

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YOGA, SPORTS AND SOCIETY

Mr. Sachin Shivajirao Deshmukh
Mr.Wakale Madhukar Pandurang
Ms. Manisha J. Waghmare

ABSTRACT:

Yoga is mind and body discipline developed in India In fact ,yoga is going to 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, you can be assured that yoga will help you 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.

Key words : Benefits Yoga for Sports, Benefits Yoga for Society.

●●●

COMPARATIVE STUDY ON SPEED AMONG CRICKET AND BASEBALL PLAYERS OF SANT GADGE BABA AMRAVATI UNIVERSITY (M.S).

B. L. Patil
Associate Professor
V.S. Naik art, sci and commerece
College Raver. (M.S)

Dr. Navneet Aasi
Assistant Professor
Eklavya College of Physical Education,
Jalgaon. Maharashtra.

ABSTRACT

The study aimed to compare the ***Speed*** of Cricket and Baseball male players of Sant Gadge Baba Amravati University. A total of Sixty (60) players, comparing 30 cricket players and 30 Baseball players of Sant Gadge Baba amravati university which were randomly selected for the study. The Subjects were selected by using random sampling. The age of the subjects ranged between 20 to 28 years. To analyze the speed of the players of both the games, the 50 Meters Test of AAHPER Youth Fitness Test were used for the study. The analysis of data using 't'- test for finding the significance difference of speed inbetween Cricket and Baseball male players The following conclusion are drawn: that the speed of cricket players has significant difference that of Baseball players, concluded that the cricket players are having comparatively high speed from Baseball players of SGBA university. Its recommended that appropriate training to the Baseball players may improve their speed to a good effect and improve their performance as well.

Keywords: Speed, Cricket, Baseball and AAHPER.

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Players can develop the appropriate state of mind, so that at the time of need they can balance their physical, mental and emotional states. For most players, negative emotional responses, including rage, fear and aggression can be hard to control during high levels of stress. In Yoga-nidra, players are asked to submit voluntarily to strong emotions, while preserving a state of deep relaxation and witnessing the whole process. This helps to remain balanced and in control in any situation.

CONCLUSION

Sports are highly demanding and competitive and Yoga moves in the opposite direction with its apparent emphasis on a relaxed approach and detached state of mind. However, the state of mind and physical preparedness that Yoga brings is exactly the same state that the most successful players speak of when at the peak of their performance. Who cannot perform at his best while being relaxed, ready and confident? And who cannot gracefully accept victory or defeat if his body, mind and spirit has the equanimity of a Yogi?

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SCIENTIFIC APPROACH TO SPORTS COACHING & TRAINING

Ms. Manisha J. Waghmare
Mr. Sachin S. Deshmukh'

ABSTRACT

The theory and Methodology of training as a distinct unit of physical education and sports has its own specific principles based on the biological, psychological and regulations which systematically direct the whole process of training are known as the "principles of training" The coach of any sports needs to consider all aspects of the training process before he or she designs a training program. The Role of the Coach is Very important. Skills and Qualities of a good Coach. Coach Should have effective Communication

Key words : Principles of Training, Skills , Qualities.

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SPORTS PHYSIOLOGY EFFECTS OF TRAINING ON ATHLETE

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ABSTRACT

Sports physiology is the study of the effects of training and conditions on athletes. This field of study goes hand in hand with anatomy. Anatomy is about structure, where physiology is about function. The increased s of competitions can cause athletes to react both physically and mentally Concentration, Confidence, Control and Commitment (the 4C's) are generally Considered the main mental qualities that are important for successful performance In most sports.

words: Concentration, Confidence, Control & Commitment

ODUCTION

Sports physiology is the study of the effects of training and conditions on athletes. This field of goes hand in hand with anatomy. Anatomy is about structure, where physiology is about function. creased stress of competitions can cause athletes to react both physically and mentally in a manner an negatively affect their performance abilities. They may become tense, their heart rates race, they into a cold sweat, they worry about the outcome of the competition, they find it hard to concentrate task in hand. This has led coaches to take an increasing interest in the field of sport psychology and ticular in the area of Competitive worry. That interest has focused on techniques that athletes can the competitive situation to maintain control and optimize their performance. Once learned, these ues allow the athlete to relax and to focus his/her attention in a positive manner on the task of g for and participating in competition. Psychology is another weapon in the athlete's armory in he winning edge.

Principal of Sports Training are heavily rooted in this field. Effects of body composition, flexibility hydration, environmental conditions, and carbohydrate loading on athletic performance are only the topics explored in this field. Exercise physiologists, physicians, and athletic trainers can apply findings from studies to advise athletes on topics concerning nutrition, sport-related injuries, and ues related to sports medicine.

erhaps the most commonly asked questions in exercise and sport are addressed in sports gy. Examples include:

s exercise improve health?
ppens to muscles when you train with weights?
s creatine supplementation improve performance?
ld you hydrate during marathon races in hot weather?

understanding the internal effects of exercise on athletes sets the stage for designing fitness rograms that prepare them for the physical demands of specific sports. Don't forget, though, that changes in athletes' bodies are one piece of the training puzzle. All too often solid information is of context. It is important to know that in order to understand the effects of training, scientists oom in" under lab conditions. Athletes and coaches must consider how well artificial conditions training athletes in the real world. Be careful not to take theories (possible explanations) as the when training athletes--always "zoom out" into the real world of competition

much as possible, coaches should consider how applications of research fit with those from sport sciences, and temper research findings with personal experience and good judgment when

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The Most Common Exercise Mistakes Avoid These Common Exercise Mistakes and Start Getting Some Real Fitness Results

Manisha J. Waghmare

Sachin S. Deshmukh*

Abstract:

The purpose of this study was to reduce the negative effects that self precipitated levels of the exercise and get good results from physical exercise and find out the most common mistakes and avoid these common exercise mistakes and start getting some real fitness results . To evaluate and rectify those mistakes at personal level one should start observing from where did they learn current exercise routine? By watching others at gym, friends, TV, Newspapers etc, but they should find reasons what is the mistakes & find the solutions to correct the mistake.

Introduction:

These are researcher's observations and research on city areas people. Now a days, the trend came to do exercise but many people go to gym , walk, run without any trainer or coach. When we are doing any physical activity, first we set up some common goal about workout. Sometimes the people do exercise for status, fashion, and for co-friends, but the physical workout for every person's body structure is different & physical capacity is different. Without consulting the proper guide and continuing with same health club exercises, the exerciser quits just after some months for one of the following reasons.

1. Not Enough time 2. Not seeing Results

Most people become frustrated and quit exercising before they see any real results, but it is not too surprising given the common mistakes many people make with their training programs. Are you making these workout mistakes? After doing any type of physical activities, check the progress after six months .

Common Reasons if Your Workouts Don't Work:

All Quantity, No Quality

Take a look around the gym (if you haven't quit going yet) and see how many people are really getting a quality workout. I'm always amazed by how many people are wandering aimlessly, walking leisurely on a treadmill while reading a book, lifting weights so lightly that not one's hairs move out of place, or simply look bored. A lot of exercisers head to the gym out of habit, and as if on automatic pilot, put in some time and head back to work or home. If you are one of these people, ask yourself, "What do I want to get out of this?" If you want serious results, you need to do serious exercise. That doesn't mean you can't enjoy it and have fun. But it does mean you need to focus on what you're doing and increase the quality of every movement. Once you start exercising with a real purpose, and pushing both your aerobic capacity and your strength, you will find your workouts take half the time and yield better results.

Overestimating Your Exercise

Most exercisers are far too generous with estimates of exercise intensity and time, amount of weight lifted, and the frequency of their workouts. To avoid overestimating, it is helpful to keep an exercise log and track these items. Additionally, many people mistakenly believe that

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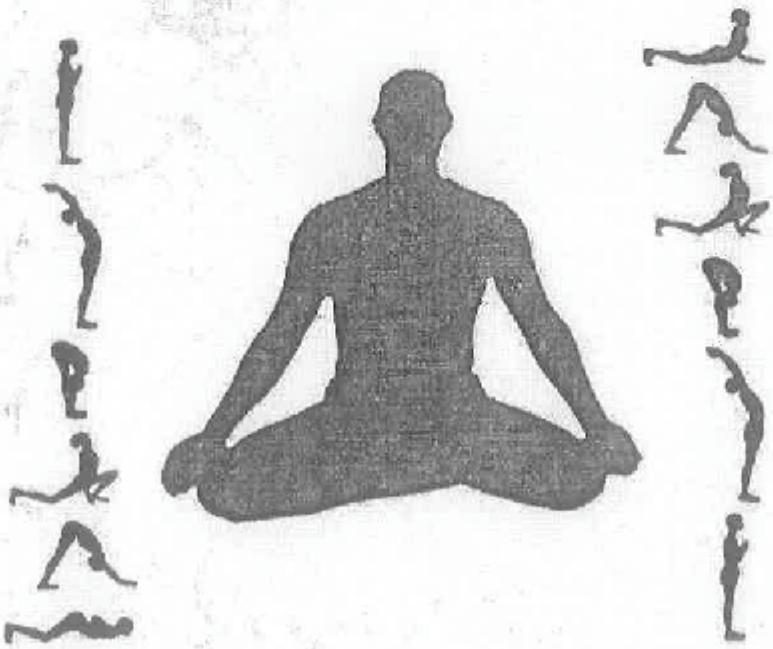

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SPORTS & COMMUNITY HEALTH

Mr. Sachin S. Deshmukh*, Dr. Manoj Reddy**, Ms. Manisha J. Waghman

ABSTRACT

The role of Sports in supporting community building, particularly in strengthening residents commitment to their neighborhood or local area. "Physical wellbeing Emotional wellbeing social and friendships life skills being part of the community improving the community Since physical Education programmes consist of mainly games & sports which require group participation. they offer many opportunities for the development of social qualities. physical activities being forms of play appeal to the participants & give them pleasure. Individuals easily learn desirable forms of behavior & many social qualities in such an atmosphere. In this atmosphere an individual it educated or a member of social group. He learn a ways of group. acts accordingly to its standards accept its rules & in return is accepted by the group. Some of the social qualities we can develop in individuals through Physical Education & (Sports) Yoga.

Key words: sportsmanship, Helpfulness, tolerance, Group & harmony

Introduction:

Aristotle had said that "man is a social animal" on that account Madver & Page h said that " Mans birth in society brings with it the absolute need of society itself".

Physical Education & Sports activities are mostly group activities offering ma opportunity for socialization & development of social qualities in individuals & sociolo with us knowledge of human relations in society & various problems arising out of su relation s can guide us properly for achieving social objectives of organizing Physical Educati & Sports Programmer

Sociology teach us to lay emphasis on social co-operation or the sprite of "GIVE TAKE" in common experiences to promote efficiency & quick achievement of Object.

In developing certain social aspect of personality such as good conduct attitude morals through the medium of Physical Education & Sports . such quality's such as broad mindedness narrow-mindedness & Sportsmanship etc.

The role of Sports in supporting community building , particularly in strengthenin residents commitment to their neighborhood or local area . Ex. Cricket player,

The role of Sports in developing social Capital the building of groups of mutu interest, acting together to achieve their objectives, including through sport volunteeri ex.-College Team

The role of Sport promoting pre-social & diminishing anti-social behavior.

Example:

Strategies for encouraging groups with low level of sports Participatation to becam involved with perceived benefits to promoting social community health..

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DOPING IN PROFESSIONAL SPORT

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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 (rhEPO), stimulants (the most frequent are amphetamines and its derivatives) and diuretics (Jovanovic and Radovanovic, 2001).

There are many various adverse effects associated with the use of doping substances and methods which affect almost all organs and systems of the human body. The most pronounced adverse effects in the abuse of AAS are: liver function damage, sterility, gynecomastia, striae, increased aggressiveness etc. In rhEPO abuse, the greatest risk is of increased arterial blood pressure, which combined with induced polycythemia (increased number of blood cells) multiply increases the incidence of cerebrovascular insult or myocardial infarction (Kelly, 1992). The abuse of stimulatives by sportsmen may cause the addiction and conditions similar to schizophrenia with diverse illusions and hallucinations (Jovanovic and Radovanovic, 2001).

Particular adverse effects of AAS abuse are presented in younger categories of sportsmen of incomplete growth process. Namely, the AAS effect the epiphyseal centers of bone growth and lead to their premature closure, resulting in restricted longitudinal growth (Komorski et al., 1992).

STUDY PROBLEM:

To establish doping use problem in nonprofessional sport by the analysis of up to now published investigations in this field. To analyze doping abuse motives and propose the plan of reduction in incidence (number of new cases)

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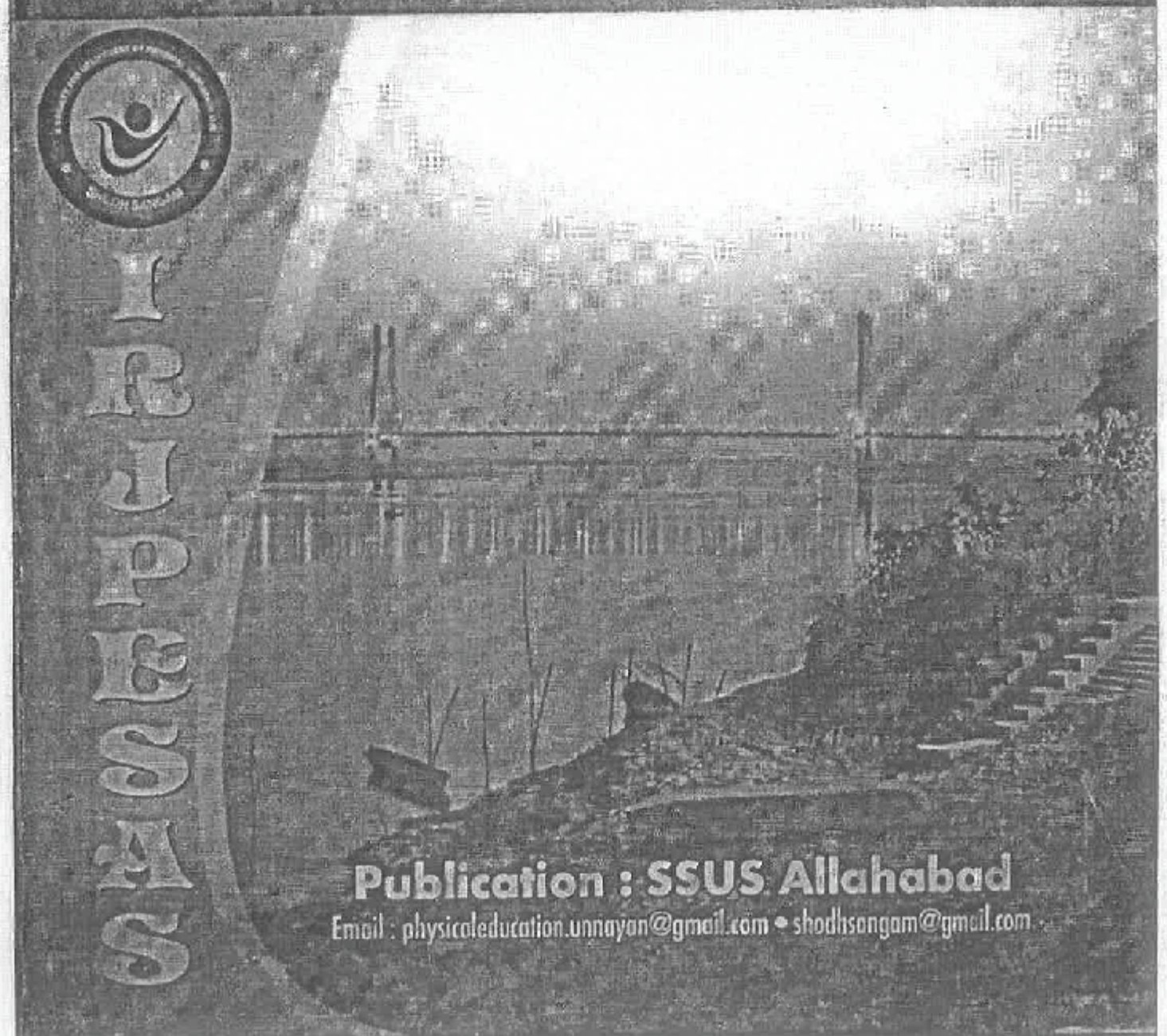

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A STUDY OF EMOTIONAL HEALTH OF INDIAN AND ARGENTINEAN PLAYERS PLAYING IN JUNIOR VOLLEYBALL WORLD CHAMPIONSHIP 2009

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ABSTRACT:

The main objective was to study Emotional Health of the volleyball player of India and Argentina. All the players of Indian team and the players of Argentina team, came for men Volleyball world championship held at Pune in August 2009, were selected for the study. They have been administered the Cattell's 16 PF questionnaire. The result were analyzed with the help of 't' test which shows that there are significant differences between Indian volleyball players and Argentinean volleyball players on emotional factors of 16 PF Questionnaire. Indian players have scored high on factor 'E', factor 'F', factor 'I' and Facto 'O' whereas Argentinean players have scored high on factor 'H' and factor 'L'. Indian players score High on Factor 'E' means that they tends to be Dominant, assertive, aggressive, stubborn, competitive, bossy, dominance, and on Factor 'F' means Enthusiastic, spontaneous, heedless, expressive, cheerful, surgencyand Factor 'I' means Tender-minded, sensitive, over-protected, intuitive, and Factor 'O' means Apprehensive, self blamed, guilt-prone, insecure, worrying, Guilt-proneness. The players of both the team have found middle score on Factor 'A' and 'C'.

Key words: Volleyball, emotional health, psychological health, game, sport,

INTRODUCTION:

Today, volleyball has spread to 220 countries around the world, and is recognized as a truly international, widely played, popular sport. The World League is the longest and most flourishing of all the international events organized by the FIVB. The World League is sometimes confused with the other international volleyball competitions – Volleyball World Cup and Volleyball World Championships.

Game is very complex activity woven into all humans' activities. In this way, it has significant role in human's development, as one of the most typical manifestations of his moving culture. A sport is very important in physical as well as psychological development of individual. The sportsmen are mentally healthy than non-sportsmen, because sports plays therapeutic role in player's life. In sports the players gets satisfaction as he is cheered by spectators. It is very important for his psychological development. In sports his emotions can be expressed through motor activity. The player can catharsis his anger by hitting boll while playing.

Nowadays, there are many international top-level teams in four of the five confederations, which are able to compete with the best for the top ranks in the World Championships or the Olympic Games. India is one of the best examples of this kind. India reached at the fourth position in Junior Men Volleyball World Championship held at Pune (India) in August 2009.

Game is being researched by many different scientists from their aspects (psychological, pedagogical, sociological, historical, and anthropological).

*1) From the biological aspect, game is activity on which individual reacts positively although one doesn't find any usefully-existentional function in it.;

2) from the psychological aspect, game is activity with the purpose of its own, but even in that way it's source and means of positive emotional and general mood which satisfies certain needs of children and influences to psychological development of a child; 3) from the sociological aspect, game is interaction in aim of interaction, "exchange" of emotions, moods, non-useful activity which can have influence on structure of interpersonal relationships.

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Goods and Services Tax: Its Implementation and After Effects

Anju A. Singh

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Abstract

Unlike demonetization, the Goods and Services Tax [herein after referred as GST] is an ambitious plan, and Modi's Government has set similarly formidable benchmark for its implementation. This proactive legislation replaced the existing laws pertaining to indirect taxes and codified the tax regime under one umbrella legislation *i.e.*, "one nation one tax". The potential benefits of the tax reform are undeniable; it will help bring India's informal sector into the fold, lower business costs across most sectors, increase exports, and reduce incidences of unnecessary double taxation. However, the aim and vision of enacting and implementing the Act was good but proper preparation was not done before implementing the Act. There are certain issues related to the implementation of the new tax system, among them — the problematic input tax credit issues, the uncertainty related to the functionality of the GST information technology system and the ambiguity of the anti-profiteering clause. These challenges could result in the sinking of an otherwise promising policy endeavor. This research paper is an attempt to focus on various issues pertaining to implementation of GST Act and hurdles faced by the society.

Introduction

On the eve of GST implementation Prime Minister Narendra Modi opined, "[i]t is coincident that Geeta has 18 chapters and GST Council also had 18 meetings before the implementation of GST. Even after 70 years of Independence, we have not been able to provide all facilities to the poor. After the introduction of GST, things will become easier for them. Today we are moving ahead. India is heading towards an advanced taxation system through GST. Now, from Sri Ganganagar to Itanagar and Leh to Lakshadeep, there will be one nation, one tax. Now, this dream of ours will be fulfilled." Moreover, Tax is a cost of civilized society wherein taxation is a practical mechanism to generate revenue to finance various developmental activities of the government. For a growing economy like India, that has to benchmark to developed economies, having an efficient and fair tax system is far from being simple. Our country is continuously evolving tax system to streamline its administration and generate more revenue for infrastructure, social welfare and a number of other activities. Way back in the year 2004, Dr. Kelkar Task Force recommended the need of Goods and Services Tax (GST) in India. The Government came out with a First Discussion Paper on GST in November, 2009 and introduced the 115thConstitution Amendment (GST) Bill in the year 2011. One of the biggest

taxation reforms in India (GST) was implemented on 1st July 2017. The implementation of GST led to the abolition of existing indirect taxes such as Excise Duty, Service Tax, Central Sales Tax, State-level Sales Tax, Octroi, Turnover Tax, *etc.* thus avoiding multiple layers of taxation that existed in India.

Goods and Services Tax VIS- A-VIS Inflation

GST has been implemented in 140 countries in the world. It has been observed that after implementation of GST worldwide, most of the countries experienced inflationary situation. In this context, it is pertinent to note that Thailand implemented GST in 2015. However, the Government had no control on the cost element, and there was inflation in the country which, of late, has started showing signs on being subdued. It took almost one and half years for the Thailand Government to control the inflation owing to implementation of GST. Similarly, a poorly implemented version of the GST could negatively affect the Indian economy for years to come. Keeping this in mind the Government of India, while framing the GST law has inserted the Anti-Profiteering Clause through Section 171[2] in the Central Goods and Services Tax Act, 2017[2]. The objective of this section is to ensure that with the introduction of GST, taxable persons are not getting excessive profits, but shall pass on the reduction in price to the consumers. The registered person is expected to reduce the price on account of availment of input tax credit or reduction in tax rates. An authority would be notified for this purpose, which would exercise powers and discharge functions in a prescribed manner.

Practical Issues and Hurdles in Implementation of GST

In spite of all the goodness, the implementation of the GST Act is such that it has sent shockwaves throughout the taxpayer and the tax professional's community. On interaction with the taxpayer and the tax professional community, the researcher lists hereinbelow the issues faced by them under the GST regime.

1) Increase in the Number of Returns to Be Filed

The erstwhile indirect tax laws mandated for monthly, quarterly or six-monthly returns to be filed by the taxpayers. Under the GST regime, a dealer has to file atleast three returns per month and one annual return. So for one business a taxpayer / dealer has to file 37 returns in a year. For a business entity with operations in 20 states, it means 740 annual returns. This has increased the cost of compliance, especially for the small businessmen. Also, there is dearth of skilled manpower in the field. On top of this; the Government has made it mandatory to file a summary return in form 3B for the months of July to December with taxes due on the due dates prescribed.

Failure to file any of the above returns within the due dates renders the dealer liable to late fees of Rs. 200/- per day, subject to a maximum of Rs. 5,000/-.

2) Provisions for Late Fee

If the return does not get uploaded due to some technical reasons, late fee is charged, which is automatically calculated by the system and the return of the next month is not allowed to be uploaded,

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21ST CENTURY WORLD : PRESENT SCENARIO & CHALLENGES



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72. ADDRESSING THE SPECTRE OF CYBER TERRORISM: A GLOBAL CONCERN

Anju A. Singh

INTRODUCTION

The modern thief can steal more with a computer than with a gun. Tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb. This is true in the context of cyber terrorism. Cyber terrorism is the convergence of terrorism[1] and cyberspace. It is generally understood to mean unlawful attacks and threats of attack against computers, networks, and the information stored therein when done to intimidate or coerce a governments or it people in furtherance of political or social objectives. Further to qualify as cyber terrorism, an attack should result in violence against persons or property, or at least cause enough harm to generate fear. Serious attacks against critical infrastructure could be acts of cyber terrorism,[2] depending on their impact. With the increase in the role that computer play in all our activities there are a threat of cyber terrorism looming large on the international community and respective national security. Computers today control power delivery, communications, aviation, medical, defense and financial services. They are used to store vital information from medical records to business plans to criminal records. With all the advantages of using computers for storing and processing data, they have one major disadvantage i.e., they are vulnerable, among others to deliberate outside attack.[3] Terrorists are known to use information technology to formulate plans, raise funds, spread propaganda, and to communicate securely.[4] Today a computer savvy terrorist can play havoc by destroying a computer network in any organization. This he can achieve sitting in the relative safety of his home using the internet and other similar communication systems. He need not even go near the target and put himself in the danger of being caught.

CONCEPTUALISATION OF TERRORISM

Defining terrorism has become a thorny and insoluble problem. Moreover there is no single accepted definition for the phenomenon of terror, something that is sweeping across the world today. However

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[1]Terrorism is an old phenomenon. The first words come from the beginning of first century after Christ, when Romans ruled Palestine, and a Jewish order called the Zealots committed disastrous revolt that ended in the mass suicide. But the word terrorism comes from the French Revolution (1793-1794), when terror was used by the state as a means to eliminate counter revolutionary elements. C.Vidya, *Cyber Crime to cyber terrorism*, Hyderabad: The Icfai University Press, 2007 ISBN 81-314-1333-0 p.138

[2]Attacks that lead to death or bodily injury, explosions, plane crashes, water contamination, or severe economic loss would be examples of cyber terrorism.

[3]Rao SV Joga, Law of cyber crimes and Information technology, Wadhwa &Company Nagpur, India,ed.2007 p.62

[4]For example, Ramzi Yousef, mastermind of the first World Trade Centre attack, stored detailed plans to destroy United States airliners on encrypted files in his laptop computer. A website known as the Muslim Hackers club lists tips for things such as hacking the Pentagon. A hacker known as Doctor Nuker has been defacing websites for the last five years with anti American, anti-Israeli,and pro- Bin Laden propaganda. *Available at* http://www.ummmah/net/mhc/hackers.html. Also see Rao SV Joga, Law of cyber crimes and Information technology, Wadhwa &Company Nagpur, India,ed.2007 p.63

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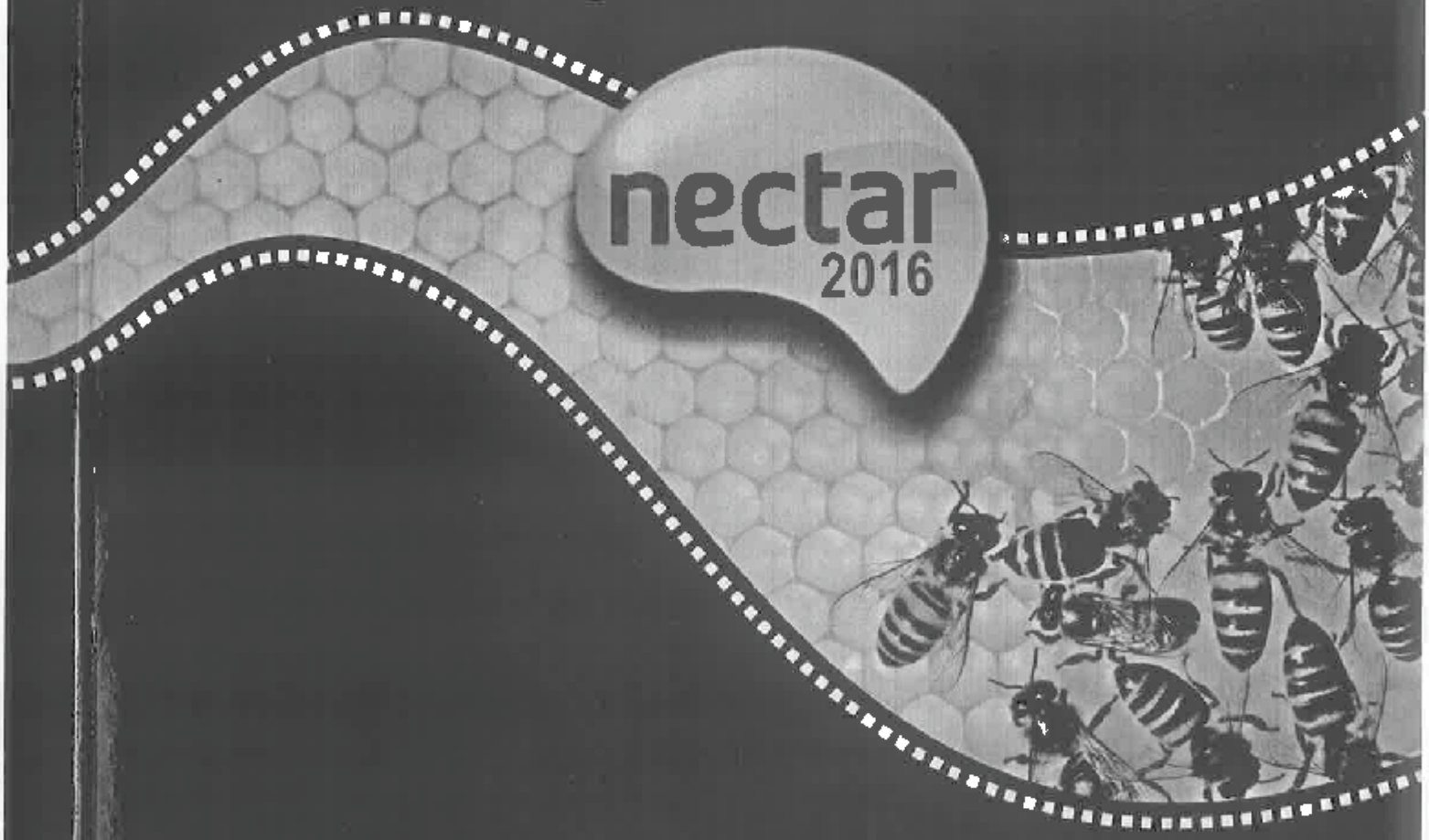

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Solar Energy as a Solution for Environmental Concern: Some Efforts and Strategies in India.

Prof. Anju Singh[1]

Introduction: India, a rapidly growing economy with more than 1 billion people, is facing a huge energy demand. The country stands fifth in the world in the production and consumption of electricity. The electricity production has expanded over the years but one cannot deny the fact that the population of the country is also expanding. The power produced in the country is mostly from coal (53%) and it is predicted that country's coal reserves would not last beyond 2040-50. More than 72% population is living in villages and half of the villages remain without electricity. It is high time that our country should concentrate more on energy efficiency, conservation and renewable energy. To meet this surging demand, solar energy is the best form of energy to fulfill the energy needs of India and bridge the energy demand-supply gap. Moreover, India has tremendous scope of generating solar energy. The geographical location of the country stands to its benefit for generating solar energy. The reason being India is a tropical country and it receives solar radiation almost throughout the year, which amounts to 3,000 hours of sunshine. This is equal to more than 5,000 trillion kWh. Almost all parts of India receive 4-7 kWh of solar radiation per sq meter. This is equivalent to 2,300–3,200 sunshine hours per year. States like Andhra Pradesh, Bihar, Gujarat, Haryana, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, and West Bengal have great potential for tapping solar energy due to their location. Since majority of the population lives in rural areas, there is much scope for solar energy being promoted in these areas. Use of solar energy can reduce the use of firewood and dung cakes by rural household and thus combating environmental pollution.

Indian Constitution and Protection of Environment: The 42nd amendment to the Constitution was brought in the year 1976 where two new Articles Art.48-A[2] and Art.51-A(g)[3] were inserted: The former, under Directive Principles of State Policy, makes the responsibility of the State Government to protect and improve the environment and to safeguard the forests and wildlife of the country. The later, under Fundamental Duties, makes the fundamental duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures. Moreover Article 21[4] of the Constitution is a fundamental right which does not explicitly mention the environment, but the Supreme Court and the various High Courts of the country have given a wider interpretation to the word "life" in this Article. According to the courts, the right to life includes the right to a living environment congenial to human existence. The Supreme Court in ***Subhas Kumar v. State of Bihar***[5] held that right to environment is a fundamental right of every citizen of India and is included in the "right to life" guaranteed under Article 21 of the Constitution of India. A Public Interest Litigation (PIL) is maintainable in the High Court or Supreme Court at the instance of affected persons or even by a group of social workers or journalists for prevention of pollution. Accordingly the State duty is to promote and make policies and strategies in the context of solar energy. Moreover, it is the fundamental duty of every citizen to protect and improve the environment. Adopting and promoting solar energy in various sectors will definitely minimise the environment pollution and will fulfil the dream of living in clean and wholesome environment, which is a fundamental right protected by the Indian Constitution.

---

[1] *Asstt. Professor*, P. N. Patil Law College, AURANGABAD (Mah.), e-mail- anju23112@gmail.com

2 "The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country".

3 "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."

4 Article 21 of the Constitution is a fundamental right which reads as follows: "No person shall be deprived of his life or personal liberty except according to procedure established by law."

5 AIR 1991 SC 420

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SECTION 66A OF I.T. ACT VIS-A-VIS ARTICLE 19(1) (a) OF CONSTITUTION: A JUDICIAL ACTIVISM

Anju A Singh[*]

ABSTRACT

The Hon'ble Supreme Court delivered a judgment striking down Section 66 A of the Information Technology Act, 2000. This was in response to a PIL[1] that challenged the constitutionality of this provision. The first public interest litigation against section 66(A) was filed in 2012, by a then 21-year-old student, Shreya Singhal. The petition said, "The phraseology of section 66(A) of the IT Act, 2000[2], is so wide and vague and incapable of being judged on objective standards that it is susceptible to want on abuse and, therefore, falls foul of articles 14[3], 19 (1)(a)[4] and 21[5] of the Constitution unless there is judicial sanction as a prerequisite to the setting into motion the criminal law with respect to freedom of speech and expression, the law, as it stands, is highly susceptible to abuse and for muzzling free speech in the country. In light of this, an attempt has been made to peep in the background to Section 66 A and the recent developments leading up to its challenge before the Court.

INTRODUCTION

The Information Technology (IT) Act, 2000 provides for legal recognition for transactions through electronic communication, also known as e-commerce. The Act also penalizes various forms of cyber crime. The Act was amended in 2009 to insert a new section, Section 66A which was said to address cases of cyber crime with the advent of technology and the internet. Section 66(A) of the Act criminalizes the sending of offensive messages through a computer or other communication devices. Under this provision, *any person who by means of a computer or communication device sends any information that is:*

1. *grossly offensive;*
2. *false and meant for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will;*
3. *Meant to deceive or mislead the recipient about the origin of such messages, etc, shall be punishable with imprisonment up to three years and with fine.*

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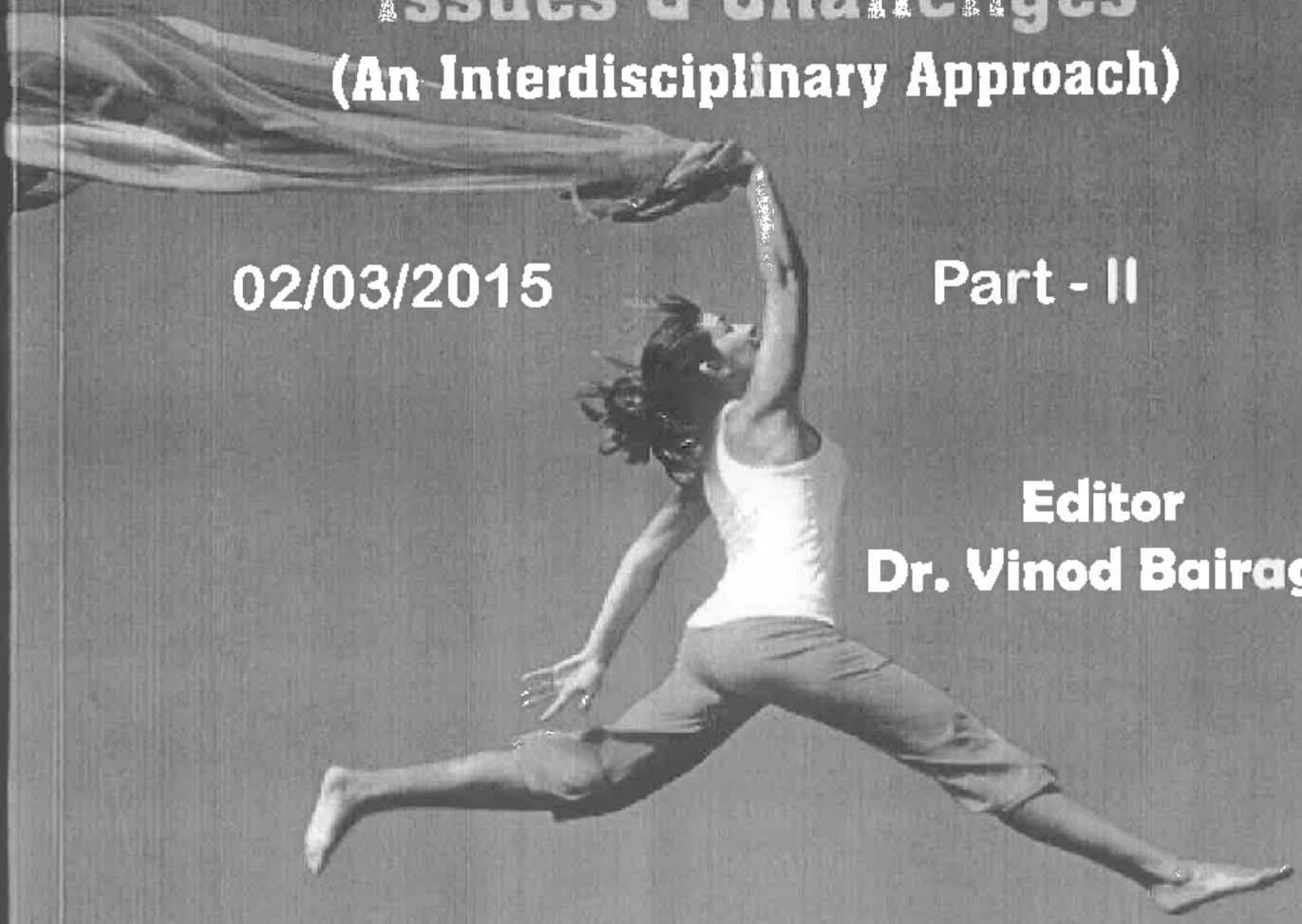

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Law and Legal Literacy as an Effective Tool of Women Empowerment : An Analysis

Anju A. Singh

Assistant Professor, V.N. Patil Law College, Aurangabad.

Abstract

Indian cultural history has a very old and long roots, it can be traced back to thousands of years. Scholars have believed that women of ancient India enjoyed equal status with men in all aspects of life but deteriorated during the medieval period. Then due to continuous efforts of social reformers like Raja Ram Mohan Roy and Swami Dayanand several laws were enacted to improve the position of women and to bring back the dignity and glory of women. Through this research paper, the researcher has made an attempt to analyze law and legal literacy as an instrument of social change and effective tool of women empowerment. To have an insight of the paper, it is divided into few segments which deal with constitutional provisions, legislative enactments and benchmark case laws of women's empowerment. In the last segment few concrete suggestions have been formulated for empowerment of women.

Introduction

Women have a very unique position in every society as they play various roles in their life as a daughter, wife, mother and sister etc. But unfortunately she has been the victim of tyranny at the hands of men who dominate the society. They have always been discriminated against and have suffered and are suffering discrimination in silence in the civilized as well as the primitive society. Even though self- sacrifice and self denial are their nobility and virtue, yet they have been made the victims of all inequalities, indignities, inequity and discrimination from time immemorial. According to Manu "Gods were pleased in those houses where the women held in honour." Also according to Pandit Jawaharlal Nehru it can be stated that "you can tell the condition of a nation by looking at the status of its women." The early twenty century, there was rise of the National Movement under the leadership of Mahatma Gandhi who was in favor of removing all the discrimination against women. At the same time, Raja Ram Mohan Rai, Iswar Chandra Vidyasagar and various other social reformers laid stress on women's education, prevention of child marriage, withdrawals of evil practice of sati, removal of polygamy etc. At the same time law is considered as the most pivotal instrument of social change through its dynamic approach. It is a double edged instrument that may be used to enhance people's access to justice within a democratic set up. The beneficial aspect of law lies in the fact that it provides a



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RMATION TECHNOLOGY – AN EFFECTIVE TOOL USED MASS MEDIA FOR SPREADING AWARENESS AGAINST CYBER CRIMES

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Abstract

Cyber crime is the latest and perhaps the most complicated problem in the cyber world. Cyber crime is an evil having its origin in the growing dependence on computers in modern life. Cyber crimes in India are slowly evolving from a simple e-mail crime to more serious crimes like hacking and source code theft etc. Cases of spam, hacking, cyber stalking and email fraud are rampant. The existing cyber law legislation the Information Technology Act, 2000 and cyber crimes cells in major cities have become dumb and toothless in curbing cyber crimes menace. The problem is that most cases remain unreported due to a lack of awareness. This paper aims to describe the impact of the media on crime prevention by providing an integrative approach for exploring the multiple roles of the media. National and independent studies continue to maintain that the media holds an important position for communication, and information sharing and dissemination in society. To have an insight of the research paper, it has been divided into few segments. The first part is the introductory part which emphasizes various types of cyber crimes. The next part depicts about Information Technology and mass media and its role in spreading awareness against cyber crimes. In the last segment few suggestions has been made by the researcher to curb the problem of cyber crimes.

INTRODUCTION

The Internet is elegant, resilient and multifunctional but at the same time it is not innocuous. Criminal cosmopolitanism, evisceration of legal norms and enmeshing it with the technological advancements are proving fatal for the fundamentals of law. The technological streaks have sent a chill through the legal corridors; the jurist is puzzled, the judiciary perplexed. The computer industry is flourishing, the Net is expanding but the legal moves are not promising.[i] The advent of computers and the expansion of the Internet made likely the accomplishment of large improvement in research, surgery, expertise, and communication. Unfortunately, computers and the Internet have furthermore supplied a new natural environment for crime. As Janet Reno, U.S. advocate general throughout the Clinton management, put it, "While the Internet and other data technologies are conveying tremendous advantages to humanity, they furthermore supply new possibilities for lawless individual behavior"[ii] Cybercrime[iii] is roughly characterized as committing a misdeed through the use of a computer or the Internet. The Internet[iv] is undeniably open to exploitation. Known as cyber crimes, these activities involve the use of computers, the Internet, cyberspace[v] and the World Wide Web .The challenge posed by crimes initiated or committed through the online environment is not so much their identification as the nature of the environment in which they are committed. Cyber criminals can operate from anywhere in the world, targeting large numbers of people or businesses across international boundaries, and there are challenges posed by the scale and volume of the crimes, the technical complexity of identifying the perpetrators as well as the need to work internationally to bring them to justice. The internet opens up new opportunities to cyber criminals and enables aspiring criminals to enter the environment, based on a belief that law enforcement struggles to operate in the online world. The Internet and the criminal behaviour it transforms (cybercrime) pose considerable challenges for order maintenance and law enforcement because Internet-related offending takes place within a global context while crime tends to be nationally defined. Policing cyber-crime is made all the more complex by the very nature of policing and security being networked and nodal and also because within this framework the public police play only a small part in the policing of the Internet. The cyber laws are without any tentacles and have very few provisions to tackle the cyber crimes. The security measures are there but netizens do not follow these measures. **Pen is mightier than Sword**"- this old proverb seems to be true even in today's context as the

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INFRINGEMENT OF HUMAN RIGHTS IN CYBER SPACE: A GROWING CONCERN AND CHALLENGE FOR GOVERNMENT

Mrs. Anju A. Singh*

INTRODUCTION

In the Bhagwad Geeta, Lord Krishna has said that, "*The only permanent thing in this world is CHANGE.*" Similarly Mahatma Gandhi has said "*A change gives opportunity*" and to make the best of opportunity, we require a noble approach. These quotes are very much applicable to the cyber world. The human life has undergone a sea change in past few decades. The people have become dependent on E-World, be it their personal front or business arena. Looking at the other side of the coin the e-world also poses many threats to the human rights of its users in form of various cyber crimes. The idea of human rights is bound up with the idea of human dignity. Former chief justice of India, J.S. Verma has rightly stated that *human dignity is the quintessence of human rights.*[1] All those rights which are essential for the protection and maintenance of dignity of individuals and create conditions in which every human being can develop his personality to the fullest extent may be termed as human rights.[2] Various initiatives have been taken on National and International level in protection and promotion of human rights. Moreover the principle of universality of human rights is the cornerstone of International human rights law. The protections of human rights so far addressed by various laws[3] are well applied in the real physical world. To comprehend the current trends and the possibility of new threats to human rights protection, it is essential to examine the application of human rights in the cyber world. As

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[1] Dr. Agarwal H.O. *International Law & Human Rights*; Allahabad: Central Law Publication, 15th ed. P.707.

[2] Human Rights is a generic term and it embraces civil rights, civil liberties and social, economic and cultural rights.

[3] Universal Declaration of Human Rights 1948, Human Rights under the U.N. Charter, the European Court of Human Rights & Protection of Human Rights Act, 1994.

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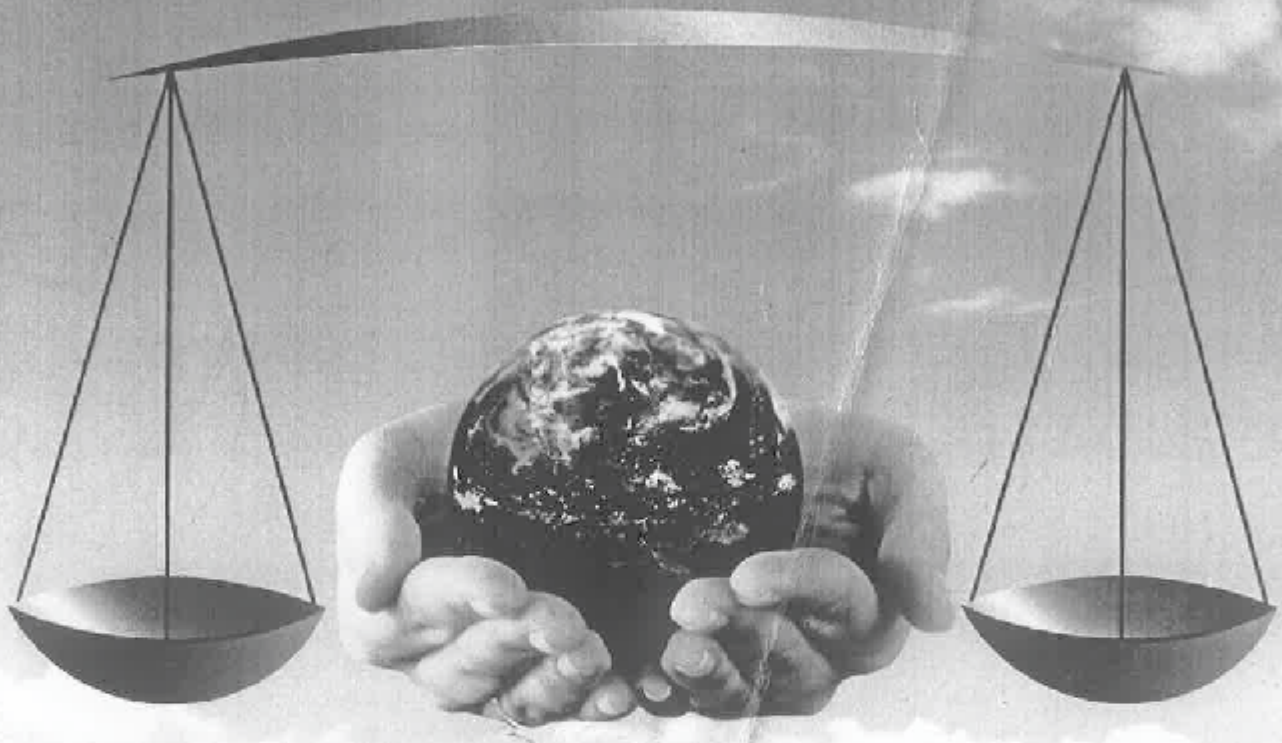

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CARBON CREDIT IN INDIA: AN INITIATIVE TOWARDS GREEN ENVIRONMENT

Anju A. Singh*

"Humanity is indivisible. So is peace and security. Civilized man's uncivilized aggression on Nature has made us realize that, like humanity, ecology is indivisible. Peace and Salvation on earth are possible only if we are conscious of ecological ethics."

Justice Krishnan Iyer

ABSTRACT

Through this paper an attempt has been made to focus on the effect of global warming on the environment. To have an insight of the paper, it has been divided into few segments. The first segment is the introductory part which emphasizes on the climate change and various incidents of environmental hazards in the country. The second part of the paper depicts about Kyoto Protocol and its role in reducing the emissions of green house gases in the atmosphere. The next segment explores the basic concepts and importance of carbon credit as a step towards green environment. It also emphasizes the business opportunities in the global emissions market in Indian context. The paper concludes with few concrete suggestions in order to protect our environment.

INTRODUCTION

As we all know, carbon dioxide, the most important greenhouse gas produced by combustion of fuels, has become a cause of global panic as its concentration in the Earth's atmosphere has been rising alarmingly. This continuous accumulation of carbon dioxide in the atmosphere has contributed to what is known as Global Warming.[1] The effect of Climate change[2] has brought about severe and possibly permanent alterations to our planet's geological, biological and ecological systems. There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities.[3] Prof Srivastava rightly says *"One reads every day about the degradation of the environment. Rape of the earth, traumatic subversion of the ecosystem, poisoning of air, water and food and technological plunders of the resources of nature."*[4]These degradations have led to the emergence of large-scale environmental hazards to human life,[5] such as extreme weather, ozone depletion, loss of

* Assistant Professor, V .N. Patil Law College, Aurangabad

1 Global Warming means a gradual increase in the overall temperature of the earth's atmosphere generally attributed to the greenhouse effect caused by increased levels of carbon dioxide, CFCs, and other pollutants. en.wikipedia.org/wiki/Global _warming [accessed on 03-01-14]

2 Climate change means a change in global climate patterns apparent from the mid to late 20th century onwards, attributed largely to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels. en.wikipedia.org/wiki/Climate _change[accessed on 04-01-14]

3 According to The Intergovernmental Panel on Climate Change (IPCC) contended in 2003 www.google .com [accessed on 03-01-14]

4 Dr. Sukanta K. Nanda, *Environmental Law*, Ed. 2007, Allahabad: Central Law Publications, p.17.

5 Health Organization (WHO) estimates that 160,000 are directly attributable to climate change. deaths, since1950, http://en.wikipedia.org/wiki/Effects_of_climate_change_on_humans [accessed on 02-01-14]

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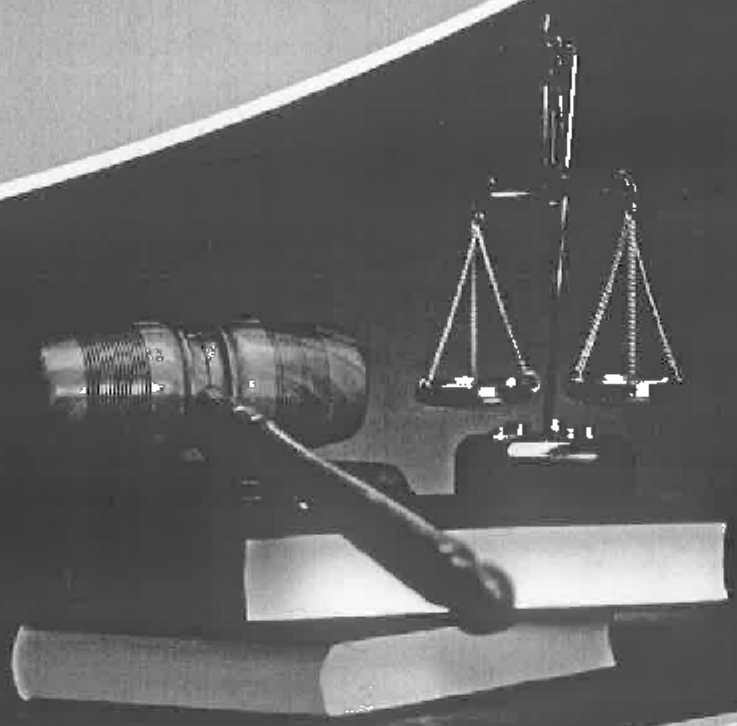

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RIGHT TO EDUCATION AS A BASIC HUMAN RIGHT: A CONCEPTUAL FRAMEWORK

Anju A Singh
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"Education is a basic human right with immense power to transform. On its foundation rest the cornerstones of freedom, democracy and sustainable human development."
Kofi Annan, the former General Secretary General of the United States.

Abstract

Education has been formally recognized as a human right since the adoption of the Universal Declaration of Human Rights in 1948. This has since been affirmed in numerous global human rights treaties, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of All Forms of Discrimination against Women (1981). These treaties establish an entitlement to free, compulsory primary education for all children. Furthermore, they affirm that the aim of education is to promote personal development, strengthen respect for human rights and freedoms, enable individuals to participate effectively in a free society, and promote understanding, friendship and tolerance. The right to education has long been recognized as encompassing not only access to educational provision, but also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality. This research paper is an attempt to focus on right to education as a basic human right. To have an insight on the topic the research paper has been divided into various segments. The first segments starts with introduction which explains the concept of human rights. The second segment focuses on Constitutional vision and judicial response. Also enactment of Right to Education Act in India has been dealt in this segment. In the next segment of the research paper an attempt has been made to explore the role of International Instruments in protecting and promoting right to education. The next segment emphasizes about the several agencies around the world working to make education available to all. The paper concludes with certain concrete suggestions for achieving the goal of education as a basic human right.

Introduction

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and Fundamental freedoms of individuals or groups. The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declarations, and resolutions. The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.[1] The right to education is a fundamental human right. Every individual, irrespective of race, gender, nationality, ethnic or social origin, religion or political preference, age or disability, is entitled to a free elementary education.

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Emerging Cyber Security Strategies in India

Anju A. Singh[*]

Abstract

Cyberspace is today the most volatile domain of human activity. Though invisible by nature and committed in unseen surroundings, the effects of cyber crimes are felt in physical world. While prevention is strongly advocated in matter of cyber crimes even at the international level, combating the menace remains the biggest challenge. The old traditional laws are not sufficient to curb cyber crimes. Cyber security involves securing our national Information Communication Networks and Critical Information Infrastructure, combating cyber crime and protection from cyber attacks. It involves threat monitoring, assessment, mitigation, risk management, forensics, hardening of systems and capacity building in terms of both technical as well as human resources. All these require technical advances to make it possible for us to be able to redefine anonymity so as to separate legitimate users from other uses of cyberspace. The cyber perpetrators are always a step ahead than the security measures taken for safeguarding the intellectual assets. This paper discusses how India is responding to cyber security and data protection challenges, and how a new ecosystem is underway in recent years. An attempt has been made to put forward certain security strategies made by the Government created with a combination of law, technical expertise and personnel involvement. To have an insight on the topic the paper has been classified into various segments. The first segments starts with introduction, and the meaning and importance of cyber security in present environment. The second segment focuses on cyber security strategies formulated by the Government in the form of the Cyber Security Policy, 2013 which aims to safeguard information and fortify the nation's efforts to prevent cyber attacks. The paper concludes with certain concrete suggestions which emphasize that the menace of cyber crime can be tackled with capacity building i.e. a combined effort of the Government, technological experts and personal preventive measures.

Introduction

It is said that the internet for its speed, reasonable reliability, cost effectiveness and globally accessible quality, has become the first preference of businesses. But the E-commerce environment at the same time poses peril as due to anonymity between vendor and vendee, it is difficult to have control over data during its transition and the distance of thousands of miles often breeds uncertainty as to laws and other factors.[1]

Cyber crime is emerging as a challenge for national and economic security. Many industries, institutions and public and private sector organizations (particularly those within the critical infrastructure) are at significant risk. The complexity of modern enterprises, their reliance

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[1] Talat Fatima, *Cyber Crimes*, Lucknow: Eastern Book Company, 2011.p.99.

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ON

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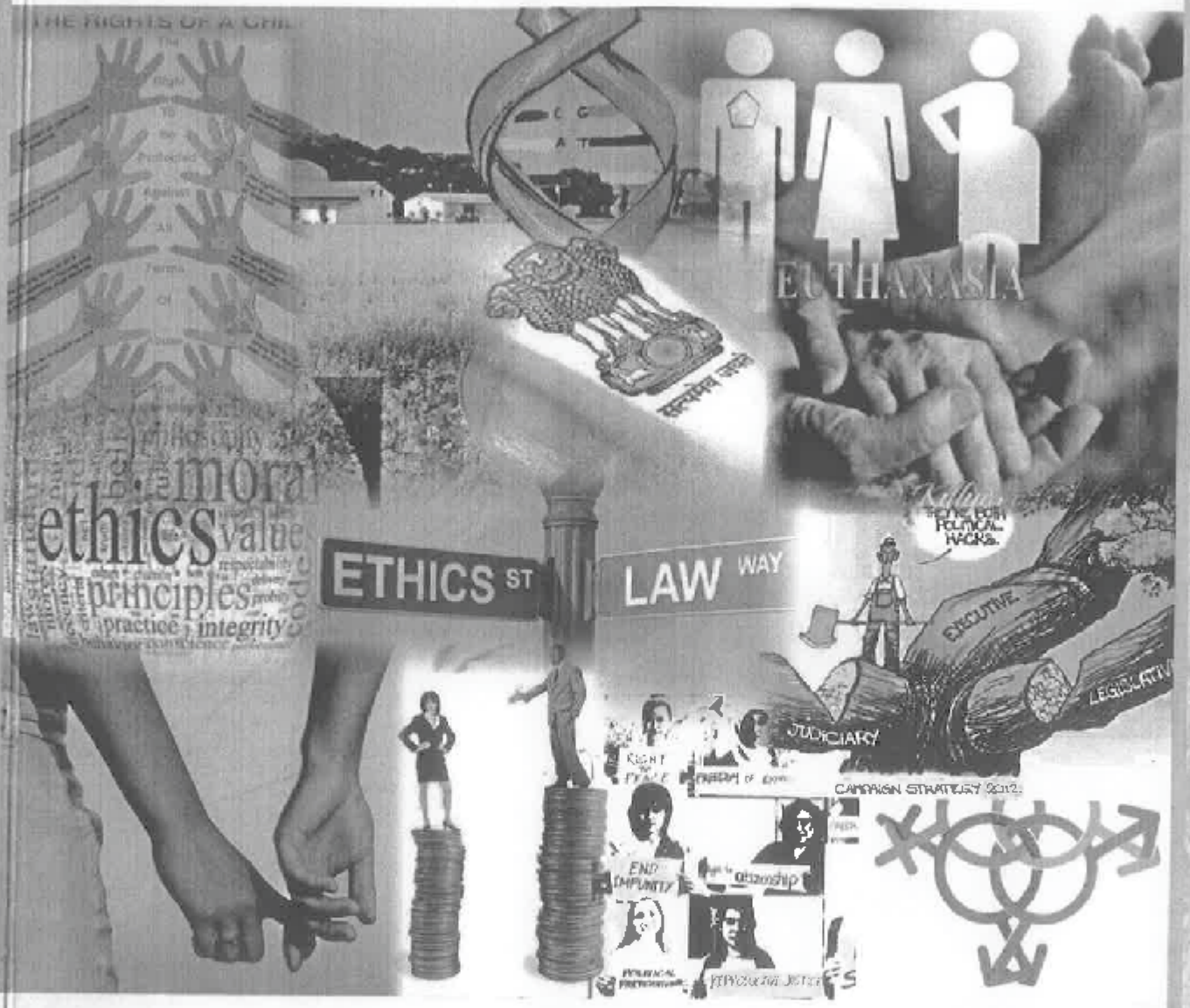

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CYBER CRIME AGAINST WOMEN –VIOLATION OF HUMAN RIGHTS

Om Sarve Bhavantu Sukhinah

Sarve Santu Niramayaah

Sarve Bhadraanni Pashyantu

Maa Kashcid-Duhkha-Bhaag-Bhavet

Om Shaantih Shaantih Shaantih ||

Anju A. Singh*

INTRODUCTION

The notion of Human Rights was in existence in India since the Vedic Period. One can easily interpret the Vedic Prayer [1]from the Human Rights point of view. It connotes that may everybody in this universe be happy and healthy. The Human Rights also got International accreditation and recognition in the late 18th century. The main sources of the contemporary conception of human rights are the Universal Declaration of Human Rights (United Nations, 1948) and many human rights documents and treaties that followed in international organizations such as the United Nations, the Council of Europe, the Organization of American States, and the African Union.[2] But the evolution of Internet[3], touching every nook and corner of modern society, has given rise to cyber crimes which violates the Human Rights in cyber space[4]. The virtual world of cyberspace is abounded with all the echelons of human society, be it artists, statesmen, organizations, businesses, individuals or so to say criminals. Without the agency of human hand the virtual world will not exist. Thus, though the criminal act may be committed in utmost intangible environment, its perpetrators are but from the real world.[5] This makes the challenge formidable as violation of women's Human Rights in cyber space is on rise. Women's human rights refer to a revolutionary notion aimed at emphasizing that women's rights are human rights and they are entitled to such rights simply for being human. The concept of women's rights helps to focus on women in the human right movement. Women's human rights are given importance in the Convention on the Elimination of all Forms of Discrimination against Women. A woman's human rights framework equips

* Asst. Prof. at V.N.Patil Law College, Aurangabad. Maharashtra

[1] Om Sarve Bhavantu Sukhinah Sarve Santu Nir-Aamayaah | Sarve Bhadraanni Pashyantu Maa Kashcid-Duhkha-Bhaag-Bhavet | Om Shaantih Shaantih Shaantih ||
http://www.hindudharmaforums.com/showthread.php?t=9714

[2] http://plato.stanford.edu/entries/rights-human/#GenIdeHumRig(accessed on21-08-14)

3 a global computer network providing a variety of information and communication facilities, consisting of interconnected networks using standardized communication protocols.

4 The word "cyberspace" is credited to William Gibson, who used it in his book, Necromancer, written in 1984

5 Talat Fatima, "LIABILITY OF ONLINE INTERMEDIARIES: EMERGING TRENDS", Journal of the Indian Law Institute,Vol.49 April-June 2007p.155

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INNOVATIONS AND INITIATIVES IN TEACHER EDUCATION IN INDIA - AN OVERVIEW

Singh Anil
V. N. Patil Law College, Aurangabad

ABSTRACT

"The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. The great teacher inspires." - William Arthur Ward

Teachers have a great responsibility in shaping future of nations. Teaching is not merely a profession but a way to bring transformation in the society and in all spheres of life. Teaching is the only field where one can work with the younger generation and can influence their mind positively. Teaching is one of the most responsible professions in the world. Whatever an individual is, it is because of the way he or she was shaped by a teacher. "The Destiny of India is now being shaped in her classrooms" (Kothari Commission 1964-66). As a matter of fact teacher education and training becomes a matter of crucial importance for national development. "The status of the teacher reflects the socio cultural ethos of the society, it is said that no people can rise above the level of its teachers" (National Policy on Education, 1986). But Teacher Education in India has been struggling to strengthen its identity. The success of a student depends mostly on the quality of the teachers from whom he/she learns. With the advent global and electro-accelerated reforms, raising the quality of teachers at par with the demands has become a major concern and challenge for the policy-makers, universities and colleges. Every child deserves a quality teacher. Many paradigms have emerged for sustaining the development of Teacher Education in India, such as Multi-Mode, Multi Cultural, Technology Integrated and Inclusive Education. There is an evident shift from quantitative research to qualitative research to sustain and enhance the quality of Teacher education. All the emerging paradigms justify their being. But we need to evolve the self regulatory mechanisms to assure relevance & quality. For the said purpose the research paper emphasizes on the meaning, need, objects, ethics, constitutional goals, legislative framework and various programmes of teacher education.

INTRODUCTION

Over the last half a century and particularly, in the recent decades, teaching and learning has been undergoing drastic changes. There has been a shift towards student centered classrooms with teacher's role more as facilitator of learning rather than an autocratic master. Unlike in the past when the teacher was entrusted with transferring the contents of curriculum to a passive audience of students, today new experiments are being tried out in the classroom that include project based learning, development of thinking skills and discovery learning approaches.

Meaning of Teacher Education :

Teacher education refers to both pre-service and in-service programmes which adopt both formal and /or non-formal approaches. It is a continuing process which focuses on teachers' career development. It is well known that the quality and extent of learner achievement are determined primarily by teacher competence, sensitivity and teacher motivation.

The National Council for Teacher Education has defined teacher education as "A programme of education, research and training of persons to teach from pre-primary to higher education level. Teacher education is a programme that is related to the development of teacher proficiency and competence that would enable and empower the teacher to meet the requirements of the profession and face the challenges therein".

According to Goods Dictionary of Education Teacher education means "all the formal and non-formal activities and experiences that help to qualify a person to assume responsibilities of a member of the educational profession or to discharge his responsibilities more effectively".

Need of Teacher Education :

"The quality of a nation depends upon the quality of its citizens. The quality of its citizens depends not exclusively, but in critical measure upon the quality of their education, the quality of their education depends more than upon any single factor, upon the quality of their teacher." In his **Call for Action for American Education in the 21st Century** in 1996, Clinton indicated that "Every community should have a talented and dedicated teacher in every classroom. We have enormous opportunity for ensuring teacher quality well into the 21st century if we recruit promising people into teaching and give them the highest quality preparation and training". It is common knowledge that the academic and professional standards of teachers constitute a critical component of the essential learning conditions for achieving the educational goals of a nation.

'Violence Against Women - Need to Awaken the Conscience of Humanity'

2013-14
2012-13



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Dr. Mrs. Annie John

Women's Studies Centre,

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25. HUMAN RIGHTS OF WOMEN – NEW AGENDA AND DIRECTIONS[1]

"Woman is a creation of God by God himself. Every home, every heart, every feeling, every moments of happiness is incomplete without a mother, sister, wife or a daughter".

INTRODUCTION

Human rights are international norms that help to protect all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured, and the right to engage in political activity. These rights exist in morality and in law at the national and international levels. They are addressed primarily to governments, requiring compliance and enforcement. The main sources of the contemporary conception of human rights are the Universal Declaration of Human Rights (United Nations, 1948) and many human rights documents and treaties that followed in international organizations such as the United Nations, the Council of Europe, the Organization of American States, and the African Union.[2]

The philosophy of human rights addresses questions about the existence, content, nature, universality, justification, and legal status of human rights. The strong claims made on behalf of human rights (for example, that they are universal, or that they exist independently of legal enactment as justified moral norms) frequently provoke skeptical doubts and countering philosophical defenses. Reflection on these doubts and the responses that can be made to them has become a sub-field of political and legal philosophy with a substantial literature.[3]

THE HUMAN RIGHTS OF WOMEN

From an unknown period in ancient India to the modern times the condition of women is still the same with little change. In India, the families are always 'Patriarchal'. Women were never given rights of liberty and equality. The condition of women was so bad that if

1. Anju Singh, Asst. Prof., V. N. Patil Law College, Aurangabad.
2. http://plato.stanford.edu/entries/rights-human/#GenIdeHumRig(accessed on21-02-13).
3. Violence Against Women\Human Rights (Stanford Encyclopedia of Philosophy).mht (accessed on23-02-13).

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Emerging Trends Of Environmental Jurisprudence in India And Right to Life

*By - Anju Singh**

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.[1] A Look at the environmental ethics of olden times contained in *Vedas, Upanishads, Smritis* and *Puranas* discloses environment harmony and conservation since sun air fire water and earth where considered as manifestation of divine personification.[2] Trees were worshiped, river were considered goddesses.[3] The Upanishads provide a vision of cosmic pity and harmony with the natural environment.

However, 21st century is going through rapidly advancing technology and fast growing economic system and increasing threat from its own activities. The ozone depletion, acid rain, toxic wastes, global warning, deforestation and loss of bio diversities are just few highlights of the development model sweeping across the globe.[4]

EVOLUTION OF ENVIRONMENTAL JURIPRUDENCE IN INDIA

Environmental Jurisprudence includes the laws, both statutory and judicial, concerning varied aspects of environmental protection and sustainable development. Within the last two decades, India has not only enacted specific legislation on environmental protection but has also virtually created a new fundamental right to a clean environment in the Constitution. The models and methods adopted in the Indian context appear, at first sight, similar to those in other common law systems. Yet there are many subtle differences which have changed the structure and content of legal development in India. Indian environmental jurisprudence brings out the unique characteristics of a new legal order which has gradually been established in India. M. C. Mehta's public interest environmental litigation cases have formed the foundation for the development of The Constitutional right to life extends to the right to a clean and healthy environment. M.C.environmental jurisprudence in India. Mehta's cases[5] have established the following seminal principles in Indian environmental jurisprudence:

- Courts are empowered to grant financial compensation as a remedy for the infringement of the right to life.

---

* Asst. Prof. V N Patil Law College, Aurangabad

1 Leelakrishnan P., Environmental Law in India, P. 10, Butterworths 3rd Edition 2008

2 Sastri S. C., Environmental Law, 2004, PP 1-5.

3 Agrawal V. P., Forest in India, 1985, P-3.

4 Sunitha K. K., "Environmental Jurisprudence in India, Philosophy and Practice".

5 http//memef.org/landmark_cases.html

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33. HARMONISING WOMEN EMPOWERME WITH THE ENVIRONMENT: AN ECOFEMINIST OVERVIEW[1]

"Gods are pleased where womens are respected".[2] Sw Vivekananda said, "There is no change for the welfare of the w unless the condition of women is improved. It is not possible f bird to fly only on one wing".[3]

Indian history and mythology have given place of pride women. Sita, Savitri and Draupadi are the women whose nam strikes the mind immediately. We are also familiar with the reco of Maithreyi and Gargi the Vedic scholars, who mastered the Ve and Upanishads facing much oppositions.[4]

Womens are the wealth of India and they have contributed almost every field and made country feel proud at eve occassion.However another reality of Indian society is that there systematic discrimination and neglect of women's in India whi could be in terms of inadequate nutrition, denial or limited acces education, health and property rights, domestic violence, sexu violence and so on. This global concern has steadily grown throug the past few decades and has resulted in efforts to bring women int the mainstream of life, mainly through socio-economic activities aime at empowering them and thus restoring equality between the sexes.Empowerment is basically infusing of competence into a category that does not presently possess it. This enables the categor to overcome the prevalent disability and compete with other group in access to good things of life and human rights.[5] In the opinion o Yogendra Sing,women empowerment implies a process by which womens power of self organisation is promoted and reinforced, the develop the capacity for self reliance out crossing the relationship o subordination on account of gender, social and economic status and role in the family and society.

1. Shital S. Barhate, Assistant Professor in Law, M.P. Law College, Aurangabad
2. Manu.
3. Cited by Varma J.S., The New Universe Of Human Rights at 277,Universal Delhi.
4. Malik and Rawal,Law and Social Transformation in India, 2010, Allahabad L Agency. (Reprint) 156.
5. P. Ishwara Bhat, Law and Social Transformation at 523, Eastern book compa 2009.

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26 Post Independent Policies In Agriculture: A Critical Analysis

Prof. Shital S. Barhate

Assistant Professor, M. P. Law College, A'bad.

Abstract

Agriculture, since its invention and inception, has been the prime and leading activity of every culture and civilization throughout the history of mankind. At the time of Independence in 1947,Indian agriculture was traditional, and stagnant in every respect. The first task of Indian Government in the immediate post Independence period was, therefore, to initiate growth process in agriculture on modern lines. Planned economic development in India began with launching of First Five Year Plan on April 1st 1951.In this paper various post Independent policies formed by Government for the agricultural sector are discussed and the critical analysis of the same is made.

Real India is rural India. Majority of the Indians live in villages. Therefore, economic development of the country in the true sense means development of rural areas.

The Mahatma Gandhiji has rightly observed: If villages perish, India will perish."

The hard struggle of political emancipation which raged for more than six decades ended on 15th August 1947 when the country gained independence for which it had long been cherishing. But independence was only a stepping stone and the ultimate aim was the benefit of the common man who should not only have improved living slandered but should also be given opportunities for development of his talent and capacities. Beginning with 1947, when India started on the course of an independent country, agriculture has had a chequard course, dotted by ups and downs with varying hues and colours.

Agriculture in its broad sense includes not only crop production of various types but also plantation, horticulture, sericulture, livestock, dairying poultry, foresty, fishing etc.

So long as the farmer continues to feed and clothe the world, agriculture continues to assume the role of a basic industry in some degree or the other in every country. In recent years, the achievements of science have been marvelous in all productive fields, manufacturing a variety of goods, sometimes replacing the traditional goods. But science has not succeeded in thoroughly revolutionizing agriculture and replacing crops, livestock etc. In the early stages of economic development, normally agriculture is the major contributor to national income and it provides employment to a majority of people. At later stages of a fairly high level of economic

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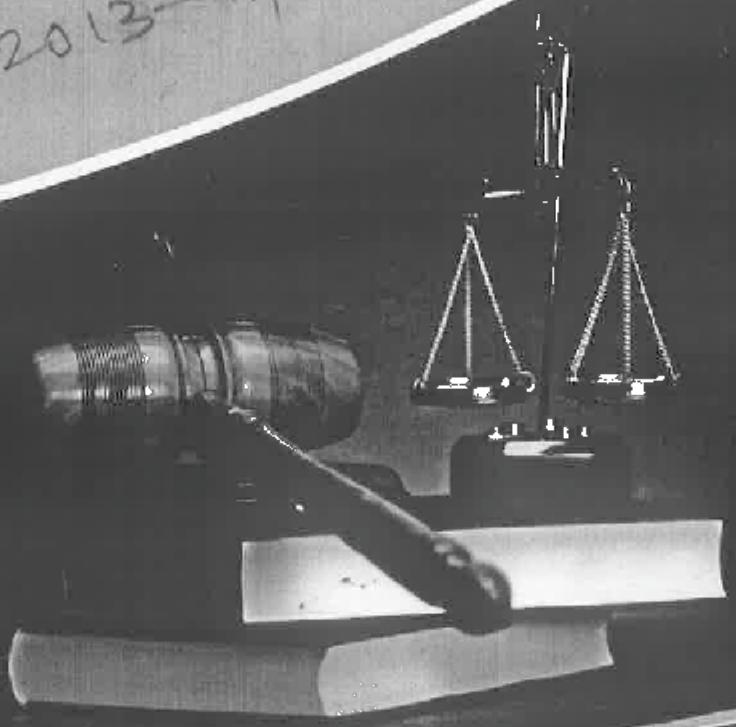

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RIGHT TO FORM ASSOCIATIONS AND UNIONS, AN IMPORTANT HUMAN RIGHT OF WORKERS VIS-A –VIS POSITION OF INDIAN WORKERS

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Abstract

To form association is in fact the very basic tendency of human society. Right from the primitive ages man has been residing in groups and unions. It is also very commonly said that, 'United we stand divided we fall'. At the International level, United Nations Organisation has adopted an important instrument namely the 'Universal Declaration of Human Rights'. This instrument contains number of rights to the peoples of entire world. One important right among them is 'right to form associations and unions'. This right is more or less a charter for all working people of the world. As far as India is concern, India is member of UNO, ILO. Not only this Constitution of India Provides right to form associations and unions as a fundamental right. Apart from this, we have an enactment as The Trade Unions Act, 1926. In this paper an attempt is made to highlight the norms which are provided by Universal Declaration of Human Rights with respect to the associations and unions and to compare it with the conditions of Indian workers.

Introduction

In the human life certain basic rights like right to life, freedom, equality of treatment, non discrimination and equal opportunity are essential for making the life fruitful and meaningful. This rule is not an exception in the life of a working man. Especially in today's world of globalization and technological advancement association and unions play a major role to promote and protect the interest of human work force anywhere in the world. Certain rights like right of association and union, collective bargaining, protection against exploitation, victimisation etc, are fundamental rights, essential for making the working life progressive. Today these are the basic human rights of workers recognised and assured by international institutions like UNO and ILO.

Universal Declaration of Human Rights and Right to form Associations and Unions

The principal sources of legal standards relating to freedom of assembly and association are Human rights instrument both of a general and specialised nature namely, the Universal Declaration of Human Rights, 1948 (UDHR) and the International Covenant on Civil and Political Rights, 1966 (ICCPR).

The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on 10 December 1948. The Declaration consists of thirty articles. This instrument contains number of protections for working class, one important among them is right to form association and unions. It provides that everyone has the right to freedom of peaceful assembly and association, and no one may be compelled to belong to an association.[1] Similarly it provides that everyone has the right to form and to join trade unions for the protection of his interests.[2] Under the ICCPR, the right of peaceful assembly is recognised and protected under Article 21, while freedom of association is enshrined in Article 22 which provides that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

Right to form Association and Unions and Indian Position

Art.19 (1) (c) of the Indian Constitution guarantees to the citizens of India the right to form associations or unions, under Art.19 (4), a reasonable restrictions in the interest of public order or morality or sovereignty and integrity of India may be imposed on this right by law.

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HUMAN RIGHTS OF DOMESTIC WORKERS: PHILOSOPHY AND REALITY

Miss. Shital S. Barhate*

INTRODUCTION:

Every day millions of domestic workers oil the wheels of contemporary India. They clean, fetch, tend, serve and make it possible for many working women to pursue their careers without worrying about domestic chores. Yet this work is referred to as the 'informal sector' as if it were scarcely works at all. The data analysis of the National Sample Survey Organisation (NSSO) reveals an appropriate figure of approximately 4.2 million domestic workers in the country.[1] NSSO's data on employment and unemployment reveals that the number of domestic workers in urban areas increased by 68 percent in the decade between 1999-2000 and 2009-2010.

Domestic work is emerging as a crucial livelihood option for millions of people in the country. In our country the majority of women workers are employed in the domestic service as compare to their mail counterpart. Domestic workers suffer from various problems such as low wages, bad working conditions, no weekly off, caste discrimination, exploitation by employment agencies, human trafficking, abuse and sexual harassment at workplace and child labour. People perceive domestic work as something undignified and tend to forget that domestic workers too have personal life beyond their workplace.

In this paper an attempt is made to highlight, how there is frequent violations of human rights of domestic workers in India and some suggestions are put forth to minimise these violations.

WHO IS A DOMESTIC WORKER? :

A domestic worker is a person who works within the employer's household. As per Convention No. 189[2], "domestic work" means work performed in or

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[1] http://wiego.org/informal_economy_law/domestic-workers-india

[2] ILO Convention of 189 on decent work for Domestic Workers.

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WOMEN EMPOWERMENT THROUGH MATERNITY BENEFITS: A MYTH OR REALITY?

SHITAL S. BARHATE

Abstract: Women are the wealth of India and they have contributed in almost every field and made country feel proud at every occasion. However another reality of Indian society is that there is systematic discrimination and neglect of women's in India which could be in terms of inadequate nutrition, denial or limited access to education, health and property rights, domestic violence, sexual violence and so on. Every minute one woman dies needlessly of pregnancy-related causes. Women do two-third of the world's work, but make only 5 per cent of the world's wages and hold only 1 per cent of the world's assets.[1]
This global concern has steadily grown through the past few decades and has resulted in efforts to bring women into the mainstream of life, mainly through socio-economic activities aimed at empowering them and thus restoring equality between the sexes.

Introduction: One of the way to empower women is through maternity benefits.To become a mother is most natural phenomenon in the life of a women. Pregnancy is a predictable, foreseeable condition that will occur among a substantial portion of working women. It is equally predictable that pregnancy will involve some period of disability during which the pregnant employee will be unable to work. One must realise the physical difficulties which a working women would face in performing her duties at the work place while carrying a baby in the womb. Taking in to account the hardship of this difficult task the UNO has adopted the convention on the Elimination of All Forms of Discrimination against women which spells out the areas of protection to women namely, prohibition of discrimination on the ground of pregnancy, Maternity and Marital status with maternity leave and pay without loss of employment. Apart from this to provide protection to the women workers who are in their family way by giving maternity leave and benefits, ILO has adopted conventions.[2]

The Preamble to our Indian Constitution refers to the Justice-Social, Economic and Political. It confers on men and women equality before law and equal protection of laws.[3] It prohibits discrimination against any citizen on the grounds of religion, race, cast, sex and etc.[4] It makes a special provision enabling the state to make affirmative discrimination in favour of women[5]. Similarly our constitution provides for equality of opportunities in matters of public employment[6], it prohibits the traffic in human beings and beggar other similar forms of forced labour[7] equal right to means of livelihood,[8] equal pay for equal work for all citizens[9]. Article 42 of the constitution contains a direction to the state to make provision for ensuring just and human conditions of work and for maternity benefit. Above all the constitution imposes a fundamental duty on every citizen to renounce the practice derogatory to the dignity of women[10]. In tune with various provisions of the constitution, the state has enacted many women specific and women related legislations to protect women.

Women Empowerment through Maternity Benefits: In order to regulate the employment of women in certain establishments for certain periods before and after child birth, and to provide for maternity benefits, the Indian Parliament enacted the Maternity Benefits Act, 1961.

The Act prohibits the employment of and works by a women during six weeks immediately following the day of her delivery or her miscarriage or medical termination of pregnancy. It also provides that no women shall work in any establishment during the six weeks immediately following the date of her delivery or her miscarriage or medical termination of pregnancy. Further it provides that a women on her request will not be employed during one month immediately preceding the period of six weeks before the date of her expected delivery on any work which is of arduous nature or which involves long hours of standing, or which in any way likely to interfere with her pregnancy or the normal development of foetus or is likely to cause her miscarriage or otherwise adversely affect her health[11].

Right to payment of Maternity Benefit: Every woman shall be entitled to, and her employer shall be liable for, the maternity benefit at the rate of the average daily wage for the period of her actual absence[12].

Condition for eligibility of maternity benefit: A women shall be entitled to maternity benefit if she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than eighty days in the twelve months immediately preceding the date of her expected delivery.[13]

Maternity period- The maximum period for which any woman shall be entitled to maternity benefit is

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Dr. Pandit Nalawade

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128. Manual Scavenging: A Serious Issue in India.

Shital S. Barhate, Assistant Professor,
M.P.Law College, Aurangabad (Maharashtra), India

Manual Scavenging is a term used in India which refers to the removal of raw (fresh and untreated) human excreta from buckets or other containers that are used as toilets or from the pits of pit latrines. At the international level we have conventions,1 particularly Convention concerning Discrimination in Respect of Employment and Occupation , 1958 which India have ratified which deals with issue of work-related discrimination and promotes the equality in employment and occupation2. At the national level, we have law to regulate manual scavenging. Constitution of India directs the state to take measures to improve the condition of health care of the people3. The Supreme Court has recognized the rights of the workers and their right to basic health. But the ground reality is that still these workers suffer from number of problems.

Life of manual Scavengers is at risk at every stage. These workers are exposed to certain health problems4 by virtue of their occupation. They have to face caste based Discrimination. Manual Scavengers are treated as untouchables and there is complete social exclusion5. According to the India Census 2011, there are more than 2.6 million dry latrines in the country. There are 13, 14,652 toilets where human excreta is flushed in open drains, 7, 94,390 dry latrines where the human excreta is cleaned manually. Seventy three percent of these are in rural areas and 27 percent are in urban areas. According to the House Listing and Housing Census 2011, states such as Andhra Pradesh, Assam, Jammu and Kashmir, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal account for more than 72 percent of the insanitary latrines in India6.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013:

This Act imposes liability on every local authority that it shall carry out a survey of insanitary latrines existing within its jurisdiction7 and construct, within a period not exceeding nine months from the date of commencement of this Act, such number of sanitary community latrines as it considers necessary, in the areas where insanitary latrines have been found. 8 Further the Act provides that no person, local authority or any agency shall, after the date of commencement of this Act, engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging9. Act further states that no person, local authority or any agency shall engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank10.

In spite of these provisions in the said Act, it is seen that manual Scavenging is going on in the country.

On September 6, 2013, the Indian Parliament passed The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (the 2013 Act), committing itself yet again to ending manual scavenging and in March 2014, the supreme court of India declared that there were 9.6 million dry latrines being manually emptied but the exact number of manual scavengers is disputed -

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Abstract: India has strong system of judiciary form Magistrate of First Class to Supreme Court. The Indian Judicial System is one of the oldest legal systems in the world today. The decisions of the Supreme Court are binding on all the courts of India. The Supreme Court of India is the highest judiciary body, responsible to ensure justice to all. The Supreme Court under Article 142 of the Constitution has the constitutional mandate to pass such order as may be necessary for doing complete justice in any case before it.

In Indian democracy, the Supreme Court plays important role of safeguarding the fundamental rights of citizens which includes right of healthy environment. Healthy environment is need of everyone who lives on earth. It impacts our life in Several Ways. India has a history of having a compassionate attitude towards environment. But with the passage of time the ethical values towards society have degraded as a result of which judiciary intervened so as to protect the environment. Supreme Court of India and Various High Courts, while deciding the cases before them in a way highlighted the need to have a strong sense of corporate social responsibility in protecting the environment. In this paper an attempt is made to highlight the role of Judiciary in strengthening the concept of CSR for environmental Justice.

Corporate Social Responsibility (CSR): Concept: Corporate social responsibility (CSR) refers to business practices involving initiatives that benefit society. Business Dictionary defines CSR as "A company's sense of responsibility towards the community and environment (both ecological and social) in which it operates. Companies express this citizenship , through their waste and pollution reduction processes, by contributing educational and social programs and by earning adequate returns on the employed resources."[1]. Corporate social responsibility, often abbreviated "CSR," is corporation's initiatives to assess and take responsibility for the company's effects on environmental and social wellbeing[2]. CSR may also be referred to as "corporate citizenship, corporate conscience or responsible behaviour[3]

Constitutional Commitments towards Environment Protection: Indian Constitution is the basic law of land wherein it confers several rights to the citizens as well as imposes obligations on the citizens in the form of duties. The concept of environment protection is one of those only. Though right to environment is not have direct mention in the fundamental rights chapter the Supreme Court and the various High Courts of the country have given a wider interpretation to the word "life" in the Article 21 of the Constitution which provides that no person shall be deprived of his life or personal liberty except according to procedure established by law. Article 21 guarantees the fundamental right to life –a life of dignity to be lived in a proper environment, free of danger of disease and infection. Right to live in a healthy environment as a part of Art. 21 of the Constitution was first recognized in the case of *Rural Litigation and Entitlement Kendra vs. State of U.P*[4].

Further, Art. 48-A imposes a duty upon state that it shall Endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. Again, a new provision Article 51-A in the form of "Fundamental Duties" was also incorporated by the 42nd Amendment which shoulders duty upon every citizen of India to protect and improve the natural environment including forests,

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on

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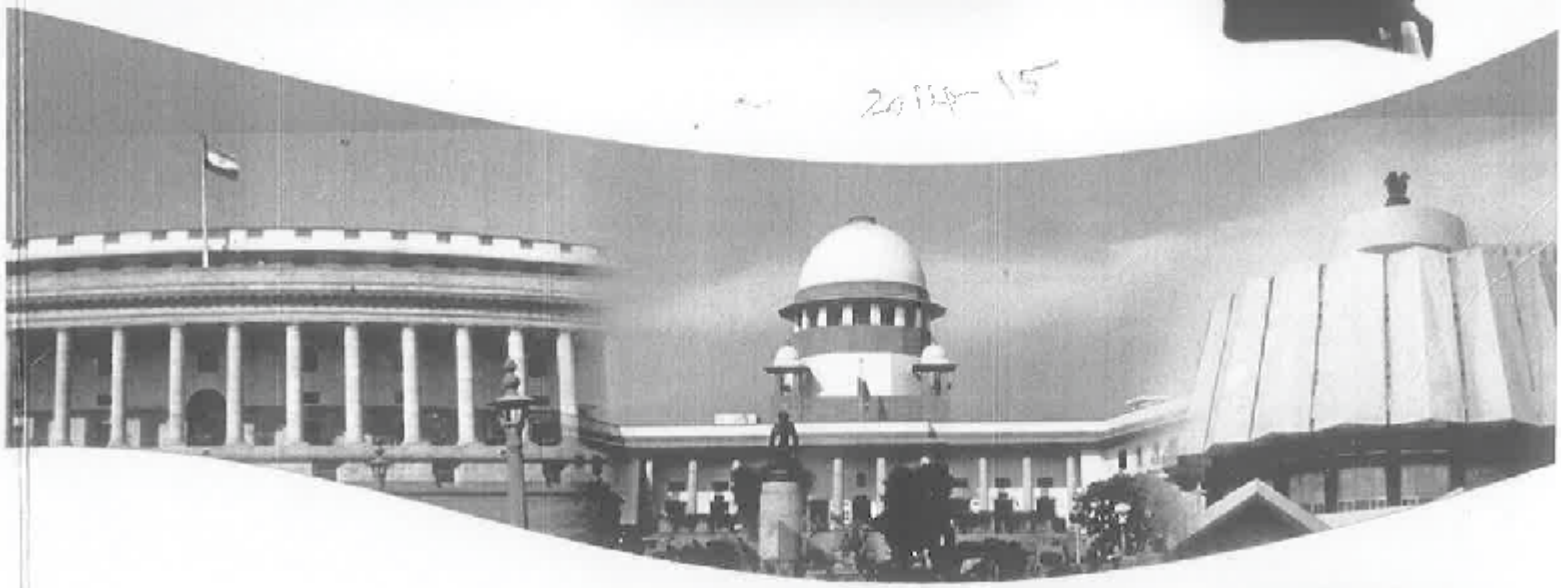
13th & 14th Sept. 2014









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THE AUTONOMY OF MEDIA [illegible] IS GOVERNMENT CONTROL WITH SPECIAL REFERENCE TO PRASAR BHARATI.

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Media is communication channels through which news, entertainment, education, data or promotional messages are disseminated. Media includes every broadcasting and narrowcasting medium such as news papers, magazines, TV, radio, direct mail, telephones, fax, and internet. Media is the plural of medium and can take a plural or singular verb, depending on the sense intended.[1] Media is a main means of mass communication especially T.V., Radio and News papers.

Right to information is a valuable asset of any democratic system, to which India is not an exception. In this age of information explosion, command over information is an important weapon of power. The people of India being the real source of authority, must naturally have free access to all sources of information including the Prasar Bharati. Prasar Bharati is a statutory autonomous body established under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990. It came into existence in the year 1997. It is the Public Service Broadcaster of the country. The objectives of public service broadcasting are achieved in terms of Prasar Bharati Act through All India Radio and Doordarshan, which earlier were working as media units under the Ministry of Information and Broadcasting and since 1997 became constituents of Prasar Bharati.

India's National Broadcaster and also the premier Public Service Broadcaster, All India Radio (AIR), which is the important wing of Prasar Bharati has been serving to inform, educate and entertain the masses since its inception, truly living up to its motto - 'Bahujan Hitaya : Bahujan Sukhaya'. One of the largest broadcasting organisations in the world in terms of the number of languages of broadcast, the spectrum of socio-economic and cultural diversity it serves, AIR's home service comprises 413 stations today located across the country, reaching nearly 92% of the country's area and 99.19 % of the total population. AIR originates programming in 23 languages and 146 dialects.[2]

As far as television is concern, it first came to India in the form of Doordarshan (DD) on Sept 15, 1959. It is the National Television Network of India and also one of the largest broadcasting organizations in the world. As of 2012, more than 90 percent of the Indian population can receive Doordarshan programmes through its 21 channels and a network of nearly 1,400 terrestrial transmitters. There are about 46 Doordarshan studios producing TV programmes today.[3]

So, being a public broadcaster, and near about 90 percent of Indian population daily receives programmes through Doordarshan and 99 persent through All India Radio, these sources of information should be free from any kind of governmental control in a democratic country like India. Prasar Bharati is a medium of expression and, therefore, is an important pillar of our democratic set-up.

But, with the recent incidence of editing of the Narendra Modis interview, the question of Prasar Bharati's autonomy has surfaced again.[4] In this paper an attempt is made to highlight how Government exercises control on Prasar Bharati which is a public broadcaster though we have the Prasar Bharati (Broadcasting Corporation of India) Act, 1990, which aims at conferring autonomy to Prasar Bharati.

Philosophy of Autonomy

Autonomy is essential for life. It is a yearning of an individual who, despite being a part of the whole, would like to retain some space for himself. An organization is an expression of such yearnings. There are tools to run a society and free flow of information is an essential tool for growth of a mature society. Democracy itself is an elaborate form of autonomy[5]. Media acts as an interface between the common man and the Government. It is a very powerful tool with the ability to make and break the opinion of people. In a democratic country like India, media plays a crucial role in shaping a healthy democracy. It is the backbone of a democracy. Media makes us aware of various social, political and economical activities happening around the world. It is like a mirror, which shows us or strives to show us the bare truth and harsh realities of life.

Media Autonomy: International and National Scene

The right to freedom of expression is recognized as a human right under Article 19 of the universal Declaration of Human Rights and recognized in the International Covenant on Civil and Political Rights (ICCPR).[6]

Our constitution guarantees freedom of expression as a fundamental right of citizens[7]. However this right is

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SEMINAR PROCEEDINGS OF



TWO DAY NATIONAL SEMINAR ON

CORPORATE SOCIAL RESPONSIBILITY: EMERGING TRENDS AND CHALLENGES

ORGANISED BY

NEW LAW COLLEGE,
AHMEDNAGAR

In association with

BOARD OF COLLEGE AND UNIVERSITY DEVELOPMENT
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On 3rd and 4th March 2017

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3. ENVIRONMENT PROTECTION VIS-A-VIS CORPORATE SOCIAL RESPONSIBILITY IN INDIA

- Dr. Shital S. Barhate*

"The earth, the Air, the land and the water are not an inheritance from our forefathers but on loan from our children. So we have to handover to them at least as it been handed over to us."

- Mahatma Gandhi

Introduction:

Healthy environment is need of everyone who lives on earth. It impacts our life in Several Ways. Therefore it is our responsibility to protect environment. The environment protection is the need of the day. It is the duty of all stakeholders to protect our environment and to endeavour maximum protection for our earth.

Protection of Environment is an increasing issue all over the world. We have number of International instruments speaking for the environment protection[60]. India has been a party to all the major international human rights treaties which has bearing on the environment protection. Rather, to implement these international instruments, we have enacted series of legislations which will ensure environment protection. Apart from this, Constitution of India imposes an obligation not only on the Government but also on the Citizens of India to take efforts for environment protection[61].

India has a history of having a compassionate attitude towards environment. But with the passage of time the ethical values towards society have degraded as a result of which judiciary intervened so as to protect the environment[62]. A concept known as corporate social responsibility emerged in the light of right to pollution

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60. UDHR (Arts. 22, 25 & 27) , The Inter. Convent. on Social, Economic and Cultural Rights (Articles 1, 6, 7, 11, 12, 13, and 15) , CEDAW (Arts. 11 &14) , The Convention on the Rights of the Child, (Articles 24 and27)

61. Art.48 A: The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. Art.51 A-(g) It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

62. In Vijay Singh Punia v State of Rajasthan, imposing 15 percent of the turnover of the dyeing and printing industries as damages for causing water pollution Rajasthan High Court observed: The emission of untreated waste water by the industrial units is depriving the citizens the access to unpolluted ground water which is essential for the existence. Not only the ground water has been affected by the way industrial units have been operating, but their working has also affected the quality of vegetables and crops which are grown in that area.... For enforcing he rights under Article 21 of the Constitution and compelling the persons to discharge their fundamental duties under Article 51 A (g) of the Constitution, the courts can impose damages on the polluter for the restoration of the ecological balance and also for the victims who have suffered the intrusion upon the environment and ecology of the former.

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HUMAN RIGHTS OF OLD AGE PEOPLES

Shirsat S.G[1].

Every society is consists of different groups and classes of different peoples which forms a heterogeneous group. The peoples those are in majority are legally bound to form the government and make the legislation for the protection of rights of the citizen by enacting the statues and government machinery is busy with the enforcement of these rights through the process of administration of justice. In such circumstances human rights are treated as basic and inalienable rights of human beings which are available to them by birth as a human being. The society takes pains to protect the human rights at National and International levels by making conventions and declarations. The India has adopted the Universal Declaration of Human Rights as the first international recognition that all human beings are entitled to fundamental rights and freedoms which must be respected and protected by nations of the world. At the same time we experience that the fundamental freedoms enshrined in the Declaration are still not a reality for many, as human rights abuses constitute a worldwide problem and give rise to ethnic, racial and religious conflicts. Hence it is need of the time to make human rights a reality in our community.

The National Human Rights Commission has expressly been mandated to promote Human Rights literacy and awareness vide section 12(h) of the Protection of Human Rights Act, 1993. The Commission has been serving this encompassing purpose within its best means.[2]

Certain rights are declared as human rights for the children, womens, Labourer, Dalits, poor's as enshrined the protection of life and liberty by the provisions Constitution of India under various articles.

Article 1 of the Declaration of Human Rights (1948), adopted by the United Nations, says : *"All human being are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brother hood."*[3]

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[1] Assistant Professor in Law, Manikchand Pahade Law College, Aurangabad.
[2] Human rights for the beginners, Karnataka Women's Information and Resource Center. 2005.
[3] Declaration of Human Rights,1948.

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USE OF TECHNOLOGY IN REPORTING OF JUDICIAL PROCEEDINGS

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Man has been called a social animal. He cannot leave without the society. He seeks association with other human beings by belonging to various groups such as family, caste, tribe, community and the state. Fruitful human associations and orderly relations among men are possible only if all members of the group observe certain rules of conduct. When a large number of persons live together in a country and desire the benefits of association, the need to observe rules of conduct is still greater.Some of these rules are called law because the State enforces them by imposing physical punishment or other penalties on the offender.[1] Law is working as an instrument of social control. All human being are basically controlled by basic wants as food, clothing and shelter. The state is forwarding to make the regulations and rules for providing these to every citizen and all members of the society. Every state formulated a set of rules and regulations as framing the written constitution of the country. Indian Constitution is famous for its bulkyness and some salient features of it. Constitution is the expression of will of the people which shows the importance of opinions of the Public. Constitution of India is not exception to it. The Constitution of India allows us the Golden freedoms in which Article 19(1) (a) is Freedom of speech and Expression.

The society witnesses development in the technology from the primitive era and forwarding the information from generation to generations. The information is preserved in texts and in other forms. For collection and preservation of such information large class of manpower in involved and considered as a "Media" which placed a important place in the society and helping for welfare state by playing active role in shaping the society.

The media means and institutions for publishing and broadcsting informaation.

Print media is very popular in dissiminating information and preservation of knowledge generally in the form of books, journals, articles, newspapers etc. The Judgments reported and published in various journals are used as citations in subordinates' courts.

Audio-visual media consists of Television, news channels, CD, DVD or digital information.

Another important media is also popularising as Web based media,

Every literate person starts his day by collecting/ gathering informations by various sources of media and habituated to either listen or watch Television news or read published news in daily newspaper/weekly/magazines etc. In the modern era reporting for every news and publication / telecaste the news is on priority of all the media. The media plays important role in all democracies and treated as fourt piller apart from Legislature, Administrative and Judicial organ of the State. Reporting is like ruderless ship and hence there is dire need for making rules and regulations for proper and prompt reporting which developed as Press, Media and Telecommunication Laws. Final verdicts passed in various cases are the main headlines in newspaper and the media also made comment on the judgments which may found some time unreasonable or causing confusion in public at large.

The High Court of Maharashtra and Goa, Mumbai had conducted reginal workshop on 'Reporting of Court proceedings' on 19 Oct.2008. Honourable Justice K.G.Balkrishnan, Chief Justice of India while addressing quoted "the existence of an independent judiciary and free press are essential features of a robust constitutional democracy. The organised media is undoubtedly perfoming a vital role by ensuring that information about different kinds of governmental action, including judicial proceedings is made easily avilable to ordinary citizens.[2]"

In the same address, it is informed that while reporting the court porceeding the media professional must follow moral obligation to ensure fair and accurate reporting of court proceeding. The statements made by judges and lawyers, witnesses are critical and must not be misrepresented or published in moulded form.

But in recent time it found that due to increase TRP and Breaking News media uses different techniques and want to attract the attention of public. This causes a confusion state and many times media faces criminal trials.

The media used tools to collect / gather the information from various sources and trying to present before the audience. In a democracy most important freedom is given that right to discuss the issue and speak fearlessly by making fair comment. At the same time if any statement is made which is not fair comment and causes public disturbance or derogate the dignity of legislature or Judiciary them The Contempt of Court Act, 1971. In various cases Supreme court has given guidelines and direction tobe follow while maintaing ethics and fair reporting.The 200th Report of the Law Commission on "Trial by Media: Free speech vs Trial Under Criminal Procedure (Amendments to the Contempt Court Act, 1971 was taken up suo motu having regard to the extensive prejudicial coverage of crime and

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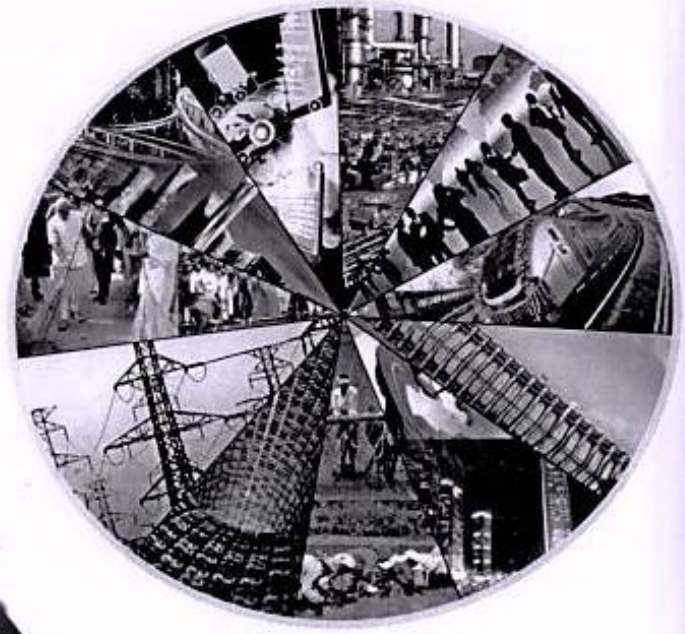

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A Successful story of Villages: Hivre bazaar

- Shashikant G.Shirsat*
- Sachin S. Deshmukh *

Land is a gift of the nature and it is used as a source of creation, sustenance and destruction of living and non-living things. It is a prime factor amongst the four factors of production, namely. Land, Labour, Capital and Organisation. It is also the second amongst the four elements constituting a sovereign 'State', namely, Population, Territory, Government and Sovereignty. The progress and prosperity of any country largely depends upon the geographical nature, yielding quality, intrinsic value, and extent of its territory. The value of the land in terms of economic growth and development of any given country is enormous.

Land occupies a predominant place in the human life especially in a materialistic world of modern times. Presently, about half of the population in the world and nearly two thirds in the developing countries live in rural areas. In India, 72 percent of the population lives in rural areas. Therefore, the national development is largely depends on the success of schemes for the well-being of people residing in rural areas.

Policy Interventions for Rural Development

Shri.G.Sreedhar in his research paper consider that, the policy interventions for rural development in independent India had their roots in the pioneering efforts in rural reconstruction initiated by a few spirited individuals on their own or with the support of voluntary organizations and the state in different parts of the country. These efforts include the Srinikethan experiment by Ravindranath Tagore, Martandam experiment by Spencer Hatch, Gurgaon experiment by F.L. Brayne, Sevagram experiment by Mahatma Gandhi, Baroda experiment by V. T. Krishnamachari, Firka Development Scheme by Tanguturi Prakasam, Etawah Pilot project by Albert Mayer and Nilokheri experiment by S.K.Dey. The important ideas/ principles that emerged from these efforts include the village self-reliance, active role of local self government institutions and cooperatives, self help approach, removal of untouchability, importance of education, vocational education, transfer of knowledge from lab to land, demonstration farms, local resource mobilization, building up rural infrastructure through active participation of people, decentralized planning, needs assessment, cluster approach

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Role of men in women Empowerment in India

Prof. Dinesh B. Kolte,
M.P. Law College Samarth Nagar, Aurangabad (Maharashtra)-431001.

"Just as a bird could not fly with one wing only a nation would not march forward if the women are left behind"

- Swami Vivekanand

Introduction :

The development of any society is judged in terms & the position hold by women in that society since men and women are considered as two wheels of vehicles of a society, both wheels should work equally to move the vehicle of society. It is believed that god has created this world and all living beings. So when equality is the rule in the animal and vegetable kingdom, why inequality exits in the human society. Why should man and woman, higher and more intelligent creations live in an unequal society.1

Women constitute about half of the world's population. Yet they are placed at various disadvantages positions due to gender difference. They have been victims of violence, exploitation and discrimination. Rampant abuses against women have been excused, ignored, or taken for granted.2

Women Empowerment :

The ultimate goal of empowering women is to provide an increased awareness of their rights and duties, equal participation and status in almost all spheres with men including opportunity and freedom to develop herself, and ending violence or atrocities committed against them.3

Political Participation of Women :

The position of women in politics has always been miserable. Although women constitute half of the population, their participation in all spheres of political life has been negligible since dawn of Indian civilization.

Political participation means in nutshell, the involvement of those affected by decisions in the decision making process. Such involvement may include a right to elect representatives, to cast vote on any issue, to campaign and to canvass, the decide matters.

International Empowerment of Women :

1) Charter of UNO 1945 :

The Art. 8 of Charter of UNO, 1945 shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality.

2) Universal Declaration of Human Rights, 1948 :

a) Article 1 of UDHR says – all human beings are born free and equal in dignity and rights.

b) Article 7 of UDHR says – equality before law and equal production of law.

Obstruction to Women's Empowerment :

1) Pervasive influence of traditional gender roles that constrict women's participation in leadership and decision-making roles.

2) Persistent institutional barriers to women's access to power that cut across various socio-political institutions.

Role of men in women empowerment :

1) Mahatma Phule : Mahatma Phule is the first person who established school for girls in 1848 in Pune.

2) Mahrshi Karve : Who is the first man who foundaded the Asharam for widow women and started remarriage of widow women.

3) Mahatma Gandhi : Mahtma Gandhi Men have considered themselves to be lords and masters of women

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"Right of Children to Free and Compulsory Education Act 2009: Critical Analysis and Challenges in its Implementations"

Rajashree J. Jawale
Issue Editor

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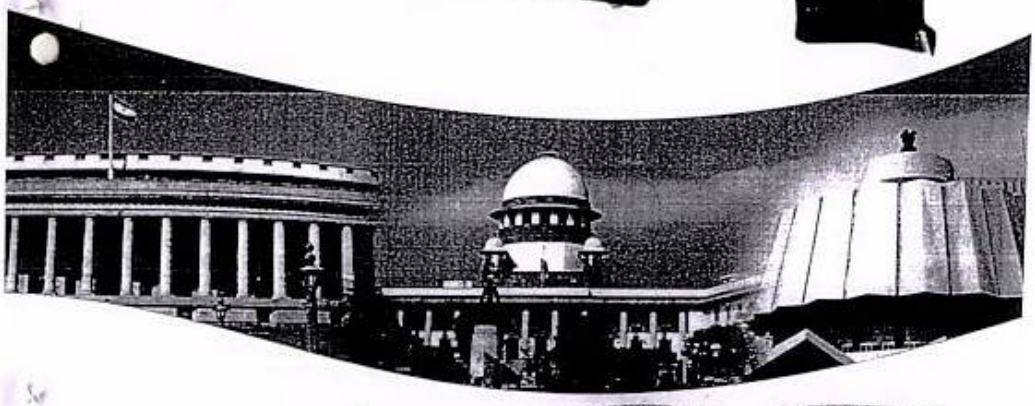

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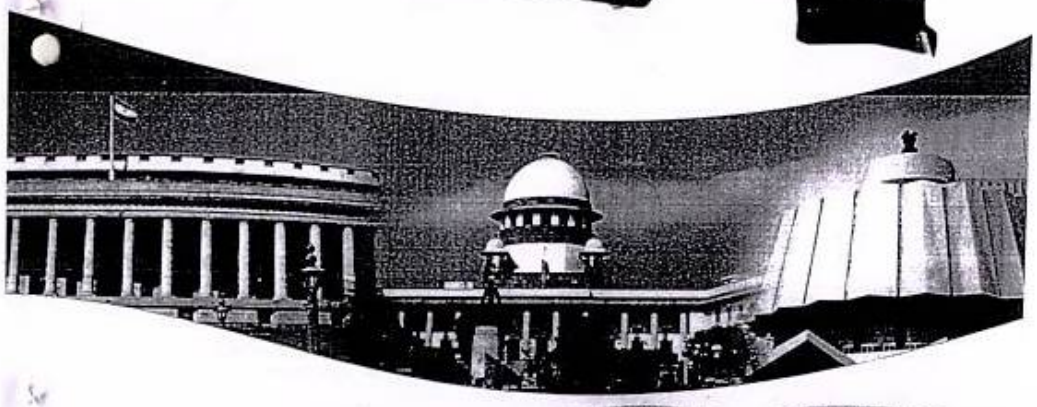

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ADVERSE EFFECT ON DISCLOSING IDENTITY OF THE ACCUSED BY THE MEDIA IN CRIMINAL INVESTIGATION : NEED OF PROHIBITION

Prof. Dinesh Kolte
Assistant Professor,
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Introduction

Article 19 gives us six golden fundamental rights. Before the 44th Amendment Act, 1976 there were 7 fundamental rights available to citizens, but 44th amendment Act deleted clause(f) of Article 19 i.e. to acquire, hold and dispose of property. These rights are available to citizens of India only. The Article 19 guarantees six freedoms to an Indian citizen. It consists of two parts: the first part declares the six freedoms while the second part lays down the circumstances under which certain limitations on these freedoms may be justified. The Article 19 deals with those great and basic rights which are recognized and guaranteed as the natural rights inherent in the status of a citizen of a free country. These rights are not absolute rights. In fact, no right can be an absolute right. Neither the individual is allowed to enjoy his liberty unfettered, nor is the Government given a free charter to abrogate individual liberty. These rights are derogable to the extent specified in clauses 2 to 6 of Article 19. The power of the state to enact a law to restrict individual liberty might itself be put in jeopardy. When the Government by law restricts individual liberty, no doubt it results in the curtailment thereof. But, in the absence of such an action on the part of Government, individual liberty itself might come to an end by the actions of antisocial person. Hence, a reconciliation of the two is very necessary.[1]

Reasonable Restrictions:

The constitution thus enables the freedom to be restricted provided three conditions are fulfilled.

1) The restrictions are in relation laid down by a law. Mere executive order will not be adequate.
2) The restrictions are in the interest or in relation to one of the heads mentioned in clauses (2) to (6).
3) The restrictions are reasonable. The reasonableness of restrictions is a justiciable issue and the courts have authority to determine to whether a particular restriction is reasonable or not judicial review of protective discrimination must apply "Strict Scrutiny" test. The legislative interference should be justified in principle and the some should be proportionate in measure.[2]

It is difficult to give an exact definition of the word 'reasonable'. There is no definite test to adjudge reasonableness of a restriction. Each case is to be judged on its own merits, and no abstract standard, or general pattern of reasonableness is applicable uniformity to all cases. As the Supreme Court has observed in State of Maharashtra Vs P. Row[3] "It is important in this context to bear in mind that the test of reasonableness, wherever prescribed, should be applied to each individual statute impugned, and no abstract standard or general pattern, of reasonableness can be laid down as applicable to all cases." However, the courts have laid down a few broad propositions in this respect.

When the law contains 'substantive' restrictions with regard to the exercise of the right, as well as 'Procedural' provisions, the courts would consider the reasonableness of both.[4]

For adjudging the reasonableness of a restriction, the courts consider such factors as: the circumstances under which, and the manner in which, the imposition has been authorized. The nature of the right infringed, the underlying purpose of the restrictions imposed, the extent and the urgency of the evil sought to be remembered thereby, the disproportion of the imposition, the prevailing conditions at the time, all these considerations enter into the judicial verdict.[5]

Freedom of Speech: Articles 19(1)(a) and 19(2) :

Article 19(1)(a) guarantees to all citizens the right to "Freedom of Speech and Expression". The freedom of speech under Article 19(1)(a) includes right to express one's views and opinions at any issue through any medium, e.g. by words of mouth, writing, printing, picture, film and movie etc. It thus includes the freedom of communication and the right to propogate or publish opinion.[6]

Under Article 19(1)(a) it is not expressly mentioned about freedom of press, the word 'expression' includes freedom of press, whereas the American Constitution expressly mentioned in Amendment I of the U.S. Constitution, about "Freedom of Press".











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JUDICIAL APPROACH IN STANDARD OF CARE FOR MEDICAL NEGLIGENCE

- Dinesh B. Kolte*

Introduction

Every person who enters into a learned profession undertakes to bring to the exercise of it a reasonable degree of care and skill. A surgeon does not undertake that he will perform a cure; nor does he undertake to use the highest possible degree of skill, but he undertakes to bring a fair, reasonable and competent degree of skill; and in an action against him by a patient, the question is whether the injury complained of must be referred to the want of proper degree of skill and care in the defendant or not. In a suit for damages against a doctor the onus is upon the plaintiff to prove that the defendant was negligent and that his negligence caused the injury of which the plaintiff complained.[1]

Medical Negligence

Means, negligence resulting from the failure on the part of the doctor to act in accordance with medical standards in practice, which are being practised by an ordinarily and reasonable competent man practising the same profession.[2]

Deficiency in service by medical professionals implies failure on the part of the doctor of applying reasonable degree of skill, knowledge and care, while treating the patient.[3] The supreme court also held that doctrine of res ipsa loquiter is applied in certain cases.[4]

Standard of Care in English Law

The civil liability of medical men towards patients in UK as stated by Lord Hewart in one of the earliest cases R V/s Bateman is a follows :[5]

"If a person holds himself out as possessing special skill and knowledge and is consulted as possessing such skill and knowledge, by or on behalf of a patient, he owes a duty to the patient to use due caution in undertaking the treatment. If he accepts responsibility and undertakes the treatment and patient submits to his direction and treatment accordingly, he owes duty to the patient to use diligence, care, knowledge, skill and caution in administering the treatment. No contractual relation is necessary, nor is it necessary that the service be rendered for reward. The law requires a fair and reasonable standard of care and competence. This standard must be reached in all the matters above mentioned."

Bolam Test :[6]

The case which established the standard of care expected of experts is Bolam V/s Friern Hospital Management committee . The test for breach of duty in the case of experts was stated by Mc Nair J in his direction to the jury.

"A doctor is not guilty of negligence if he has acted in accordance with a practice accepted as proper by a responsible body of medical men skilled in that particular art.... putting it other way round a man is not negligent, if he is acting in accordance with such a practice, merely because there is body of opinion which takes a contrary views."

However experts are not expected to meet the highest possible standards, as Mc Nair explained."

"The test is the standard of the ordinary skilled man exercising and professing to have that special skill. A man need not possess the highest expert skill. It is well established law that it is sufficient if he exercises the ordinary skill of an ordinary competent man exercising that particular art."

The formulation of standard of care in the Bolam case became widely known as the ***'Bolam Test'*** or ***'Bolam defence'*** and was subsequently approved and adopted by House of Lords.

Modified Test

Some 40 years after the decision in Bolam case the test was modified in Bolitho V. City and Hackney Health Authority, in which the House of Lords accepted a revised test for the standard of care in medical negligence cases.

Lord President Clyde in Hunter V/s Honle :[7]

"The true test for establishing negligence in diagnosis or treatment on the part of a doctor is whether he has been proved to be guilty of such failure as no doctor of ordinary skill would be guilty of if acting with reasonable care."

A breach of any of these duties gives a right of action for negligence against him. The doctor must bring to his task a reasonable