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SHAHAJI LAW COLLEGE
KOLHAPUR

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SHAHAJI LAW COLLEGE

NAAC Cycle III

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Sr. No.	Title of paper Year 2022-2023
1	A Study on an ideal curriculum for foundational stage of NEP 2020
2	An analytical Study of Manodhairya : Prospect for Women Empowerment
3	Use of Artificial Intelligence in the Professional Field of Law in India
4	Sustainable Development: An Emerging Trend in Environmental Jurisprudence
5	Consumer Protection Act 2019 - A Boom in Changing Dynamics of World
6	A Study of Management of Cloud Computing
7	Patent- A Source of Economic Development
8	The General Classification of Civil Wrong "Tort" in India
9	Contribution of Judiciary in Right to Education
10	A Child Trafficking in India : Curse to Humanity
11	Role of NGO in combating Gender Inequality in India

12	The Impact of trends in Law education: Enhancing learning outcomes, Employability and Diversity
13	Legal complexities in the applicability of NEP 2020

Sr. No.	Title of paper 2021-2022
14	Community Services of Indian Courts : Some even and uneven practices
15	Impact of Covid-19 on Access to Justice
16	Challenges & opportunities in Reservation Policy for Women in India
17	Women Empowerment & Protection Policy in India – A Legal Perspective
18	A Study of Indian Legal System – A Bird Eye View
19	Contribution of Women Leadership in 21 st century
20	Challenges and Opportunities in Patent”
21	Constitutional Privileges to the citizens- An outstanding contribution by Dr Babasaheb Ambedkar to the democracy
22	Constitutional Protection to Environment
23	An Appraisal of Food (Rice) Fortification as Potent Weapon to Fight 'Hidden Hunger' : Opportunities and Challenges
24	Environment Protection and Preservation Policy in India-A Legal Perspective’
25	Migration and Human Rights in a Legal Perspective
26	Impact of Pandemic on Women Migrant workers and its Legal Issues

27	Gandhian Philosophy as the foundation of Ecologism : an Analysis
28	A Study of General Exceptions under Indian Penal Code, 1860
29	Health Care in India - The Legislative Measures
30	44th Constitutional Amendment, Right to Property and Right to Compensation.
31	Public Interest Litigation as an Effective Instrument to Provide Better Life and Greater Liberty : A Study with Special Reference to Judicial Review in India.
32	Child problems and Legislative Framework in India

Sr. No.	Title of paper 2020-2021
33	The dimension of Social Exclusion of Migrants in the European Contient-An analysis
34	Sustainable Development in the eyes of Environmental Jurisprudence

Sr. No.	Title of paper 2019-2020
35.	Suggestions towards improvement of Right to Information
36.	Mahitichya Adhikarachya Gairvaparavar Kendriya Mahiti Ayogachi Bhumika : Chikitsak abhyas
37.	Articulation of Welfare State in India : A Judicial Perspective
38.	Role of Judiciary in the development of the Right to Privacy in India
39.	Delayed Justice and Democratic Principles : An Uneven Balance

Sr. No.	Title of paper 2018-2019
40	Alternative Dispute Resolution : As a quick access to justice
41	Abrupt Attempt to Prohibit Police Torture : A Critical Analysis of the Torture Bill 2010 in the Light of 273rd Law Commission Report of India Report, 2017 - Pertinent Suggestions and Trajectory for Future Bill.
42	Impact of ICT on Teaching and Learning Legal Education in Digital Age
43	E-Banking : Opportunities and Challenges in the Cyber World
44	Women Judges : The Emerging Judicial Leadership
45	Higher E-Education in India : A Bird Eye View
46	Delayed Justice and Democratic Principles : An Uneven Balance
47	Women Empowerment
48	Sustaining Indian Judicial Transparency in ICT Age
49	An Articulation of Women Empowerment in India
50	Diverse Judicial Leadership : The Emerging Legal Landscape
51	Gandhian Philosophy of Nai Talim : A Scheme of Learning for Sustainable Development
52	Mahatma Gandhi : The Pioneer of Ecologism

53	The Problem of Rehabilitation and Social Re-Integration of Drug Addicts
54	Drug Abuse and Youths in India : A Socio-Legal Study
55	Education and Women empowerment A Study with reference to Legislative and Judicial Efforts
56	Demonetization: and its effects On Agriculture.
57	The information Technology Act, 2000 and Cyber offences affecting social, economic and cultural life of the mankind.
58	A critical study on 'rights of the dance bar girls with reference to Maharashtra restaurants and bar rooms and protection of dignity

CONTENT

Sr. No	Subject	Title	Title	Page No.
1.	Economics	CHALLENGES AND ISSUES IN NATIONAL EDUCATION POLICY 2020	Dr. Gavit Rajesh S.	1-4
2.	Sociology	National Education Policy: 2020 and Persons With Disability	Dr. Pratibha Desai	5-10
3.	Law	A Study on an Ideal Curriculum for Foundational Stage of NEP 2020	Dr. Savita R. Rasam	11-15
4.	Management	THEORETICAL FRAMEWORK FOR HOLISTIC DEVELOPMENT: NEP 2020	Dr. SUJATA DEEPAK JAGTAP	16-18
5.	Accountancy	FINANCIAL LITERACY IN INDIA: AN ANALYTICAL STUDY	Mrs. S. A. Sangrulkar, Prof. (Dr) N.L.Kadam	19-24
6.	Philosophy	Impact of National Education Policy on Legal Education: An overview	Dr. Suchita Suragihalli	25-28
7.	English	Implementation of new educational policy 2020 on higher education and its challenges	Mr. Maneshkumar Natthusing Chavhan	29-31
8.	Commerce	National Education Policy 2020 : Towards Holistic and Multidisciplinary Education	Dr. Megha Atul Dixit	32-33
9.	Commerce & Mgt	Importance of the Indian National Education Policy 2020: A Brief Review	Mr. Sachin S Detha	34-29
10.	Commerce	GROWTH OF SKODA COMPANIES	Dhananjay Shivaji Kamble	40-42
11.	Sociology	NEP 2020 and its Implementation: Issues and Challenges	Mr. Vishwanath Tukaram Taral	43-45
12.	Commerce	New Education Policy 2020: Effect and Challenges Ahead	Dr. Kedar V. Marulkar	46-49
13.	Commerce	New Education Policy: New Challenges Ahead	Dr. B. H. Mohite, Dr. M. A. Shinde	50-52
14.	Commerce & Mgt	Role of NEP In Boosting Online and Digital Education	Smt. Pooja S. Khopkar	53-55
15.	Library and Info science	Role of Teachers in National Education Policy – NEP	Prof. More Jayant Hansraj	56-58
16.	Library and Info science	National Education Policy and Library	Kirdant Vilas Gopinathrao	59-61
17.	Physical Education	SPORTS AND PHYSICAL EDUCATION IN NAAC AND NEP-2020	Rameshwari Kishor Gunjekar	62-65
18.	Home Science	Role of Teacher and Professionals in NEP -2020	Prof. Major Varsha P. sathé	66-69
19.	इतिहास	नवीन शिक्षण धोरण २०२०: वस्तुनिष्ठ कि स्वप्नरंजक	प्रा. डॉ. ओलेकर प्रमोदकुमार अंकुश	70-73
20.	शारीरिक शिक्षण	नवीन शैक्षणिक धोरण : क्रीडा व शारीरिक शिक्षण बाबतीतील तोटे	डॉ. सुनिल दत्तात्रय चव्हाण	74-75
21.	Education	राष्ट्रीय शैक्षणिक धोरण २०२० नुसार शालेय शिक्षणातील अपेक्षित बदल	डॉ. शशिकांत श्रीधर अनंदाते	76-78
22.	मराठी	नवीन शैक्षणिक धोरण एक अभ्यास	डॉ.सुजय बाबूराव पाटील	79-80
23.	हिंदी	राष्ट्रीय शिक्षा नीति 2020 इसका कार्यान्वयन : मद्दे और चुनौतियां	प्रा. डॉ. प्रविण विलास चौगले	81-83

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A Study on an Ideal Curriculum for Foundational Stage of NEP 2020

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Abstract:

Education is essential for intellectual and physical development of the human civilization. The responsibility of education generally lies on both the teacher & the learner. But in the case of early education, it is crucial for the learner to feel comfortable with the process of learning. International organizations such as UNESCO, European Convention of Human Rights as well as national frameworks such as the Constitution of India played an important role in the field of education and establishing the right to education. Figures such as Maria Montessori, Tarabai Modak, Gijubhai Badheka played a significant role in overall development of children through education. The National Education Policy, 2020 focused on internationalization of education. It also aims to ensure quality early childhood care & education for all children between the age of 3 to 6 yrs. This paper covers an ideal curriculum of a foundation course for children with the study of comparable successful curriculum patterns available across the globe.

Keywords:

education, Montessori, internationalization, foundation, curriculum.

Introduction:

National Education Policy (NEP) has been announced on 29 July, 2020 with the purpose of various reforms in overall education system. NEP aims to increase GER to 100% in preschool to secondary level by 2030. After completion of 3 years age, child can enter preschool. First 5 years after that covers the foundation course.

Preschool methods were introduced by Madam Montessori and they were further developed by Tarabai Modak in India. Montessori method for education of young children stresses the development of a child's own initiative & natural abilities through practical approach. Kindergarten provides the basics of language, literary thinking, cognitive skills, physical, social & emotional development. Let us take a look at a few legal provisions supporting early education.

International & National Measures:

- Article 26 of UDHR stated that everyone has the right to education.
- Article 14 of International Covenant on Economic, Social & Political Rights stresses that each member country should compulsorily establish a system of importing primary education to the masses free.
- Article 28 of Convention on Rights of Child speaks about giving various forms of education to all. Article 29 of the convention further explains that the education which is to be given to the children shall be directed to the development of child's personality, talents, physical & mental abilities.
- Article 10 Part III of Convention of All Forms of Discrimination against Women states that state parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.
- Article 1 of World Declaration on Education for all states that every person, child, youth & adult shall be able to benefit from educational opportunities designed to meet their basic learning needs.
- Article 15(4) of the Constitution authorizes the state to make special provision for advancement of the socially & educationally backward class of citizens.
- Article 45 of Directive Principles of State Policy stated, "The state shall endeavor to provide, within a period of ten years from the commencement of the constitution, for free & compulsory education for all children until they complete the age of 14 years".

Pedagogical Structure under NEP 2020 Policy:

First phase of 5 years covers foundational stage under NEP 2020

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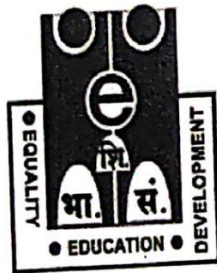
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12. New Education Policy (NEP): Physical Education and Sports Rudreshappa Basappa Shivpulji	073
13. Role of Financial Literacy in Rural Livelihood Dr Smt. S. S. Suryavanshi and Mrs. Vaishali Vasantrao Shinde	078
14. Changes in English Language Shubhangi Pralhad Kharat	084
15. Examining the Influence of Peer Pressure and Environmental Awareness on Sustainable Consumer Behavior: The Moderating Role of Price Premium Tejasvi Dagar and Subhash Chander Arora and Vinod Kumar Singh	090
16. Dropout Rate of Indian Women in Sports: A Concern Dr. Shrinivas Balasaheb Patil	103
17. To Knowledge of Nutritional Related Performs Mr. Amar Anil Tupe	107
18. The Impacts of Trends in Law Education: Enhancing Learning Outcomes, Employability, and Diversity Dr. M. C. Sheikh	111
19. Women Empowerment Through Financial Inclusion with Special Reference to House Maids Dr. Ms. Suvarna S. Suryawanshi and Mrs. Gita Sanjay Shete	117
20. Doping in Sports Mr. Ajay Mahadev Marathe and Dr. Suresh Vishvanath Waghmare	123
21. Youth and Attraction of Facebook: A Study of Sociological Orientation Dr. Susmita Bhattacharyya	127
22. Quality of Work Life: A Review of Scales P. A. Mane and B. S. Sawant	133
23. An Analytical Study of Manodhairya: Prospect for Women Empowerment Dr. Savita R. Rasam	142
24. Some Courses Created to Educated Unemployment in Kerala Harsha V. K. and Dr. Sheela M. C.	148

An Analytical Study of Manodhairya: Prospect for Women Empowerment

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Abstract:

Women empowerment mainly focuses on encouraging & enabling women to independent & self-reliant in all the aspects, United Nations played an important role bring a change in the society. There are numerals laws aimed at empowerment of wom in the areas of personal, criminal, social & economic matters. Government of India pass policy on women Empowerment in 2001 for the abasement, development empowerment of women. Judiciary played a vital role for compensation to victims. Th research paper focuses on the proper implementation of 'Manodairya' by DLS Kolhapur. Due to changing dynamics & society, sensitization has been created empower women in all spheres of society.

Keywords: Empowerment, compensation to victims, Manodairya, Sensitization.

Introduction:

Women's empowerment is basically a process of empowering women. TH concept empowerment of women flows or origins from power, Economic empoweriner allows women to control & benefit from resources, assets & income. It also aids the abilit to manage risk & improve women's wellbeing. It can result in approaches to support trivialized genders in a particular political & social context.

Maharashtra Government introduced Manodhairya Scheme on 02/10/201 which was observed by Dept. of Mahila Bal Kalyan with Notification No. 445 dated 22/02/2018 for effective implementation of Manodhairya scheme through District Board for Criminal Injuries Relief & Rehabilitation of DLSA. The research paper explains the journey of victim compensation & this implementation in Kolhapur District. According to Directions by Hon'ble Supreme Court & High Court in various cases it was decided to begin the proper implementation of the scheme through Legal Services Authorities.

Objective of the Study:

1. To study international & national measures of women empowerment.
2. To study the role of judiciary in victim compensation & rehabilitation.
3. To analyse the implementation of Manodhairya by DLSA, Kolhapur.

Research Methodology:

The methodology adopted for research is Doctrinal & non-doctrinal also, various conventions, enactments, schemes, case laws in the field of women empowerment taken


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Content.....

1. Analytical Study of Moonlighting Onkar Suryakant Waghmare and Dr. Sarang Shankar Bhola	011
2. Information & Technology Laws & Cyber Security in India: Challenges and Solutions Prashant Prabhakar Jarandikar and Sanjeev Kumar Ganpati Sable	018
3. The Role of Social Media Marketing in the Tourism Industry Soujanya Sachin Nagannawar	021
4. Evaluation of Performance of Mutual Fund Schemes: A Case Study of LIC Asset Management Company Dr. Mrs. Manisha Vikas Jagtap	025
5. Compensatory Justice for Rape Victims through the Manodhairya Scheme: Overview Dr. Pooja Prashant Narwadkar	033
6. Use of Artificial Intelligence in the professional Field of Law in India Dr. Savita R. Rasam	039
7. Study of Mental Health, Locus of Control and Hopelessness Dr. Vinayak Madhakar Honmore and Miss. Aliya Ismail Nadaf	045
8. A Study of the SWOT Analysis of Potential Tourist Destinations In Nandurbar District, Maharashtra Mr. Raju Zavrao Yashod	052
9. Financial Problems: A Study on Brick Making Industries Mr. Rohit Baban Basnaik and Dr. Anil G. Suryawanshi	061



Use of Artificial Intelligence in the professional Field of Law in India

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Abstract:

Artificial intelligence (AI) is a cutting-edge technology that is enhancing our lives and being used to increase the effectiveness of legal processes. Artificial intelligence-powered chatbots can aid customers and answer frequently asked inquiries, freeing up legal experts to focus on more challenging tasks. Additionally, administrative tasks like keeping track of calendars and scheduling appointments are being automated by AI. Given that lawyers spend a lot of time examining contracts, legal papers, and other legal material, document review is one of the key uses of AI in the legal sector.

An additional domain where artificial intelligence (AI) is used in the legal sector is legal research. Predictive analytics can help lawyers foresee future legal repercussions and assess risks, while legal chatbots can help clients access legal information and services. By empowering judges to make better-informed decisions more rapidly, artificial intelligence (AI) systems and Large Language Models (LLMs) like ChatGPT can improve the judicial system's accuracy and efficiency. But it is crucial to keep in mind that AI should be used to support rather than replace human judgment. It is also crucial to address potential bias in the AI algorithms being used and make sure that they have been thoroughly vetted and reviewed in order to prevent unfair or unjust outcomes.

It's crucial to ensure that AI algorithms are accurate, current, and utilized in fair and appropriate ways. AI has the potential to improve the efficiency and precision of the legal system while preserving its impartiality.

Keywords: Artificial Intelligence, Computer, Legal, Justice, Judiciary, Technology

Introduction

John McCarthy, an American computer scientist was one of the founders of the field of artificial intelligence. Artificial intelligence generally is referred to as "the development of computer systems capable of performing activities ordinarily associated with human intelligence, such as visual perception, speech recognition, decision-making, and language translation". The development of autonomous, intelligent systems is a hot topic in this wide field. It can be characterized as an intelligent machine that is able to learn human behaviors as well as think, interpret, and act on its own.

AI technology is already improving our lives and is involved in daily problems like scheduling appointments and offering articles and news that we might find interesting. Its effects are likely to soon extend to entire database businesses. Artificial

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37. Study of Zooplankton Abundance and Diversity in Khadakwasla Dam at Pune, Maharashtra 302
Sabelakowsar N. G, Dr. R. S. Chati
38. Utilization of Plastic Waste: A Literature Review 309
Deepak Sundrani, Utpal Saikhedkar
39. Using Geospatial Technology for Strategy of Control Wainganga River Floods in Maharashtra 315
Ravindra S. Bhagat
40. Sustainable Development Goals in SAARC Countries: Environmental Issues and Challenges 324
Rohini R.
41. Role of "Kisan Drone" In Developing Agricultural Production as a Tool of Drone Delivery Services (Dds) 332
Ajit Kumar Das, Prof (Dr.) Bhagwan Singh
42. Sustainable Development: An Emerging trend in Environmental Jurisprudence 342
Dr. Savita R. Rasam
43. India's Water Management Polices for Sustainable Development 345
Dr. Jayshree R. Dighe
44. Right to Clean Environment 354
V. V. Jawale
45. Exploring Colonialism and the Unconscious Fantasy of Black Woman in Fanon's Works 359
Dr. Birappa Belle
46. Socioeconomic Importance of Organic Farming: A Review 363
S. P. Gudadhe, S. R. Bansod

Sustainable Development: An Emerging trend in Environmental Jurisprudence

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Abstract:

Sustainable Development means development that achieves the things that you must have for the present generation without compromising the development of future generation. This concept became popular since it was explained in the reports of World Commission on Environment and Development (WCED). This paper emphasizes upon the national and international concern relating to Sustainable Development. Various legislative provisions made in India for the protection of Environment. Judiciary also plays an important role to protect and preserve environment. Sustainable Development was discussed in various cases by Apex Court. This paper focuses on the contribution of court for sustainable development. Human, Social, Economic & Environmental Sustainability are the four pillars of Sustainable Development and it is the duty of every citizen to protect and improve the human environment and prevent of hazards to human being and living organisms.

Keywords: Sustainable Development, National and International Concern, WCED, Environment, Judiciary

Introduction:

Sustainable Development denotes the way in which development planning should be designed. United Nations Conference on Human Environment, 1972 recognized the concept of Sustainable Development to improve quality of human life, checking pollution levels, examining consumption of natural resources and making arrangements for next generations. Indian Constitution through various articles made provisions for Natural Environment. Judiciary also guided for environmental awareness and education. Precautionary principle and polluter pay principle are the part of Sustainable Development.

Research Methodology:

The methodology adopted for the research is Doctrinal. International, national concern & case laws relating to sustainable Development taken from the primary sources.

International Concern:

United Nations has adopted several conventions, resolutions and also guided member nations to take appropriate steps for protecting and maintaining environmental standard. During 'Earth Summit' the concept Sustainable Development came into existence. It was further strengthened in the 'World Conservation Strategy' in 1980. In 1992, United

INDEX

5

Sr. No.	Title of the Paper	Author's Name	Page No.
1.	Open Access Repository of Publications - Dalib Overview	Dr. R. N. Sridhara, Mr. H. Ambaresh	05
2.	Mechanical and Thermal Properties of Polypropylene Composites - A Review	P. Beena, R. K. Raju	12
3.	Understanding the People of Konkan - Who are Conserving Nature	Mr. Samedh Gulde	23
4.	An over view. Divyang Employee's Amenities of Indian Railway.	Hemrao Raparathi	31
5.	The Scope of Digital Libraries in India	Prof. Kishor Waghmare	42
6.	Need of Agricultural Marketing Reforms in India	Dr. Sangappa Mamanshetty	47
7.	Drudgery Reducing Technology for Rural Farm Women	Yogeshwari Pawar	54
8.	Issues and Challenges of Librarians in The Implementation Of National Education Policy	Mr. P. Punithnaik, Dr. Rajunai	60
9.	Right to Motherhood in India and Judicial Approach	Dr. Suresh Santani	65
10.	Fungal Spore Content of the Atmosphere of the Cave of Bhaja Caves, Lonavala, Maharashtra	Dr. Satnam Singh Sohail	72
11.	Consumer Protection Act 2019 - A Boon in Changing Dynamics of World	Dr. Savita Rasam	80
12.	Importance of Social Media in Library Services: A Study	Maheshkumar Solanki, Dr. Shailesh Patel	91
13.	Child Abuse: A Heart Broking Reality in the Present Society	Fr. Baiju Thomas	98
14.	A Study on the Perception of Students about Entrepreneurship Skill Development	Dr. Usha Bhandare	107
15.	Library and Information Science Knowledge Centers' Reference Services and Knowledge Creation Facilities in Higher Education System in India	Dr. Vaishali Choudhari	118
16.	India's Agricultural Policies and Difficulties	Dr. V. Kalaiselvi	123
17.	Impact of Slugs on Women Empowerment in Coimbatore District	Dr. V. Kalaiselvi	133
18.	The Question of Being Edible: A Study of Margaret Atwood's Edible Woman	Kanchan Sharma, Dr. Ambika Sharma	144
19.	Role of Information Technology in Banking	Nikita Ghodvinde	152
20.	Importance of Library in Higher Education in 21st Century : Issues and Challenges in India	Hasannmiya S	156
21.	Challenges of Future Library Practices and Services in the Age of Artificial Intelligence	Dr. Varsha Junnare	163
22.	Physicochemical Properties of Soil in Western Region of Maharashtra in Shirala Taluka	A. B. Patil, S. M. Patil, A. D. Patil, G. S. Khansole	168
23.	Importance of Knowledge Management and Services for Modern Libraries	Prof. Manisha Gaikwad	176



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A Study Of Management Of Cloud Computing

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Abstract:

Cloud computing is a new paradigm for hosting and delivering services over the Internet, and it makes use of the standard protocols that are already in place. There are many benefits to using service-oriented architecture, including ubiquitous and convenient computing, greater flexibility, on-demand services, a lower total cost of ownership, a lower information technology overhead for the end-user, and many other benefits. Using a configurable pool of resources that are rapidly provisioned and released dynamically, provides access to massive amounts of computing power in a fully virtualized environment. It also provides the capability of utilizing scalable, distributed computing environments within the confines of the Internet while maintaining a single coherent system view with minimal management effort.

In the information technology industry, cloud computing is constantly gaining popularity. and as a result, a growing number of issues and challenges are being identified that must be addressed in order for this paradigm to be successful. It provides an overview of cloud computing as well as a comparison of cloud computing and grids, which is presented in this paper. A mathematical comprehension of a number of concerns among these questions is also proposed.

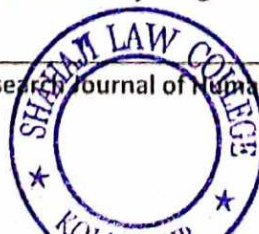
Cloud administration is the process by which administrators govern and orchestrate all of the products and services that function in the cloud, including users and access control, data, apps, and services. It's about giving administrators access to the resources they need, automating the procedures they want to, and making adjustments as needed, all while monitoring consumption and cost. It's also how administrators maintain flexibility and scalability while adapting swiftly when things change.

Keywords: Business, Cloud, Computing, Data, Management, Services.

Introduction:

Cloud Computing means the systematic oversight, control, administration, and maintenance of public cloud computing infrastructure, private cloud computing infrastructure, or more typically, hybrid (public and private) multi-cloud computing infrastructure services, and resources that are

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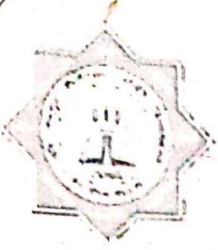
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Research

7

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22-23




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14	CONTINUOUS ACCEPTANCE SAMPLING PLANS FOR CUSUM SCHEMES THROUGH TRUNCATED GENERALIZED RAYLEIGH DISTRIBUTION	N.Annapurna P. Mohammed Akhtar G.Venkatesulu P.Adisekhara Reddy S.Dhanunjaya	201-209
15	STUDY ON VARIOUS FACTORS INFLUENCING FINANCIAL RESILIENCE DURING PANDEMIC PERIOD	Roshini Udhwani Dr. Anand G Jumle	210-217
16	PATENT - A SOURCE FOR ECONOMIC DEVELOPMENT	Dr. Savita R. Rasam	218-221
17	INNOVATIVE LIBRARY SERVICES DURING COVID 19 PANDEMIC	Mrs. Sheetal Sawant	222-225


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PATENT - A SOURCE FOR ECONOMIC DEVELOPMENT

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"An inventor is a man who looks around upon the world, and is not content with things as they are; he wants to improve whatever he sees; he wants to benefit the world; he is haunted by an idea; the spirit of invention possesses him, seeing materialization." -Alexander Graham Bell

Abstract

Economic development is the creation of wealth from which community benefits are realized. Basically the development of a country can be determined by its per capita income. In the developed countries, per capita income has been on continuous increases because the growth rate of national income is greater than the growth rate of the population. Patent plays a key role in the economy of the nation. Inventions is the subject matter of patent. This research paper focuses on International and National Instruments for the protection of inventions. This paper also explains how patent have an indirect impact on the growth of the nation. Patent helps in starting of new business and develop the nation economically.

Keywords: Economic Development, Patent, International & National Instruments, growth of nation.

Introduction

It is the inherent quality of human being to innovate, improve and invent new processes, products for the welfare and development of oneself. This quality is mainly aimed to avail the benefits out of such invention and making the life simpler and more developed. It is this quality of human that we have advance from stone age to medieval age and to today's era of being developed nations and further improving and sustaining the human race. Thus such innovation and invention of various processes and products came to be recognized as patent and the one creating them was given certain rights so as to protect his invention and encourage people at large to create more and more inventions.

In earlier ages, patent was not given much of importance as there was no awareness among people and the concept of Intellectual Property Rights and Law thereto was not in existence. However, due to dynamic nature of society, globalization, industrialization and new developments in society, the people also started facing certain problems while inventing new processes and products and even after inventing them. There have been serious economic and social challenges. There have been situations such as economic crises of 2008 which led to unemployment, reduced growth and soaring of huge debts. It is in such time that the innovation of new product and/or processes helps in boosting economic growth and productivity. Innovation has far reaching effects and is not just confined to research and development. Innovation and thereby patenting such innovation can aid to accelerate economic recovery and also provide for sustainable and greener environment.

Innovation is one of the sources which allow the country to discover different opportunities that exist or could emerge and be derived in time to improve the efficacy and efficiency of

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The general classification of civil wrong “Tort” in India

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Abstract

A tort is a civil wrong that results when one person violates the legal rights of another. It can be done on purpose, as in the case of the battery, or accidentally by acting negligently or by mistake, without intending to conduct such an act. In some torts, the idea of the mental element may or may not be significant since, in order to make that determination, we must first understand the type of tort the person committed. A collection of "excuses" that you can use to avoid responsibility are known as general defenses. In tort cases, the goal of redress is to put the party who was wronged back in the same situation as before the tort occurred.

Both judicial and extrajudicial remedies are options. The remedies are known as judicial remedies when a party must follow the requirements of the law in order to obtain relief, and when the courts are engaged. The remedies for civil wrongs are governed by tort law. Whether it was done on purpose or by mistake, someone is responsible for the wrongdoing. By paying for damages, the damaged or harmed party is made whole.

Keywords: civil, damage, judicial, law, legal, remedy, tort

Introduction

You are going down the street one second, and the next you are falling into the pit that the Municipal Corporation has left open. You swiftly stand up to hide your shame without turning to look around. What can you do, though? This occasionally occurs, especially in a nation like India. Can anyone be held accountable for this? I should take extra care the next time because I got hurt. Is it not? No, the Municipality was accountable for this circumstance. They failed to perform their duties with care. The tort law covers all of this and many more.

It differs from a violation of trust or a contract. When one party's action harms the other party as a result of another party's negligence or carelessness, this is referred to be a tort. The "plaintiff" is the party suing, and the "defendant" is the party being sued. The individual who causes this harm must be held accountable and must compensate the affected party (plaintiff), who may get financial compensation. Damages are the funds obtained in the form of compensation. A duty breach toward the plaintiff must have occurred in order for the plaintiff to be able to make a claim for damages.

Even if the harm was unintentionally inflicted due to carelessness or negligence, the other party may still be held liable. Tort law enables victims to hold the offender responsible for their injuries.

Any instance of harmful behaviour, such as physical assault on one's person or interference with one's possessions, or with the use and enjoyment of one's land, economic interests (under certain conditions), honor, reputation, or privacy, is referred to as a tort in common law, civil law, and the vast majority of legal systems that derive from them. The word "tortum" means "anything twisted, wrong, or crooked" in Latin. Only those civil wrongs that are not related to contracts are included in this concept.

Origin of Tort Law

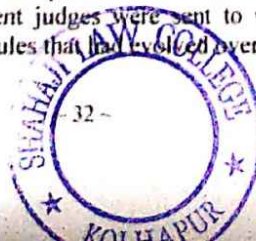
The legal system in England prior to 1066, when William the Conqueror of the Norman conquest of England, conquered it, was a bit disjointed and operated more or less on a case-by-case basis. Eminent judges were sent to visit a certain region after 1066 in order to integrate the village rules that had evolved over a two-century period.

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9

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Sr. No.	Name of the Author	Title of Paper	Page No.
1.	Prof. Dr. A. G. Suryawanshi Mr. Rohit Baban Basnaik	Study on Financial Problems of Bricks Industries	1
2.	Ms Aarti A Chaturvedi Dr.N.V. Shaha	A Study on Use of Smart Phones For Academic Purpose by Undergraduate Students.	6
3.	Dr. B. D. Girigosavi	Skill Component in Business Education: An Overview	14
4.	Dr. P. N. Devali Dr. A. M. Gurav	Cluster Approach: i4 Generation	18
5.	Dr. Savita R. Rasam	Contribution of Judiciary in Right to Education	26
6.	Dr. Revati L. Deshpande Dr. Giri Yogeshwari L.	Management Education in India: Issues, Challenges and Future	29
7.	Dr. M. A. Koli	Rural Entrepreneurs: Problems and Remedies	38
8.	Mrs. Mulik Shobha Gunaji	Employability of Business Education in India	41
9.	Dr. A.G.Suryawanshi	Vocationalisation of Commerce Education : Challenges and Ways	46
10.	Dr.Amit Hemant Mishal	Effective content delivery –Heart of the Teaching Learning Process	50
11.	Dr.Udaykumar R.Shinde	National Education Policy-2020 and Vocational Education: Scope and Challenges ahead.	53
12.	Dr. Kishor Lipare Dr. Santosh Dashrath Borate	SWOT Analysis of Management Education in India	58
13.	Mrs. Sunayana Jotiram Jadhav	Management Education In India: Challenges And Future	63
14.	Dr. Sagar S. Sutar	Financial Performance of Asian Testing Instruments, Yadrav	69
15.	Prof. Anirudha P. Kamble Dr. Rupesh G. Sawant	National Education Policy 2020: A Concern for Higher Education and Management Education	74
16.	Dr. Mangesh Subhash Phutane	Execution of NEP-2020	82

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Contribution of Judiciary in Right to Education

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"By education I mean an all round drawing out of the best in child & manbody, mind & spirit".

- Mahatma Gandhi

Abstract :

Education is an essential human value which is very essential for the existence of good human civilization. The responsibility for educator rests on both the Union & State. The international instruments such as UNESCO, International Covenant on Economic, Social & Political Rights, European Convention on Human Rights etc. played an important role in education field. Various Commissions on Education in India recommended streams & applications in every type of educational system. The judiciary also played a vital role to protect Right to Education. In this paper, researcher focused on various judgments by which the Journey of Right to education travelled from Directive Principle of State Policy to Fundamental Right. Indian Constitution has provided a fundamental right of 'Right to Education' in Article 21(A) in the 86th amendment Act 2002.

Keywords : Education, International instruments, Indian Constitution, Judgments.

Introduction :

Education is the very basic thing which separates a man from the animal existence in the world. K.K. Bhatia rightly stated that, "Education fashions & models man for society. Man cannot to conceived merely in terms of his biological existence. Education brings into focus the social aspect of man. Education signifies mans supreme position in society". Education & national development are closely related to one another. One of the major factor which education gives is civil & social values. The role of various commissions such as Dr.Radha Krishnan Commissions in 1949 which proposed for degree & masters degree course, Dr. Mudaliar Commission in 1953, Kothari Commission 1966, Ramamurty Committee on National Policy on Education 1986, Tapas Majumdar Committee 2012 etc. played an important role in the field of education. The constitution of India made various provisions relating to education. It is the responsibility of every one for better education in India.

International Concern :

The concepts of universal freedom & the principle of "live & let live" should be inculcated in the minds of young generation through the path of education.

There are recommendations given by the UNESCO concerning education for international understanding. In order to develop international understanding UNESCO recommends, its members state to carry out a plan of action.

Article 26 of Universal Declaration of Human Rights stated that everyone has the right to education. Education shall be free, at least in the elementary & fundamental stages & it shall be compulsory.

Technical & professional education shall be made generally available & higher education shall be equally accessible to all on the basis of merit.ⁱⁱ

Article 14 of International Covenant on Economic, Social & Political rights stresses that each member country should compulsory establish a system of importing primary education to the masses free.

Article 28 of Convention on Rights of Child speaks about giving various forms of education to all.

Article 29 of the Convention further explains that the education which is to be given to the children shall be directed to the development of child's personality, talents & physical & mental abilities.

Article 10 part III of convention of All Forms of Discrimination against Womenⁱⁱⁱ states that state parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.

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87.	गृहशास्त्र	बदलत्या जीवनशैलीमुळे मानवी आरोग्यावर होणारा परिणाम	डॉ गंगासागर तुळशीदास चोले	343-345
88.	हिंदी	1991 की नई आर्थिक नीती और वैश्विकरण	शितल संभाजी डवरी	346-348
89.	राज्यशास्त्र	भारत चीन संबंधाच्या अनुषंगाने आशिया खंडातील सत्ता स्पर्धा	डॉ विजय जालिंदर देठे	349-351
90.	अर्थशास्त्र	भारतातील वस्तू आणि सेवा कर संकलन आणि विश्लेषण एक अभ्यास	डॉ काशिनाथ रामचंद्र तनंगे	352-359
91.	Political Science	The Role of Opposition Party in Democracy	Dr. Diwakar. C	360-362
92.	Political Science	National Security: A Strategy for New Century	Dr. R. D. Mandanikar	363-366
93.	मराठी	जागतिकीकरण आणि मराठी कादंबरी	डॉ शर्मिला बाळासाहेब घाटगे	367-369
94.	राज्यशास्त्र	रशिया - युक्रेन युद्धाचे जागतिक परिणाम	डॉ अण्णासाहेब गणपती हरदोरे	370-372
95.	राज्यशास्त्र	रशिया-युक्रेन युद्ध जागतिक राजकारण आणि अर्थकारणावर झालेले परिणाम	डॉ खंडेराव ज्ञानदेव खळदकर	373-378
96.	राज्यशास्त्र	स्त्रीवाद आणि सांस्कृतिक प्रतिके	डॉ. श्रद्धा विनोद कोठावळे	379-382
97.	राज्यशास्त्र	महात्मा गांधीजी यांचे सत्याग्रह विषयक तत्वज्ञान	डॉ एच एस कुचेकर	383-386
98.	Political Science	Ideas of Social Justice of Chhatrapati Shahu Maharaj: Its Relevance in Open Economy	Mr. Dharmvir Shahu Kshirsagar	387-389
99.	राज्यशास्त्र	भारत सरकारच्या स्त्रियांसाठी योजना	सुषमा तानाजी कुंभार	390-394
100.	मराठी	जागतिकीकरण आणि मराठी ग्रामीण कादंबरी	प्रा. क्रांती सुधीर शिवणे	393-395
101.	Commerce	A Discriptive Study of Indian Capital Market	Dr. Shivdatt A. Vibhute	396-398
102.	मराठी	मूल्यहिन व्यवस्थेच्या विरोधात मूल्य जोपासणार्यांचा संघर्ष म्हणजे : तहान	संदीप भुजग शेकडे	399-401
103.	Law	A Child Trafficking in India : Curse To Humanity	Dr. Swati Prithviraj Gavade	402-404
104.	हिंदी	निराला के काव्य में चित्रित भारतीयता के बिंब	प्रा. लक्ष्मण किसनराव पेटकुले	405-408
105.	English	Changing Multitudes in Societal and Intra-Societal Alchemy in Shakespeare's King Lea	Arvind Manikrao Tatte	409-412


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A CHILD TRAFFICKING IN INDIA : CURSE TO HUMANITY

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ABSTRACT

A child trafficking is the biggest severe offence existed in India. The children's are exploited for the purpose of slavery, prostitution, begging. As it is not possible to state exact number of children being trafficked as many cases were not reported. This social has caused so much havoc to lives of many children. The present paper is related to child trafficking and its impact on child life. The object of this research paper is to explore causes and problem of children trafficking in India. The research paper is based on secondary data collected from books, articles, journals. This research focus is to deal with problems of child trafficking in Indian society. Further the research would provide suggestions that are practical and possibly applicable.

Keywords: Human trafficking, Child trafficking, Child prostitution, Child labour

I. Introduction

Human trafficking specifically child trafficking is a matter of global concern at present time. It causes overall exploitation of life of child forever. When child becomes a victim of trafficking, it stigmatizes his whole life and ultimately excluded from social life. The rate of child trafficking in India has been increased in recent years. As per recent statistics 1.2 million children are trafficked globally each year and India is the main source for supply of children. In spite of various international efforts like universal declaration of human rights, international covenant on economic, social, cultural rights, international labour organization conventions on forced labour, it failed to combat child trafficking. As per the report of united nation, human trafficking is done, mostly for sexual exploitation. The main reason behind trafficking are political instability, economic conditions, and gender inequality. Further illiteracy, unemployment, and children without their parents are additional reason for the child trafficking.

II. Objectives of the study.

The researcher after recognizing the problem of child, trafficking and going through literature review designed the following objectives.

1. To identify the causes of child trafficking in India.
2. To study impact of trafficking on child life.
3. To provide possible solution to stop child trafficking in India.

III. Methodology of the study.

The study is a doctrinal in nature. For this study The researcher has used secondary sources only. It includes books, articles, newspaper and web sources.

IV. Causes of child trafficking.

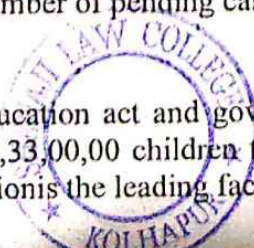
There are many factors which contributed for the child trafficking. The researcher focus on some of them as follows.

1. Political Instability

The unwillingness among political parties to make anti-child trafficking legislation is the main cause of child trafficking. The absence of legislation boosts the confidence of traffickers. In addition to that the number of pending cases relating to the child trafficking are more in courts.

2. Illiteracy

In spite of passing the right to education act and government efforts the enrolment of children in school is less. Around 8,33,00,00 children trapped in child labour only for a small sum of money. Lack of education is the leading factor for child trafficking.



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CONTENT

Sr. Articles No.	Author	Page No.
1	Cyber Crimes and its Protective Measures in India Dr. Vijeta S. Singh	1 - 14
2	Need of a Cashless Economy- An Effective key in Prospective Nation Dr. Manisha Shinde	15 - 26
3	History and the Status of Indian Women in Medieval Times Mrs. Anita Suresh Rao Bagal Dr. Pratibha G. Chavan	27 - 35
4	Role of NGO in Combating gender inequality in a India Ms. Swati Prithviraj Gavade	36 - 42
5	Political Defections in India: Betraying The Mandate of People And The Role of Anti Defection Law Manish Sukhdeo Sonawane	43 - 51
6	Effectiveness of Social Media on E-commerce Piyush Mahajan	52 - 60
7	Sexual Offences against Women: Gross Violation of Human Rights Bhagyashri Dhumale	61 - 76
8	To what extent is Talaq e Biddat an Islamic practice? Ameena Halima	77 - 84
9	Juvenile Right as a Human Rights: An Appraisal Rahul Sahebrao Deshmukh	85 - 90


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Role of NGO in Combating Gender Inequality in India

Ms. Swati Prithviraj Gavade*

Abstract :

“Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty. Promoting sustainable development and building good governance”

- Kofi Annan

The Indian society though improves, still continues to support gender inequality either intently or without reasonable thought process. Women are subject to gender injustice in India. It has caused havoc to lives of many women. Gender inequality refers to inequality between men and women in political, economical and social sphere. The object of present paper is to explore causes and impact of gender inequality in India. Also the role played by NGO's in combating gender inequality. Further the researcher has provided suggestions that are practical possibly applicable to reduce gender inequality in India.

Keywords : Gender inequality, gender disparity, gender injustice, NGO.

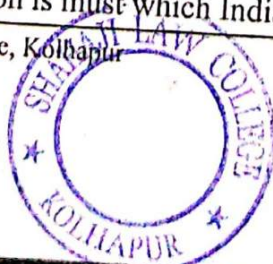
I) Introduction :

Gender inequality which specifically affect the women is a matter of global concern at present time. India is not exception to it. This pathetic problem causes overall exploitation to life of women forever. World economic forum states that in 2019 India is at 112th position in Gender Gap index in educational area, at 150th position in health and 149th in economic position. So it is clear from the statistics that gender inequality is serious issue in India. Women occupies 48.5 percent population of the total population in India¹. But discriminatory treatment is given to them in health, education and political sphere. For the overall development of country, girls and women participation is must which India is lacking at.

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12. New Education Policy (NEP): Physical Education and Sports Rudreshappa Basappa Shivpulji	.073
13. Role of Financial Literacy in Rural Livelihood Dr Smt. S. S. Suryavanshi and Mrs. Vaishali Vasantrao Shinde	078
14. Changes in English Language Shubhangi Pralhad Kharat	084
15. Examining the Influence of Peer Pressure and Environmental Awareness on Sustainable Consumer Behavior: The Moderating Role of Price Premium Tejasvi Dagar and Subhash Chander Arora and Vinod Kumar Singh	090
16. Dropout Rate of Indian Women in Sports: A Concern Dr. Shrinivas Balasaheb Patil	103
17. To Knowledge of Nutritional Related Performs Mr. Amar Anil Tupe	107
18. The Impacts of Trends in Law Education: Enhancing Learning Outcomes, Employability, and Diversity Dr. M. C. Sheikh	111
19. Women Empowerment Through Financial Inclusion with Special Reference to House Maids Dr. Ms. Suvama S. Suryawanshi and Mrs. Gita Sanjay Shete	117
20. Doping in Sports Mr. Ajay Mahadev Marathe and Dr. Suresh Vishvanath Waghmare	123
21. Youth and Attraction of Facebook: A Study of Sociological Orientation Dr. Susmita Bhattacharyya	127
22. Quality of Work Life: A Review of Scales P. A. Mane and B. S. Sawant	133
23. An Analytical Study of Manodhairya: Prospect for Women Empowerment Dr. Savita R. Rasam	142
24. Some Courses Created to Educated Unemployment in Kerala Harsha V. K. and Dr. Sheela M. C.	148

The Impacts of Trends in Law Education: Enhancing Learning Outcomes, Employability, and Diversity

Dr. M. C. Sheikh
Professor in Law
Shahaji Law College, Kolhapur

"The dynamics and dimensions of legal education have undergone a sea change as he never got to listen to jurists of his time in 1983"

-M. Sundar, Judge, Madras High Court, at an event in Chennai on Friday-
M. Sundar, Judge, Madras High Court
(The HINDU, April 28, 2023, 10:33 pm | Updated 10:33 pm IST - CHENNAI)

Introduction:

Law education has undergone significant changes in recent years, driven by various trends that reflect the changing needs and demands of the legal profession. From traditional classroom-based instruction to clinical legal education, online and hybrid programs, interdisciplinary and experiential learning, and the integration of technology and diversity initiatives, law schools are adapting to the evolving landscape of legal practice. This paper examines the impacts of these trends on law education, specifically in terms of their potential to enhance student learning outcomes, improve graduates' employability and readiness for legal practice, address the changing needs and demands of the legal profession, and promote diversity and equity in the legal field.

Historical Trends in Law Education

The history of the legal profession in India can be traced back to the establishment of the First British Court in Bombay in 1672 by Governor Aungier. The admission of attorneys was placed in the hands of the Governor-in-Council and not with the Court. Before the establishment of the Mayor's Courts in 1726 in Madras and Calcutta, there were no legal practitioners

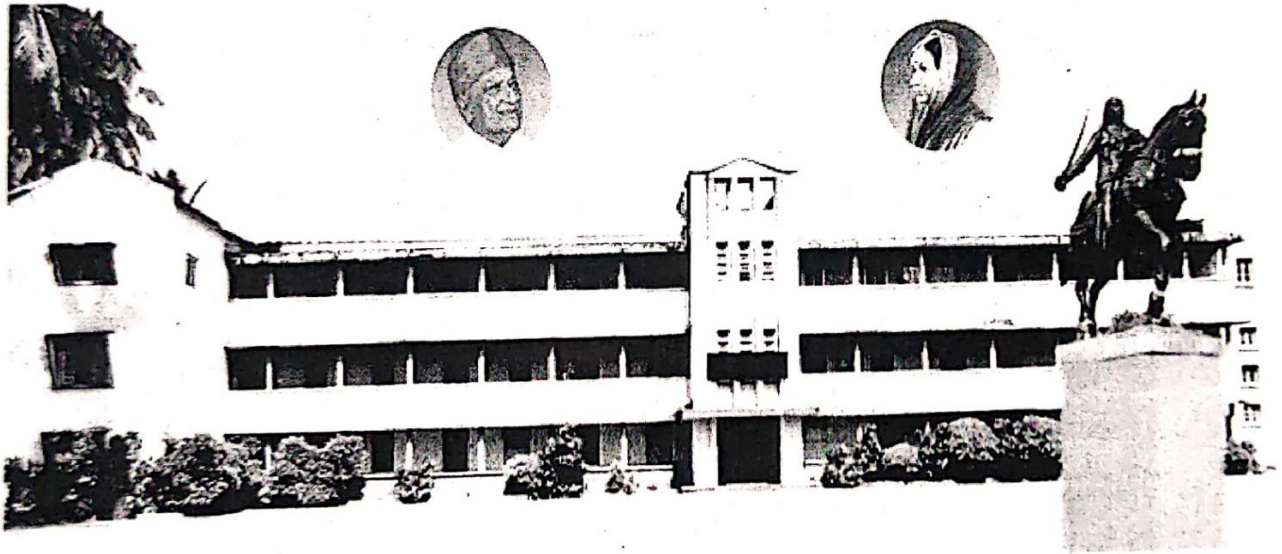
(Official website of Bar Council of India, visited on 22/12/2022 at 9.00 pm)

Traditional law schools have long relied on a doctrinal approach to legal education, emphasizing the study of legal principles and theories. However, the emergence of clinical legal education in the 1960s and 1970s challenged this approach by integrating practical skills training into the curriculum. In recent years, law schools have expanded their offerings to include online and hybrid programs, which provide greater accessibility and flexibility for students. Additionally, interdisciplinary, and experiential learning has gained popularity, encouraging students to apply their legal knowledge to real-world situations.

The Indian Bar Councils Act, of 1926 was passed to unify the various grades of legal practice and to provide self-government to the Bars attached to various Courts. The Act required that each High Court must constitute a Bar Council made up of the Advocate

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CONTENT

Sr. No.	Subject	Title	Author	Pg. No.
1.	Law	Legal Complexities in The Applicability of NEP 2020	Dr. Asmita Prajakt Patil	1-3
2.	Physical Education	Sports and Physical Education in NAAC and NEP-2020	Rameshwari Kishor Gunjekar	4-7
3.	Commerce	Issues and Challenges in National Education Policy 2020	Mr. Abhijeet Kamble	8-11
4.	Commerce	Issues and Challenges in the Implementation of National Education Policy (NEP) - 2020	Dr. A. A. Kulkarni	12-14
5.	Commerce	A Study on Effects of New National Education Policy on Traditional Education Policy: A Critical Study	Dr. Mukund N. Haladkar	15-18
6.	Political Science	Salient features of NEP 2020	Dr Shreenivas H Koppal	19-21
7.	Economics	National Education Policy 2020 : Challenges for the implementation	Prof. Dr. Tejaswini B. Mudekar	22-24
8.	Commerce	Credit Based Marking Strategy in NEP 2020	Dr Mrs. Chougule H. A	25-28
9.	Commerce	New Education Policy New Challenges Ahead	Dr. Walvekar Sagar B. Dr. Khot Pratap N.	29-31
10.	Science	National Education Policy (NEP)	श्रीमाती सबा समीर शिरगुप्पी	32-34
11.	Economics	The fundamental principles and Salient Features of NEP2020	Dr.Susmita S. Durgule	35-37
12.	Economics	Challenges And Issues In National Education Policy 2020	Dr.Gavit Rajesh S.	38-41
13.	Commerce	Changing Role of Commerce Teachers in the reference to NEP 2020	Prof. Dr. Varsha Maindargi	42-45
14.	Law	National Education Policy 2020: A Vision to Transform Education System in India	Smt. Deepti Madan Patil	46-50
15.	Library	Role of Teachers in National Education Policy - NEP	Prof. More Jayant Hansraj	51-53
16.	Education	नवीन शैक्षणिक धोरण २०२० मधील शिक्षक प्रशिक्षण आणि शिक्षकांच्या बदलत्या भूमिकांचा अभ्यास	डॉ. अंकुश रामचंद्र बनसोडे	54-56
17.	Library & Info Science	Libraries and New Education Policy 2020	Smt Urmila Rajendra Kadam	57-60
18.	Library & Information Science	राष्ट्रीय शैक्षणिक धोरण 2020, उच्च शिक्षण आणि ग्रंथालये	डॉ पांडुरंग बाळकृष्ण पाटील	61-68

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Legal Complexities in The Applicability of NEP 2020

Dr. Asmita Prajakt Patil, Assistant Professor, Shahaji law college, Kolhapur

Abstract:

Education is very important in today's world. A person may be able to adjust in the society only if he is well educated. Education gives a sense of awareness as well as knowledge to a person which then helps him to live a better life. There are various policies which provide direction as to how there should be education given to masses. The policies need to be amended every now and then owing to the changing nature of the society. The provisions of some of the policies may coincide with each other leading to complexities in the applicability of the policies. The following paper is a doctrinal study of the challenges faced by NEP 2020 in reference to the Right of Children to Free and Compulsory Education act 2009, which is a statute created for implementation of the right of education.

General:

Education is rightly said to be an element of human evolution as it not only makes literate but also induces an ability to understand and communicate. It also broadens one's horizon to understand and gain better perspectives. Education now a days needs to be designed a manner so as it will determine the true potential of a human being. Education should develop critical skills like decision making, problem solving and logical thinking thereby improving the mental ability of a person. An educated person can always access ample opportunities and enhance his skills. A benefit of having strong educational background is that a person is financially stable. In a broader perspective we can say that because of education, people learn about culture, history and science and they can view their problems in a much informed perspective which further changes them into more responsible members of the society. Education also helps us to create equal opportunities. People from different genders, religions, castes, races and cultures have multiple possibilities laid down in front of them because of education.

To make education universally accessible from primary to secondary level National education policy has been framed. NEP 2020 is a comprehensive framework for elementary education to higher as well as vocational training in both rural as well as urban areas. The policy aims to transform India's education system by 2020. NEP 2020 also focuses on multidisciplinary education, mother tongue as a medium of instruction, vocational education and digital education. With this motive the Union cabinet approved the National education policy by July 2020. The government aims to launch NEP on four pillars which are access, equity, quality and accountability. In this new policy there will be 5+3+3+4 structure which comprises of 12 years of school and 3 years of pre-school. Owing to all such policies with their advantages, NEP 2020 also holds some lacunas in it. The sharpest criticism against the NEP 2020 has been that it would lead to the privatization of higher education which is a denial of social justice. The NEP aims to gradually phase out the system of affiliation to a university and grant autonomy to colleges which will open the door of privatization. Currently, the right of children to free and compulsory education act 2009, (RTE act). Provides free and compulsory education to all children from the age of 6 to 14 years. The policy recommends extending the ambit of the RTE act and to include early childhood education and secondary school education. This would make the act to cover all the children between the ages of three to eighteen years. The policy further recommends that RTE should be amended in such a manner to enhance continuous and comprehensive evaluation and the no detention policy

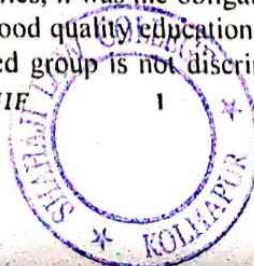
Further compulsory implies, it was the obligation of the state to ensure admission, attendance and completion of good quality education and ensure that a child belonging to weaker section or disadvantaged group is not discriminated against and prevented from

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Sr. No.	Title of paper 2021-2022
14	Community Services of Indian Courts : Some even and uneven practices
15	Impact of Covid-19 on Access to Justice
16	Challenges & opportunities in Reservation Policy for Women in India
17	Women Empowerment & Protection Policy in India – A Legal Perspective
18	A Study of Indian Legal System – A Bird Eye View
19	Contribution of Women Leadership in 21 st century
20	Challenges and Opportunities in Patent”
21	Constitutional Privileges to the citizens- An outstanding contribution by Dr Babasaheb Ambedkar to the democracy
22	Constitutional Protection to Environment
23	An Appraisal of Food (Rice) Fortification as Potent Weapon to Fight 'Hidden Hunger' : Opportunities and Challenges
24	Environment Protection and Preservation Policy in India-A Legal Perspective’
25	Migration and Human Rights in a Legal Perspective
26	Impact of Pandemic on Women Migrant workers and its Legal Issues

27	Gandhian Philosophy as the foundation of Ecologism : an Analysis
28	A Study of General Exceptions under Indian Penal Code, 1860
29	Health Care in India - The Legislative Measures
30	44th Constitutional Amendment, Right to Property and Right to Compensation.
31	Public Interest Litigation as an Effective Instrument to Provide Better Life and Greater Liberty : A Study with Special Reference to Judicial Review in India.
32	Child problems and Legislative Framework in India

Community Service and Indian Courts: Some Even and Uneven Practices

Praveen Patil

Ph.D, Assistant Professor of Law, Shahaji Law College, Kolhapur Affiliated to Shivaji University Kolhapur, Maharashtra, India.

Abstract

Not only the retributive requirements of the state which prosecutes, but also the needs of the victims and offenders be balanced to attain complete justice. This process is seemingly taken care of by a mechanism known as restorative justice. Community service has now become an integral part of the restorative justice. Community service is premised upon the belief that offenders and also victims of crime have rights deserving of protection. In this article the use and utility of community service, in the light of international practices and Indian attempts, has been discussed.

Keywords : Community Service, Restorative Justice, Indian courts, The Juvenile Justice (Care and Protection of Children) Act, 2015, The Draft Model Rules, 2016

1. Introduction

Community service,¹ also referred to as community correction is defined as a non-incarcerative sanction in which offenders serve all or a portion of their sentence in the community.² Human beings are capable of change and that is one of the reasons why a commitment to the reintegration of the offender into the community is very essential.³ Community service orders benefit the offender greatly, as well as society

¹ According to Martin Wasik

"Community sentence is one of the available sentencing options, appropriate in cases where the offender has committed an offence of an intermediate degree of seriousness. The judges impose the order in a view that the nature of the offence is not such as to require custody but it does require something more than the mild penalty of a bind over or a discharge."

See Martin Wasik, *Emmins on Sentencing*, 4th ed., (UK: Blackstone Press, 2001)
² Leanne Ingal Alarid, *Community - Based Corrections*, 9th ed., (USA: Wadsworth Cengage Learning, 2013)

³ Anita Abdul Rahim et al, "The Extent of the Application of Community Service Order as an Alternative Punishment in Malaysia" *Mediterranean Journal of Social Sciences*, Vol 4, No 10, 2013, p 155

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CONTENTS

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Volume 8(IX), 2021

- | | | |
|----|--|---------|
| 15 | EDUCATION AS A MEANS TO ACHIEVE GENDER EQUALITY
Dr Khelena Gurumayum, Moirangthem Nandibala Chanu | 113-122 |
| 16 | MENTAL HEALTH AND THE LAW: A NEED TO DEVELOP AND STRENGTHEN
THE DISCIPLINE OF FORENSIC PSYCHIATRY IN INDIA
Mr. Ajay Singh | 123-129 |
| 17 | THE ENLIGHTENED SELF: A SOCIO-CULTURAL STUDY OF THE WRITINGS
OF ROUSSEAU
Ms. Sangita Singh, Dr. Aiman Reyaz | 130-140 |
| 18 | IMPACT OF COVID – 19 ON ACCESS TO JUSTICE
Swati Ashok Hajare | 141-144 |
| 19 | RIGHT TO INFORMATION ACT ITS CHALLENGES WITH SPECIAL REFERENCE
TO JUDICIAL INDEPENDENCE: A CRITICAL EVALUATION
Neelabh Nigam | 145-154 |


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IMPACT OF COVID - 19 ON ACCESS TO JUSTICE

Swati Ashok Hajare

Research Scholar Shivaji University, Kolhapur.

I) **Abstract :**

From February 2020 the whole world is suffering from the pandemic which is known as NOVEL CORONA VIRUS. Outbreak of this virus has adverse impact on social conditions, economics, health of society, labour conditions, political, educational etc. means of social conditions of life all across the world. Indian judicial system is not at all exception to it. Already we have huge burden of pending litigation in court of laws. This pandemic make this situation worst. The three pillars of democracy is legislature, executive and judiciary stopped functioning due to this pandemic. This put our whole democratic set up in danger.

II) **Introduction :**

As per the National Judicial Data Grid in 2019 we have 3.5 crore cases pending in Supreme Court, High Courts and Lower Courts. Bulky pendency of litigation in the court of law paralyzed whole judiciary which resulted in injustice to the society at large. Higher judiciary has given guide lines to initiate only urgent matters but due to compulsion of social distancing needed to control spread of Covid - 19 it is impossible to deal with even urgent matters. Though we have started virtual procedures and e-filing it has it's own hurdle for implementation. No doubt it will lead to the problem of delayed justice.

III) **Keynotes :-**

Delay, pendency, pandemic, e-courts.

IV) **Research Methodology:-**

The doctrinal method is used for this study. The Researcher use secondary sources like books, articles, blogs, websites etc. Due to lack of time primary resources are not used by researcher.

IV) **Impact of COVID-19 on Courts in India :**

As due to easy spread of this virus few courts and tribunals were closed to avoid infection. As major judicial functioning was slow down, it affect it's entire working following are some of the major problems faced by judiciary in India.

1) **Increase in the number of pending litigation :**

The recent statistics shows that our judiciary is overburdened with the pending litigation. In 2019, 3.5 crore cases are pending in the court of law. Litigants are waiting in a queue for the sake of justice. This pandemic has made this situation very difficult by adding the number of pending litigation. Due to outbreak of this COVID-19 it leads for non disposal of cases. Even though Supreme Court has directed to here urgent matter. But that to become difficult due to not availability of counselors, litigants, absence of official personal in court staff. This increases the number of pending litigation.



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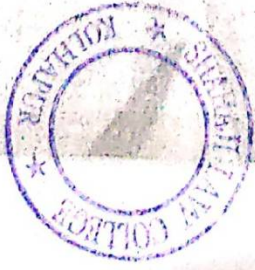
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14. CHALLENGES AND OPPORTUNITIES IN RESERVATION POLICY FOR WOMEN IN INDIA	106
Dr. Savita R. Rasam	
15. A STUDY OF POLITICAL LEADERSHIP OF MAMATA BANERJEE: FROM LOCAL LEVEL TO NATIONAL LEVEL	113
Mr. Swapnil N. Mayekar	
16. RECAPTURING AANDHI: STORY OF A WOMAN POLITICAL LEADER	118
Dr. (Mrs.) Suchitra A. Naik	
17. UNDERSTANDING THE REIGN OF ANGELA MERKEL WITH REFERENCE TO POLITICAL, SOCIAL AND ECONOMIC LEADERSHIP AS THE CHANCELLOR OF GERMANY THROUGH HER PORTRAYAL IN GLOBAL MEDIA	127
Dr. Sagar Thakkar	
18. EXPLORING THE STATUS OF WOMEN POLITICAL LEADERS IN SOUTH ASIA: AN ANALYSIS	134
Dr. Sangeeta Vijay, Jyoti	
19. WOMEN POLITICAL PARTICIPATION IN AFGHANISTAN – UNDERSTANDING THE PHILOSOPHY OF PARTICIPATION AND THE FUTURE OF POLITICAL PARTICIPATION UNDER TALIBAN RULE	143
Bhakti S. Gaikwad	
20. WILL EQUAL REPRESENTATION ENSURE EQUAL PARTICIPATION? : DIFFIDENCE AND HOPE IN THE NARRATIVES OF LOCAL WOMEN LEADERS (EWRs) ACROSS GRAM PANCHAYATS IN MAHARASHITRA	147
Vrishali	
21. WOMEN POLITICAL LEADERSHIP: GLOBAL TO LOCAL CHALLENGES AND OPPORTUNITIES	156
Dr. Sangeeta Pande	
22. A CASE STUDY ON MS. SHASHIKALA KAKODKAR- WOMAN CHIEF MINISTER OF GOA	163
Dr. Archana Prabhudesai	
23. A STUDY OF WOMEN POLITICAL LEADERSHIP FOR CLIMATE CHANGE AND ENVIRONMENT PROTECTION IN SOUTH ASIA	169
Divya Sharma, Dr. Gyana Ranjan Panda	
24. ELECTORAL PARTICIPATION OF WOMEN IN MAHARASHTRA LEGISLATIVE ASSEMBLY AND IN LOK SABHA	185
Dr. Priyamvada Tokkar	

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ATISHAY KALIT
Vol. 9, Pt. A
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Challenges and Opportunities in Reservation Policy for Women in India

ABSTRACT

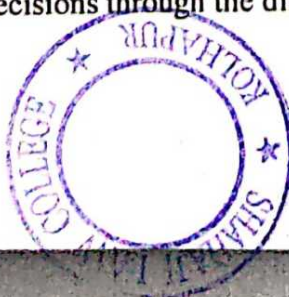
“The full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.” United Nations, CEDAW, 1979 Empowerment of women mainly focuses on encouraging and enabling women to be independent and self-reliant in all the areas. United Nations played an important role in bringing a change in the society. The primary objective of this research paper is to elaborate and reflect on the various provisions relating to protection of women through reservation policy in the constitution of India, understand the problems faced by women in spite of these provisions and discuss opportunities of improvement. The objective of reservation is to enhance the representation of weaker and socially deprived class of society. The underprivileged and underrepresented need equal opportunity in nation-building activities. Judiciary currently plays a vital role to protect and empower Indian women in all spheres of their life. Although there are numerous legislative provisions for the protection and empowerment of women, they are not appropriately implemented. On the other hand, there are various factors responsible to suppress the women in India such as adherence to traditional gender roles, communal boundaries, family restrictions etc. This paper highlights these legislative provisions and problems faced during their implementation. We also discuss the crucial ways to protect and empower women in political roles.

Keywords: empowerment of women, reservation policy for women, gender roles

INTRODUCTION

Women's empowerment is basically a process of empowering women. It can be defined in numerous ways which includes accepting women's point of view or considering the thought and view process of women or making an effort to seek them. Women's empowerment equips and allows women to make life-determining decisions through the different problems in society. This allows the


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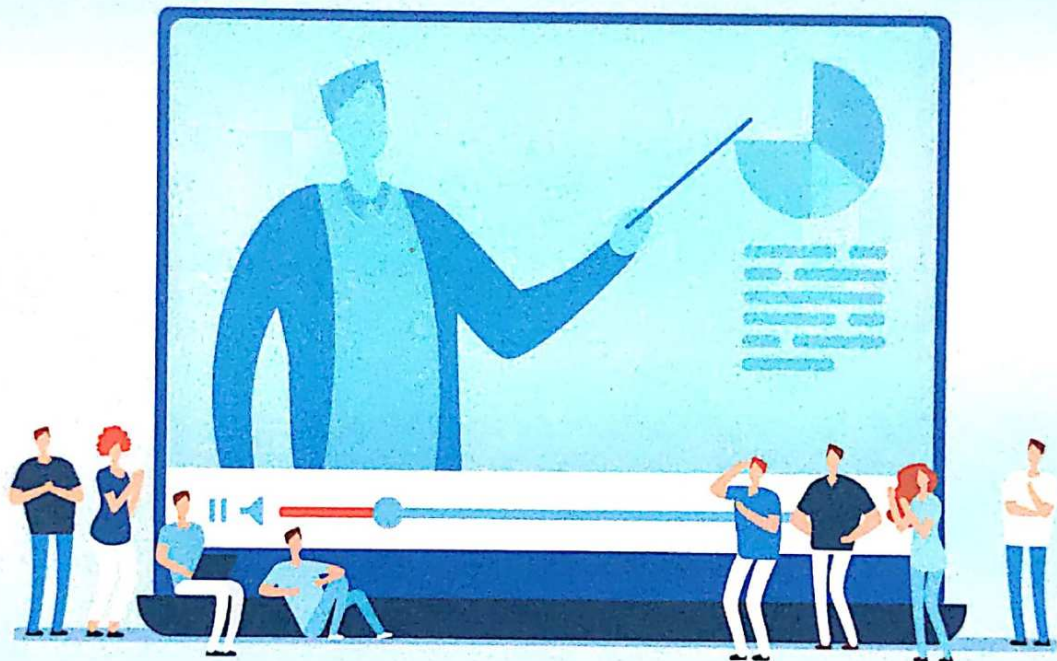
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25	A Critical Study on Sports Facilities and Sports Excellence in Hyderabad-Karnataka(Kalyana-Karnataka) Region	Nandi Channabasappa, Dr. C.K. Kishor Kumar	149
26	Significant Role of Physics Education in Technological Development and Difficulties	Dr.Varsha Chapke	153
27	Utilization of ICT in Academic Libraries of Higher Education System in India During COVID 19 Lockdown Period	Anant M. Thorat	157
28	Historical Climatology of Tropical Cyclone and its Impact on Cuddalore District of Tamil Nadu	Dr. S. Kamala Devi	161
29	An Empirical Study on Engaged Employees of Higher Educational Institutions with Reference to Bangalore City	Bharathi S	169
30	Impact of Covid-19 on E-Commerce	Dr. Vidya M. Jirage	175
31	An Extraction Method of Ultrasound Liver Image Classification Using Artificial Neural Network Using Grlm	Mrs. A. Bathsheba Parimala, Dr. R. S. Shanmugasundaram	179
32	Knowledge, Attitude and Practice Regarding Nutritional Anemia among B.Sc Nursing Girls Students in Selected College, Bhilai, Durg	J. Daniel Tamilselvan M. Sc. (N)	188
33	A Comparative Study on Sports Facilities and Sports Performance	Nandi Channabasappa, Dr. C.K. Kishor Kumar	193
34	Pros and Cons of Introducing 360 -Degree Feedback Appraisal System for Nurses in A Hospital Sector	Renjitha S.V.	197
35	Open Source Software for Libraries	Bharat B. Jejurkar, Priyanka R. Malve	203
36	Library is the Source of Knowledge to Develop all the Part of Society	Gajanan Muneshwar	208
37	Impact of Covid 19 on Travel and Tourism in India	Dr. Vishwas Chavan	211
38	Ankali Mutt Cultural Study: Conception	Bettappa	218
39	Utilization of Reproductive Health Services in India - A Review	Nabaneeta Dutta	221
40	Role of Public Library in Providing Community Information Services for The Agriculturists: A Study	Siddaramu P, Dr. S. Padmamma	223
41	A Study of the Reasons for Dropouts in Primary Schools with Special Reference to S.C And S.T Students of Hyderabad Karnataka	Dr. U. K. Kulkarni, Dr. Vijayalaxmi Pawar	228
42	Women Empowerment & Protection Policy in India - A Legal Perspective	Dr. Savita Rasam	241
43	Impact of Education in Women Empowerment	Dr. S. Thamilarasan, Dr. C. Selvarani	247
44	A Phenomenological Study: Experiences of Stress Among Nurses Working in Hospital	Mrs. Nirmala Bhavanidas Adsul, Dr. Sheela Upendra	253
45	हिंदू स्त्रीचा उदय आणि पतन या वरील डॉ. बी. आर. आंबेडकरांचे विचार	डॉ. जनार्दन कांबळे	257



Women Empowerment & Protection Policy in India - A Legal Perspective

Dr. Savita R. Rasam

Associate Professor,

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Abstract :

Empowerment is one of the main procedural concerns when addressing human rights & development. Women's empowerment is basically a process of empowering women. Every women around the globe faced various problems to become empowered. United Nations played an important role in bring a change in the society. In India there are numerous laws aimed at empowerment of women in different areas. This paper elaborate various legal provisions about the empowerment of women. Indian judiciary also played a vital role in protecting the rights of women. The researcher wants to highlight the position and status of few women in India which will encourage the women community. The concepts of women empowerment basically deals with empowering women. Equal treatment of all genders is a pre-requisite for any welfare state.

Keywords : Women Empowerment, United Nations, Legal Provisions, Equal treatment.

Introduction :

A bitter truth of the world which has been observed by various strata of society where people have seen a patriarchal and men dominant society exist. Women have been dominated over years. Even when women have been trying to stand out and ask for equality they have never been given the same. We tend to forget that even if it has been a male dominant society we still worship Goddess Lakshmi, Ambabi, Saraswati, Durga and many more. There have been many examples where women have played an important role in development, freedom fighting and other circumstances. Women are considered to be the most important individual when it comes to household work, cooking and bringing up a child. However, they are not given the same importance when it comes to social development, carrier or gender equality. There are various examples of women who have become a role model for many and have been contributing to the development of the society.

Women's empowerment is basically a process of empowering women. It can be defined in numerous ways which includes accepting women's point of view or considering the thought and view process of women or making an effort to seek them, raising the status of women through education, awareness, literacy, and training. Women's empowerment equips and allows women to make life-determining decisions through the different problems in society. They may have the opportunity to redefine gender roles or other such roles, which in turn may allow them more freedom to pursue desired goals. Thus, women's empowerment refers to women's ability to make strategic life choices which had been previously denied them.

International Measures :

The concept of women empowerment was always a world wide problem and that every women around the globe faced the same problem. Women in western countries had to face various problems to become empowered. In these circumstances UN and various organisations and states and treaties played an important role in bring a change in the society. These equal

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241

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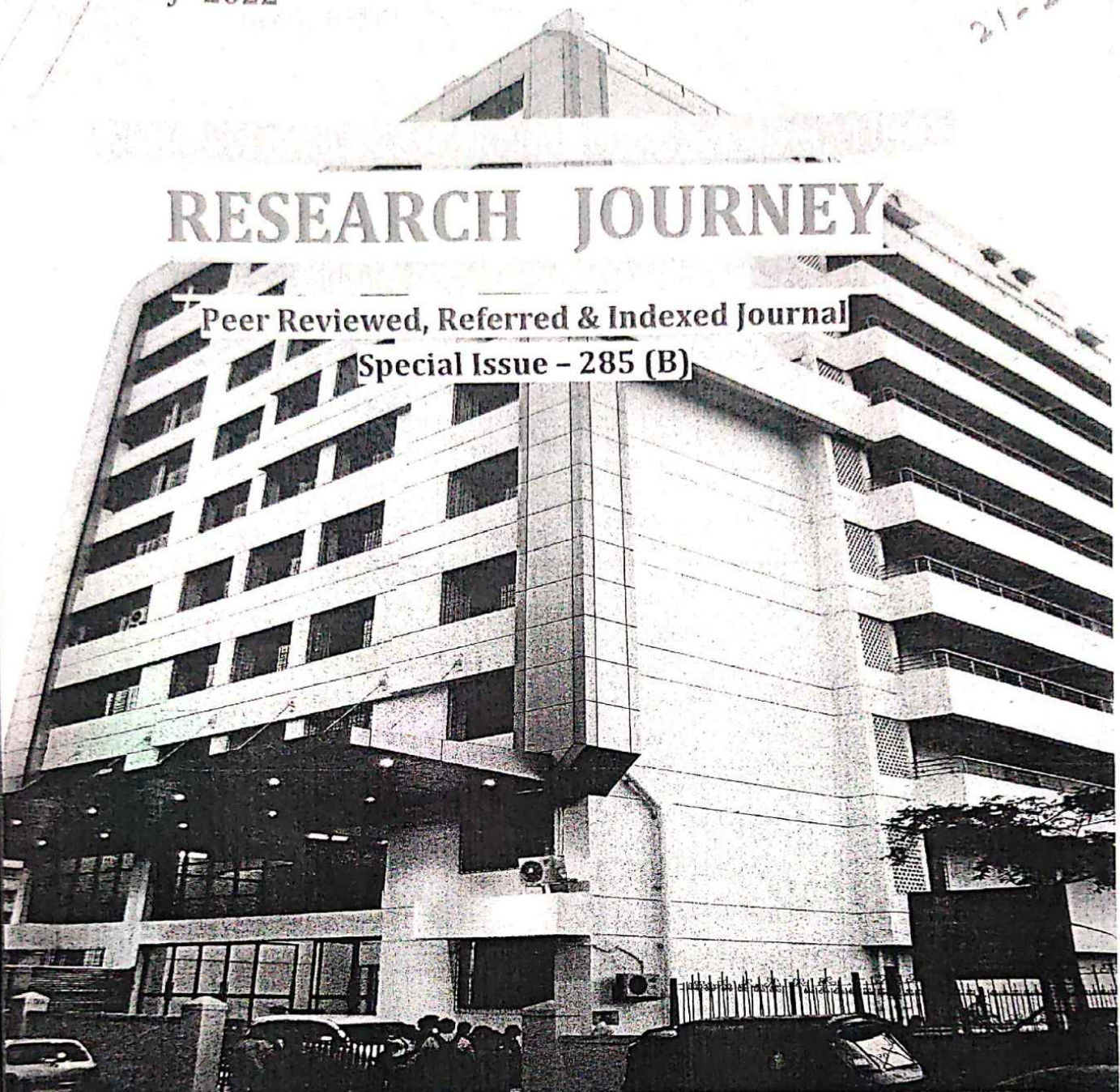
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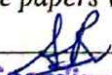
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25	A Thorough Learning on Effect of GST on E-Commerce Through Special Allusion to Mumbai City	Prof. Khushbu Joshi	147
26	An Analytical Study of Social Entrepreneurship in India	Prof. Fariya Siddiqui	152
27	Banking Turnaround in the Post Pandemic Era	Ms. Samita Gharat	166
28	The Representation of #Me Too Movement And Its Sociological Analysis In English Literature	Prof. Shivani Ahluwalia	170
29	A Speculative Study on Consumer Adoption of the Mobile Wallet with Specific Reference to Mumbai	Dr. Saquib Ahmad Khan	176
30	A Study of Indian Legal System - A Bird View	Dr. Savita R. Rasam	184
31	Role of Digital Libraries in Modern Era	Mr. Pravin Pawar	188
32	Challenges Over Students, Teachers and Parents Due to Impact of Covid19 on Educational Sector	Dr. Shalini	191
33	Generic Drug Hub in India: Biotechnological Perception	Dr. Pramod Waghmare	199
34	A Study on the Adoption of Mobile Learning System Among Students - A Case Study of Haveri District	Smt. Rishika D.	206
35	Employee Well-Being And Digital Work During The COVID-19 Pandemic: An Empirical Analysis of Bangalore Based IT Employees	Dr. Govindappa D.	211
36	Histological Study of Salivary Gland of Indian Honey Bee, Apis Cerena Indica (Fabricus) (Hymenoptera:Apidae)	Manisha Uikey, Ujwala Fule	221
37	The Social Conditions of Women Police Constables	Ms. Suman Muchakhandi	224
38	A Study of Socio-Economic and Health Conditions of Transgender Community in India	Nargish Killare	230
39	Covid-19 Impact on Gst Revenue in the State Of Gujarat	Vipulkumar Gohil, Dr. Sanjay Pardeshi	236
40	Study of Texture Color and Shape Features for Leaf Image Classification in Machine Learning Algorithms	Asha Patil	241
41	Implementation of National Education Policy 2020 : Opportunities and Challenges	Kapadiya Mittal Prabhudas, Dr. Shraddha Rai	246
42	Representation and Conception of Gender Equality by Breaking Societal Stigmas	Dr. Deep Shikha Karthik	252
43	Development and Protection of Self - Worth : Strategies and Causes	Sarita Rani	262
44	Need for Change in Library Management System in ICT Environment: An Overview	Dr. Channankegowda	267

Our Editors have reviewed papers with experts' committee, and they have checked the papers on their level best to stop furtive literature. Except it, the respective authors of the papers are responsible for originality of the papers and intensive thoughts in the papers. Nobody can republish these papers without pre-permission of the publisher.

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A Study of Indian Legal System - A Bird View

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Abstract :

Indian Legal System is the combination of common law, statutory law, customary law, civil and criminal law. Writ shop played an important role in British India. Officinal brevium provides legal remedy to the wrong. After establishment of East India Company the legal system opens in India. This paper focuses on pre independence and post independence legal system in India. The Courts established at Madras, Bombay and Calcutta Presidency Town. The Charter 1726 introduced uniform legal system. Regulating Act established Supreme Court at Calcutta. Judicial Reforms were suggested by Lord Cornwallis, Sir John Shore and others played a vital role in Diwani and Foujdari matters. The Indian High Courts Act, 1861 introduced High Courts. The Privy Council developed the Judicial systems in India. The researcher also elaborate the court system under the Constitution of India. At present, e-courts is a need of an hour and there are legislative provisions of e-filing, online hearing.

Keywords : officina brevium , Diwani, Foujdari, Privy Council, e-courts.

Introduction -

The legal system represents the growing fruits of experience through generations. The English legal system was administered by principles of justice, equity and good conscience. The legal system was introduced with the establishment of East India Company. Charter 1661 granted more extensive judicial powers to Governor and Council. Royal Charter 1726 introduced uniform court to Bombay, Madras and Calcutta. Adalat System begins with Charter 1772. An important innovation made by Regulating Act 1773 with the creation of Supreme Court at Calcutta. Progress made with reforms in the Court by Lord Cornwallis, Sir John Shore, Bentinck, Wellesley and others. High Courts Act, 1861 constitute a remarkable landmark in the process of development of legal system in India. Privy Council heard appeals from the courts of various countries in all matters. The Constitution of India has provided a unified legal system which is the strong pillar of our democracy.

Pre-Independence -

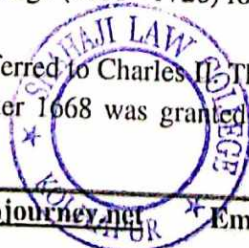
Charter 1600 incorporated East India Company for trading purpose. All the members of the company constituted themselves as 'General Court'. The entire business of the company was managed by the Court.

Judicial Institutions in Madras :

In Madras, the Agent in Council decided Civil and Criminal cases of "White Town" and Choultry court was established for "Black Town." Adigar was the Presiding Officer of Choultry court. In 1683, an admiralty court was established for mercantile and maritime cases. Mayor's Court was established in Third stage (1686 - 1726) for Civil and Criminal matters.

Judicial Institutions in Bombay :

In 1661, island of Bombay transferred to Charles II. The King of England transferred this island to the company in 1668. Charter 1668 was granted the power of making laws which vested in the company's General Court.



63	DIGITALIZATION IN INDIAN AGRICULTURAL SECTOR Dr. Satish Ashinath Gonde	422-426
64	USE OF TECHNOLOGY IN MEDIA Tisha Ashok Uchil	427-432
65	ROLE OF GOAT FARMING IN FINANCIAL DEVELOPMENT OF GOAT FARMERS IN MAHARASHTRA Mr. Adinath. S. Kamble, Dr. M. A. Koli	433-443
66	5G TECHNOLOGY & DIGITALISATION Dr. Shubhangi B. Patil	444-449
67	DIGITAL MARKETING AND EMPLOYMENT OPPORTUNITY Shaziya Mohammed , Irfan Momin	450-456
68	ONLINE / DIGITAL EDUCATION & ITS STRESS TO TEACHERS IN HIGHER EDUCATION Gorakhnath Rangrao Patil , Dr. Sharvari S. Kulkarni	457-465
69	SOURCE OF DIGITAL MARKETING Dr.Sujata Jitendra Patil	466-472
70	DIGITAL MARKETING: ELEMENTS, CHALLENGES AND OPPORTUNITIES FOR PRESENT TIME Warvadkar Rohit Rajendra, Shinde Saurabh Uttam	473-478
71	E- MARKETING AND NEW OPPORTUNITIES FOR IMPROVING FOOD SUPPLY CHAIN MANAGEMENT Dr. Mrs.Madhuri R. Shinde	479-484
72	DIGITAL MARKETING OF MEDICINE IN INDIA:-TRENDS AND CHALLENGES Mrs. Anagha P. Bartakke, Dr. Mrs. Sharvari S. Kulkarni	485-491
73	COVID-19 LOCKDOWN IMPACT ON RURAL ECONOMY Mr. Kadam Rajaram, Mr. Shende Popat2, Dr. Jadhav Ashish	492-503
74	DIGITAL BANKING : A NEED OF TIME Dr. Bhavna Sharma , Ms. Anugya Dubey	504-513
75	MERITS AND DEMERITS OF DIGITALIZATION: EDUCATION Ms. Mohd. Hussains. Z, Ms.Gujar S. M	514-520
76	CONSUMER PERCEPTION TOWARDS ONLINE SHOPPING Pratibha Dattatrya Pudale	521-526
77	MERITS AND DEMERITS OF DIGITALISATION Smt. Asmita D. Ghorpade , Dr. Hindurao V. Sankpal	527-532
78	CONTRIBUTION OF WOMEN LEADERSHIP IN 21ST CENTURY Dr. Savita R. Rasam	533-538
79	SOCIAL CHANGE: IMPACT OF DIGITAL MARKETING ON YOUTH Dr. Hina Shah , Ms. Shanthi Seshadri, Smt. Maniben MP Shah	539-545
80	WOMAN LEADERSHIP IN INDIAN PERSPECTIVES Sunita Amar Powar	546-550
81	DIGITAL BANKING : A FUTURE OF BANKING Dr. Vivek V. Patil	551-557
82	DIGITAL MARKETING: 21ST CENTURY CHALLENGES AND OPPORTUNITIES Mr.Ashok R.Herwade, Dr.R.N.Shendage	558-568
83	E - COMMERCE SITES IN TOURISM INDUSTRY IN INDIA – A REVIEW Dr. A. A. Kulkarni	569-577
84	CURRENT ERA'S IMPACT ON DIGITAL MARKETING Agarsana T K	578-579
85	DIGITAL MARKETING IN INDIAN REGIONAL LANGUAGES: AN OVERVIEW Ms Sawant Neeta Ankush	580-586
86	IMPACT OF DIGITAL MARKETING ON CONSUMER BEHAVIOR IN 21ST CENTURY Mrs. Pallavi Swapnil Kale	587-593



**CONTRIBUTION OF WOMEN LEADERSHIP IN 21ST
CENTURY**

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"Each time a woman stands up for herself, without knowing to possibly, without claiming it, she stands up for all women."

- Maya Angelou

Abstract :

Women Leadership seeks to encourage women participation in every decision making. United Nation, various conventions, treaties played an important role in bring a change in the society. Indian Constitution as fundamental law of the land contains various provisions for the overall development of women. Economic empowerment allows women to control & benefit from resources, assets & income. It also aids the ability to manage risk and improve women's well being. It can result in approaches to support trivialized genders in a particular political, economic & social context. In this paper, researcher focuses on most successful & influential women in India & their contribution for the development of the nation.

Keywords :

Women Leadership, Economic empowerment, contribution, development.

Introduction :

Women have been dominated over years. Women's empowerment is basically a process of empowering women. First and foremost, if women are consulted at home for taking decision by their family members in India, one would easily agree that women are empowered at home. If women get recognition from the society for their talents, skills and leadership abilities, there will not be any conflict and violation of human rights.

International Instruments such as CEDAW (1993), Mexico Plan of Action (1975) Beijing Declaration etc. specified clearly equal rights to women. Vienna conference 1993 also urges the full & equal enjoyment by women of all human rights & that this be a priority for Governments. Constitution of India also made

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INDEX

No.	Title of the Paper	Author's Name	Page No.
01	Effect of Different Light Qualities on Spore Germination in Some Leptosporangiate Ferns	Ritu Jain, B.L. Yadav	05
02	Digital Library: A Study	Mrs. Shilpa Hirekhan	09
03	Social and Political Women Empowerment - Issues and Challenges	Prof. Dr. Sandhya V.	14
04	Hypothesis : A way of research	Vasant Bhagwat	20
05	Impact of New Education Policy 2020 of India on Library & Library Professionals	Sau. Vandana Gawande	24
06	Judicial Perspective in Protecting the Human Rights of Prisoners in India	Pradnya Yadav	28
07	Workers in Unorganized sector-A Study in Bangalore	Dr. S. J. Priya	32
08	Impact Of Covid -19 On Banking Sector	Prof. Geeta Kulkarni, Prof. Ramachandra Naik	38
09	Method Development and Validation of Nitrosamine Impurities in Losartan Drug Substance by Gcms Technique	Pavan Gajare, Rama Lokhande, Ravi Yadav	43
10	Krishi Vigyan Kendra (KVK) – an Important Role in Agricultural Extension Programs	Dr. Dilip Patil	48
11	Challenges and Opportunities In Patent	Dr. Savita Rasam	54
12	MOODLE: An Effective E-learning Platform in Higher Education	Ms. Kartika Mahajan, Dr. Vaishali Gudadhe	60
13	Need For Multi-Method Research Approach in Socio-Legal Research	Smt. Archana K.	67
14	Students' Life - From Destruction To Recovery	Mr. Amit Chheda	72
15	Automated Fill in the Blank Question Generation Using NLP	Aditi Save	75
16	The Study of the Causes of Changing Dimensions of Research in Social Work in the Present Scenario	Dr. Vinayak Sakharkar	80
17	Legal Education in India : Challenges & Issues	Dr. Somlata Sharma	85
18	The Economic Thought and Philosophy of Sir Thomas Robert Malthus	Dr. Shankar Sawargaonkar	91
19	Based on Qualitative Method: Educational Needs of Children With Autism Spectrum Disorder Perceived By Parents	Prithwi Raj	94
20	Citation Analysis of Doctoral Dissertation: A Study of Doctoral Dissertation Awarded by R.T.M. Nagpur University, Nagpur During 2000-2005 in Commerce	Dr. Pournima Ganthade	100
21	Rural Development Through Information Literacy Programme	Mrs. Dawa Doma Sherpa	108
22	Institutional Repository Software for Digital Libraries In Digital Environment	Dr. Sonali Deshmukh	116
23	Electronic Information Resources On Fisheries in Maharashtra: A Study	Mrs. Megha Ghogare, Dr. Deelip Mestri	119
24	A Study of Extension Education Program in Mango Fruit Processing Implemented Through Dr. Balasaheb Sawant-Kokan-Krishi Vidyapeeth, Dapoli	Dr. Dilip Patil, Ajay Lokhande	144



Challenges and Opportunities in Patent

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"Patents need inventors more than inventors need patents"

- Kalyan C. Kankanala

Abstract :

A patent is granted to a person who invents new article or process of making the article. Patent gives special exclusive right to patentee to use the invention for specific period. International instruments such as Paris Convention 1967, Patent Cooperation Treaty 1970, Budapest Treaty etc. played an important role in the development of patent. The Industrial Revolution in Britain brought many changes in the law relating to patent. National concern also discussed in the research paper. The provisions of Patent Act 1970 were discussed in short with case study. As there is increase in inventions there have been various challenges that have been faced by the public. At the same time there are opportunities in patent which the Researcher have discussed in this paper.

Keywords : Patent, International Instruments, Industrial revolution, challenges & opportunities.

Introduction :

The human kind is a dynamic and ever changing being which keeps on innovating and inventing various things over a period of time. Creating, enjoying, exploring and accumulation of "property" has been a centralized activity of human life. According to Hulsbury's Law of England "property is that which belongs to a person exclusively of others can be subjected to bargain and sale" The present era and decade is all about the innovations through use of science and technology. There have been various inventions that are taking place every day. This has led to a dire need of enacting legislations for protection of various intellectual property rights. A legal system is bound to reward innovative enterprise or the person behind the innovation by conferring monopoly rights for the commercial exploitation of an invention. Thus, in case of patent there were laws present in India. However, the current situation and current issues relating to patent are governed by the Patent Act 1970 which is amended in 2005 in India. The patent law recognizes exclusive right of a patentee. A patent is basically granted to a person who invents new article or a process of making the article. Patent gives special exclusive right to the patent holder to exploit his invention for certain time period. The patent ecosystem has enjoyed various levels of use which are beyond what one could imagine a decade ago. There has been drastic increase in the applications filed for obtaining patents. This has led to increase in support for development of increasing range of technology.¹

However, as there is increase in inventions there have been various challenges that have been faced by the public at large. The basic challenges faced by the people are the rigid process of registration of the patent, unauthorized use of the patented product or process, policies of the

¹ <https://www.wipo.int/patent-law/en/developments/intro.html> last visited on 16.4.2022

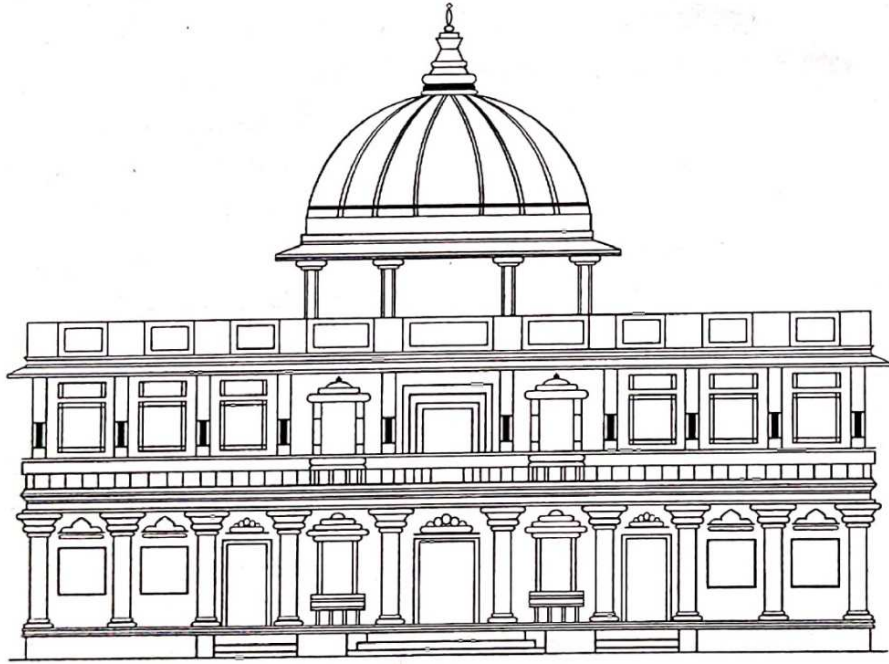


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वर्ष : ९० मार्च २०२२ पुरवणी विशेषांक ०५



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- १०७ Mahatma Phule's Thoughts On Education And Its Relevance In The Present
Context: A Study - 1)Prof.Narnaware; 2)Dr.Pradnya Kamdi, Mowad, Nagpur - ४३९
- १०८ B. R. Ambedkar and the question of the Dalits: Struggle with a difference
- Dr. Nishtha Shriwastva, New Delhi ----- ४४३
- १०९ Dr. Babasaheb Ambedkar and self respect of Marginalized
- Dr. Pantulwar R.B., Kurduwadi, Tal.Madha, Dist.Solapur ----- ४४८
- ११० Mahatma Phule Views on Industries (Agriculture Related)
- Dr.Suresh Dhere, Madha, Dist.Solapur ----- ४५१
- १११ Constitutional Privileges to the Citizens - An Outstanding Contribution by
Dr. Babasaheb Ambedkar to the Democracy - Dr. Savita Rasam, Kolhapur -- ४५४
- ११२ Leading Role Of Dr. Babasaheb Ambedkar In The Making Of Liberal India
- Dr. Ravindra Chalwadi, Solapur ----- ४५७
- ११३ Dr. Babasaheb Ambedkar And Social Reformation
- Dr.Ravindra Dhale, Miraj, Dist.Sangli ----- ४६१
- ११४ Tribal resistance during Colonial Bengal with special reference to Kols,
Santhals, and Mundas - Dr. Saptarshi Sengupta, Gulbarga, Karnataka ----- ४६७
- ११५ Causes and consequences of Dr. Babasaheb Ambedkar's conversion to Buddhism
- Dr. Sema Gholap, Mumbai ----- ४७६
- ११६ Mahatma Jyotiba Phule: The father of Women's Liberation
- Dr.Sujata Gaurkhede, Nagpur ----- ४८१
- ११७ Women Empowerment: Role of Dr. Babasaheb Ambedkar
- Dr. Swati Ghatule, Solapur ----- ४८५
- ११८ Dr. B. R. Ambedkar : The Architect of Modern India
- Dr. Tukaram Hapgunde, Hingoli ----- ४९०
- ११९ डॉ. बाबासाहेब आंबेडकर यांचे शैक्षणिक योगदान : एक अभ्यास
- प्रा.संदीप पुंडलिक नन्नावरे, पिंपरी, जि.पुणे ----- ४९६



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Constitutional Privileges to the Citizens - An Outstanding Contribution by Dr. Babasaheb Ambedkar to the Democracy

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Abstract :

Indian constitution acts as a pillar for people to ensure smooth working in a state & providing basic necessary rights along with certain duties. Dr. Babasaheb R. Amedkar, Chief Architects of the Indian Constitution represented social, economic, political activities which expanded human advancement & satisfaction. The Journey of the constitution began many decades before 26th January, 1950. There are various aspects which studied by the Chairman of the Drafting Committee, Dr. Babasaheb Ambedkar, the output of this is Indian Constitution became written, lengthiest & modern constitution. The objects of the research paper is to elaborate the constitutional privileges drafted by Dr. Babasaheb R. Ambedkar which make sound democracy. The provisions of Indian Constitution made positive contribution in social change. Judicial has also played a vital role in protecting democratic government. Constitution of India, the fundamental of the land which drafted by Dr. Babasaheb Ambedkar become a source of social transformation.

Keywords :

Chief Architects, Indian Constitution, human advancement, social transformation.

Introduction :

A Constitution means a document having a special legal sanctity which sets out the framework & the principal functions of the organs of the Government of a state & declares the principles governing the operation of those organs.

Dr. Babasaheb Ambedkar played a key role in the making of the constitution. He studied all the world as well as the social, political, economic position of India & he prepared the draft of the constitution. Indian Constitution was

drafted in the mid-twentieth century. The Draft Constitution was criticized on the floor of the Constituent Assembly on the ground that most of the provisions have been borrowed from the constitutions of different countries and that it could claim very little originality. In reply to this Dr. Babasaheb Ambedkar observed : One likes to ask whether there can be anything new in a constitution framed at this hour in the history of the world more than hundred years have rolled over when the first written constitution was drafted. It has been followed by many other countries reducing their constitutions to writing, what the scope of a constitution should be has long been settled. Similarly, what are the fundamentals of a constitution are recognised all over the world. Given these facts, all constitutions in their main provisions must look similar. The only new things, if there can be any, in a constitution framed so late in the day the variations made to remove the faults & to accommodate it to the needs of the country. To uphold the constitutional mandate, various enactments made by state & centre. This paper focuses on constitutional privileges which made our nation powerful in all aspects.

Historical Perspective :

The origin of constitution lie deeply in the struggle for independence from Britain i.e. in the movements. Charter 1600 introduced establishment of East India Company in India. Legislative Power were granted to Governor in Council. In 1773, it established particular system of Government. The Act of 1858 transferred Company's power to British Crown. Government of India Act 1935 was the milestone in the process of evolution of the constitution. The Draft Constitution was published in January, 1948. The people of India were given

Dr. Babasaheb Ambedkar played a key role in the making of the constitution. He studied all the world as well as the social, political, economic position of India & he prepared the draft of the constitution. Indian Constitution was

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Contents

S.No.	Title	Author Name	Page No.
1	CONSTITUTIONAL PROTECTION FOR ENVIRONMENT	DR. SOMLATA SHARMA	1
2	RINGAL: THE ART OF BASKETRY IN UTTARAKHAND	Sapna kuniyal	6
3	CHANGING TRENDS IN THE DESIGN OF NEWSPAPER	Sarveshwaram Krishnam	11
4	A NOTE ON CURRENT ENVIRONMENTAL ISSUES	Dr. Kavitha D	17
5	COMMITMENTS OF HUMAN RIGHT TO CLEAN ENVIRONMENT	Ananya Sharma	23
6	BIOTECHNOLOGY: A WAY FORWARD TO ADDRESS FOOD SECURITY IN CHANGING CLIMATE	Ms. Grishma Soni	29
7	CONSTITUTIONAL PROTECTION FOR ENVIRONMENT	Gouri Shivaji Patil	34
8	ENVIRONMENT PROTECTION AND PRESERVATION POLICY IN INDIA- A LEGAL PERSPECTIVE	Dr.M.C.SHEIKH	40
9	CONSTITUTIONAL PROTECTION TO ENVIRONMENT	Dr. Savita R.Rasam	45
10	ECO-TOURISM AND SUSTAINABILITY WITH REFERENCE TO THE STATE OF HIMACHAL PRADESH	Dr. Renu Pal Sood	50
11	FACTORS AFFECTING CONSUMERS PERCEPTION TOWARDS GREEN PRODUCTS	Dr. Kapil Kumar	56
12	INTERNATIONAL COURT OF JUSTICE AND ENFORCEMENT OF DECISIONS ON THE ENVIRONMENTAL ISSUES	SUREKHA.K	61
13	THE JOURNEY OF CORPORATE SOCIAL RESPONSIBILITY IN INDIA: FROM PHILANTHROPY TO LEGAL MANDATE	Rashmi Bindra	66
14	ENVIRONMENT CRIMES AND THE PROACTIVE ROLE OF JUDICIARY IN THE YEAR 2020: AN OVERVIEW	Dr. Jai Mala	71
15	TRADING INTO A CARBON FREE FUTURE: INCENTIVISING CARBON TRADING	Sanyukta Saxena	80
16	AN ANATOMY OF CONSTITUTIONAL FRAMEWORK FOR ENVIRONMENT IN INDIA	Dr. Avinash Kumar	86
17	DIGITAL ART FOR ENVIRONMENTAL SCIENCE EDUCATION AND CONSERVATION AMONG LEARNERS WITH SPECIAL NEEDS: PERSPECTIVES OF EDUCATORS	Dr. Sampurna Guha	90

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CONSTITUTIONAL PROTECTION TO ENVIRONMENT

Dr. Savita R.Rasam Associate Professor Shahaji Law College, Kolhapur

Abstract

The researcher is willing to put forth the Constitutional Provisions for the sake of Environment Protection and Preservation. It also deals with the role of Hon'ble Apex Courts in interpretation of the provisions provided by Indian Constitution for protection of environment and environment related issues. Environment plays a vital role in existence, development and sustaining of life and that we need to preserve environment as it has a direct relation between the two. Various events such as Bhopal gas Tragedy, Ganga river pollution have led to creating awareness among the people about the importance of protection of environment. Hence all about the environment protection is discussed in this paper. The paper also discusses the international concerns which led to amendments in constitution of various countries including India. The entire paper covers the mandate in relation with the values of Constitution and Environment.

Keywords: Indian Constitution, Environment, Environment Protection, International Convention.

1. Introduction

*"Dharma exists for the welfare of all beings. Hence, that by which the welfare of all living beings is sustained, that for sure is dharma"*¹

The quote itself is self-explanatory and states that dharma is for welfare of all human beings in the society and that the way by which the wellbeing of all living beings is sustained, is definitely dharma which ensures people strive for betterment of welfare of living being.

Dharma was considered as one of the guiding pillars for human being in ancient times and people use to follow them as it defined the way of living to people and use to bind the people by imparting certain duties on people and is still serving as a pillar to people. With change in time the way of living changed and as the states evolved by merging different parts and areas, a uniform law was necessary to be constituted. Hence it was in 1950 our constitution i.e the Constitution of India came into force. Constitution works as a guideline for managing a state.

Constitution defines fundamental rights and duties of a person, remedies available to a citizen and also defines the way of working among the Territory of India. Constitution also works like a modern Dharma which acts as a pillar for people to ensure smooth working in a state and providing basic necessary rights along with binding them with certain duties. Constitution acts as a medium between ruler's scope and people's rights. Thus, constitution is a medium of governing the state and is evidence that people are granted with certain set of rights. Constitution maintains stability amongst the rights of the people and the government. A law drafted by the government has to be in consonance with the constitution or else it becomes defunct and can be challenged before the judiciary and could be amended.

2. Reasons for Degradation and Need for Protection

Environment has been impacted due to various aspects such as over population, urbanisation, economic growth, increase in use of fuel energy and transportation, poverty and many more. Development is inevitable part of human life. However, in this process the environment needs to be sustained. The reasons are discussed as under:

1. Population is prime source of environment degradation as the demand of use of resources increases due to increase in population to meet their needs. Population is important for development but it also poses a threat to environment degradation.

Out of total population in the world, India contributes to a 17 % of the population and as compared to this the land belonging to India is 2.4% of worlds land. This collision on the

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An Appraisal of Food (Rice) Fortification as Potent Weapon to Fight 'Hidden Hunger': Opportunities and Challenges

Dr. Praveen Patil

Assistant Professor of Law, Shahaji Law College, Kolhapur, Maharashtra, India
Article is in requirement of ICSSR-IMPRESS Project

Abstract

Malnutrition, undernourishment and hidden hunger are to be fought legally. The Right to Food Act, 2013, sufficiently empowers the government in that direction. The consequences of hidden hunger are long lasting and devastating. The central government, in aid of state government, has come up with rice fortification on the pilot project basis. After analyzing the concept of food fortification, this article elaborates the essential features of that project with opportunities, challenges.

KEYWORDS-Food, Hunger, Right to Food Act, 2013, Hidden Hunger, Food Fortification, TPDS

I. Introduction

Hunger knows only food. hunger does not recognize hands. hunger keeps men alive and it is the hunger that kills men. Right to food is a non derogable entitlement and, duty to feed is moral, legal and constitutional obligation on the state. India has accepted the threefold obligation to (1) respect, (2) protect and (3) fulfil the right to food. These obligations can be realized by adopting laws and regulations, drafting policies and strategies, implementing programs and establishing new institutions. By giving a goodbye to all erstwhile schemes and policies, the Right to Food Act, 2013 is the comprehensive and umbrella law that now "... provide(s) for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto"¹

II. Key features of Right to Food Act, 2013

This landmark legislation is enacted with the objective to provide Nutritional food grains to approx. 2/3rd of the total Indian population. The Act also provides for Targeted Public Distribution system, Integrated child development scheme, Mid-day meal. Food grains are provided at subsidized rates under TPDS. Nutritionally standardized grains are provided to pregnant women, lactating mothers,² children from 6 months to 14 years and also higher nutritional care is taken for the malnourished children upto 6 years.³ Women empowerment is preserved by issuing of ration cards in the name of eldest women or the

¹ Long title of the National Food Security Act, 2013

² *Ibid*, see section 4

³ *Ibid*, see section 5

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Contents

S.No.	Title	Author Name	Page No.
1	CONSTITUTIONAL PROTECTION FOR ENVIRONMENT	DR. SOMLATA SHARMA	1
2	RINGAL: THE ART OF BASKETRY IN UTTARAKHAND	Sapna kuniyal	6
3	CHANGING TRENDS IN THE DESIGN OF NEWSPAPER	Sarveshwaram Krishnam	11
4	A NOTE ON CURRENT ENVIRONMENTAL ISSUES	Dr. Kavitha D	17
5	COMMITMENTS OF HUMAN RIGHT TO CLEAN ENVIRONMENT	Ananya Sharma	23
6	BIOTECHNOLOGY: A WAY FORWARD TO ADDRESS FOOD SECURITY IN CHANGING CLIMATE	Ms. Grishma Soni	29
7	CONSTITUTIONAL PROTECTION FOR ENVIRONMENT	Gouri Shivaji Patil	34
8	ENVIRONMENT PROTECTION AND PRESERVATION POLICY IN INDIA- A LEGAL PERSPECTIVE	Dr.M.C.SHEIKH	40
9	CONSTITUTIONAL PROTECTION TO ENVIRONMENT	Dr. Savita R.Rasam	45
10	ECO-TOURISM AND SUSTAINABILITY WITH REFERENCE TO THE STATE OF HIMACHAL PRADESH	Dr. Renu Pal Sood	50
11	FACTORS AFFECTING CONSUMERS PERCEPTION TOWARDS GREEN PRODUCTS	Dr. Kapil Kumar	56
12	INTERNATIONAL COURT OF JUSTICE AND ENFORCEMENT OF DECISIONS ON THE ENVIRONMENTAL ISSUES	SUREKHA.K	61
13	THE JOURNEY OF CORPORATE SOCIAL RESPONSIBILITY IN INDIA: FROM PHILANTHROPY TO LEGAL MANDATE	Rashmi Bindra	66
14	ENVIRONMENT CRIMES AND THE PROACTIVE ROLE OF JUDICIARY IN THE YEAR 2020: AN OVERVIEW	Dr. Jai Mala	71
15	TRADING INTO A CARBON FREE FUTURE: INCENTIVISING CARBON TRADING	Sanyukta Saxena	80
16	AN ANATOMY OF CONSTITUTIONAL FRAMEWORK FOR ENVIRONMENT IN INDIA	Dr. Avinash Kumar	86
17	DIGITAL ART FOR ENVIRONMENTAL SCIENCE EDUCATION AND CONSERVATION AMONG LEARNERS WITH SPECIAL NEEDS: PERSPECTIVES OF EDUCATORS	Dr. Sampurna Guha	90


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'ENVIRONMENT PROTECTION AND PRESERVATION POLICY IN INDIA- A LEGAL PERSPECTIVE'

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Abstract

It is now well settled proved that, the activity of Man is responsible for the degradation of the environment as well as responsible for the protection and preservation of the environment. The Covid-19 situation gives some of evidences when lockdown imposed by the government and there is partial lock to the activities of human being throughout the nation which resulted into improvement in the environment. Due to restriction on the mobility and commercial activity environment takes the benefit and reduced water pollution, noise pollution, air pollution, etc. All these crisis and prevention on the activities of the society resulted into the improvement of the quality of water in rivers, lake and quality of air, less noise pollution, calm wildlife habitat.

Indian government plays a vital role by incorporating legislative measures to curb the environmental crisis from very pre-independent era. The then Prime Minister of India, Mrs Indira Gandhi has played important role for inculcation of the right and duties in the Indian Constitution through 42nd amendment.

This paper is sincere effort to bring out the efforts of the policy makers in view of legislation as well as suggest the remedial measure thereto.

Keywords : Indian Constitution, Environmental Rights.

Introduction

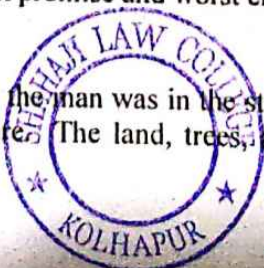
Human beings has fundamental right to receive the adequate and healthy condition of life which is interpreted in various judgements of the apex court of India. The goal of economic, political and sociological development also involves progressive transformation of the environment. This principle adopted by the developing and developed countries in the form sustainable development. The architect of the Indian Constitution taken on record the need of the protection and preservation of the environment by imparting the related provision in it. Art. 48A and Art. 51 (1)g in the best example for the shifting the burden on the State as well as on the Citizen at large for to protect and preserve the environment. Due to Industrialisation, Population, urbanisation, development of the technology, Information and communication age lies the overweight on the environment. The time has come to reduce the burden as well as improve the condition of the environment. Environment Pollution has assumed dangerous proportions. It is realised than human has to pay heavy price in the form of flood, draught, health issues, global warming, ice melting, etc. The natural resources are supposed to be used wisely. Environment degradation is world-wide issue and hence the policy makers are keen enough to look after the environment by observing strictly the resolution passed by the International Treaties and conference organised by United Nation time to time since 1972. In India by implementing the provision of Art 252, the legislature incorporated the environment related Act for the citizen of India.

The level of economic development determines the amount and variety of resources consumed by man in a region. These differences in the levels of production and consumption play an important role in determining the level of environmental purity and environmental pollution. The continued and unending degradation and misusing of environment is the result of the modern living technological advancement, industrialisation and urbanisation. Contemporary scientific and technological revolution has significantly transformed the relationship between man and nature. It has rightly said that man is nature's best promise and worst enemy.¹

Dharma and Environment

In primitive age of human civilization, the man was in the state of nature. India has a long tradition of protecting and worshipping the nature. The land, trees, and even animals are placed on a high

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Principal 40
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19	Migration And Issues In Local Employment In Covid-19 Sonali Choudhary /Sawan Mandloi	74
20	Migrant Workers and Their Rights in India Pooja Rani	78
21	Migration and Human Rights in a Legal Perspective. Dr. Asmita Prajakt Patil	82
22	Internal Labour Migration and Post-COVID19 Policy Shifts in India Mohammad Imran	84
23	Migrant's workers problems during Pandemic Covid - 19 in India: Challenges and Strategies. Mr. Anand R. Deshpande	89
24	Covid-19 Pandemic and the role of the Indian Judiciary Mr. Rahul	93
25	Migration and Employment Conditions in India Dr. Chandrakala Vasnik	97
26	Human rights of Migrants: National & International Perspective Dr. Jadhav N. D.	10
27	COVID-19 and the plight of women migrant workers Preetisha Choudhury	10
28	Impact of Covid-19 on Inter-state Migration of Labours in India : A Study in Contemporary Environment Dr. Goldie Zaki / Ms. Ayushi Sahu	1
29	The pattern of Livelihood and Migration among Birhor tribe of Hazaribag district in Jharkhand Uday Kumar Ravi	1
30	Socio-Economic Status of Migrated Construction Workers : A case Study of Mumbai city Dr.Sanghapal Prakash Shinde	1
31	The impact of the lockdown on Migration in India Dr Vinayak Sakharkar	1
32	Impact of COVID-19 on Migrant Workers of Unorganized Sector in India Mrs. Sudeepa Dey / Mrs. Ipsita Chakraborty	
33	The Covid-19, Migration and Livelihood Khushboo Sahu / Vikram Singh Bhaderiya	
34	Migrant labour during pandemic Coordinator IQAC	





Migration and Human Rights in a Legal Perspective.

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Abstract

A migrant can be a worker, refugee, smuggled person, stateless person, trafficked person. Migrants have various Human Rights like right to life, equality and non-discrimination, protection against arbitrary arrest and detention, protection against torture or inhuman treatment, prohibition against collective expulsion, family rights, protection against labour exploitation, right to social security, right to higher attainable standard of physical and mental health, right to primary education, freedom of movement, right to enjoy culture in common with others. India faces a major problem of internal migration in India due to the COVID-19 pandemic situation. The internal migrants have faced issues in health services, food, cash transfer and other social programmes. They are vulnerable to the loss of employment and wages during an economic crisis. Lockdowns in labour camps have increased the risk of COVID infection among the migrants.

The present research paper will focus all the points regarding the situation of migrant workers and various types of Human rights which they have. The research paper also focuses on how far the migrants can access the Human Rights given to them.

Keywords: migrant, worker, Human Right,

Introduction

Migration is the practise recognised all over the world. No country can deny that migration circumstances where not followed in it ever. The purpose may be legal or illegal but migration is experienced by state in some or the other time. Many historical circumstances reveal us that migration was done for various purposes such as due to disaster by a natural calamity, foreign aggression, new settlements which are caused due to industrialisation etc. Though the case may be any, people migrating suffer a lot of hardships. In order to assist them in such hardships many laws are created which helps them to overcome hardships to a great extent. The following paper deals with legal perspectives of migration. Migration involves moving of one place to another. Human migration involves the movement of people from one place to another with intention of settling permanently or temporarily, at a new location. Movement often occurs over a long distance from one country to another but sometimes there is also internal migration.⁴

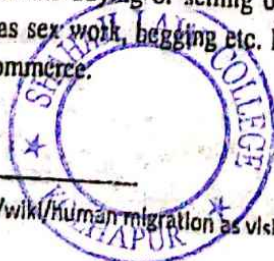
There are various forms of migration. The prominent among them are invasion, conquest, colonization and emigration. People moving from their home due to forced displacement or civil disturbance are known as displaced persons. A person who seeks refuge in another country can, if the reason for leaving the home is political or religious or another form of prosecution, can make a formal application to that country where refuge is sought is usually described as an asylum seeker. Such person's legal status becomes that of a refugee.⁵

Migration can be done of smuggled person due to extension of illegal racket. Similarly it can be of stateless person, in order to search for a secure place. Migration can also be of trafficked person. Trafficking involves the buying or selling of people or of making money from the work they are forced to do such as sex work, begging etc. Human trafficking can occur at local or domestic levels involving illegal commerce.

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⁴ En.m.wikipedia.org/wiki/human migration as visited on 26th

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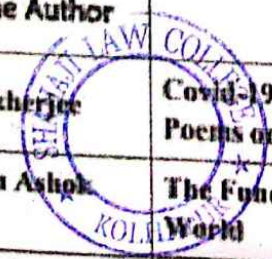
Principal
Shahaji Law College, Kolhapur

3.	Dr. Asmita Prajakt Patil	Impact of Pandemic on Women Migrant Workers and its Legal Issues	8
4.	Dr. Suman Buwa	Role of the Department of Lifelong Learning and Extension in Shaping the Post Pandemic World	11
5.	Mrs. Ninette Dsouza	To Te(a)ch or not to Te(a)ch	15
6.	Dr. Gorakh Popat Jondhale	Post Pandemic Challenges before Higher Education: A General Assessment	18
7.	Raghunath D. Dhamakale	Covid -19 : A Signal to Make Global Management of Pandemic	22
8.	Major Varsha Pinakin Sathe	Impact of Pandemic on Extra-Curricular Activities in Higher Education	25
9.	Mrs. Sneha Bugade Patil Ms. Zebatarannum S. Mulla	Emerging Cloud Kitchen Concept During Post Pandemic	28
10.	Shivani Subhash Kagale	Digital Transformation: A Literature Review and Guidelines for Future Research	32
11.	Dr. Mrs. Patil Manik Shantinath	The Efforts to Facilitate the Youth in Post Pandemic Situation	34
12.	Dr. Madhavi Pawar	Impact of Covid-19 on Consumer Behaviour	37
13.	Dr. Indrayani R. Kuduchkar Dr. Tejaswini D. Patil Dange	UNESCO's Nine Ideas for Futures of Education : Relevance with Maharashtra	39
14.	Dr. D. N. Patil Dr. Vinod Magadum	An Analysis of Pradhan Mantri Kisan Samman Nidhi During Covid 19	43
15.	Mrs. Janhavi A. Rode	Effect of Lockdown and Online Shopping on Local Retailers	48
16.	Mr. Mahesh Krishna Mali	New Trends in Higher Education During Post Pandemic	51
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Sr. No.	Name of the Author	Title of paper	Page No.
17.	Debdoot Mukherjee	Covid-19 Pandemic and Children: A Study of Selected Poems on the Pandemic Written by Children	54
18.	Mr. Rajendra Ashok Pradhan	The Function of Literature in the Post-Pandemic World	57

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Gandhian Philosophy as the Foundation of Ecologism: An Analysis

2021-22

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Abstract

Mahatma Gandhi has been credited with significant contributions to Indian society. His practice of Satyagraha and non-violence during the independence struggle of India was pathbreaking. By the second half of the twentieth century the world started exploring other areas of his philosophy. This paper explores Gandhi's pivotal contribution in the form of his environmentalism. Both, Environmentalism and Ecologism have been considered as Western ideas. This paper is an attempt to establish that the philosophy of ecologism originated from Gandhian views. It also compares the principles of ecologism to Gandhian philosophy to augment the argument.

Keywords: Gandhi, ecologism, pivotal, origin, augment

Mahatma Gandhi is most prominently associated and spoken of in connection to his unparalleled contribution during India's freedom struggle. To really understand Gandhi, one has to realise that this is just a part of what he advocated and believed in. The Gandhian philosophy incorporates every sphere of man's life, from social aspects to health, community life to economic status. In contemporary times, Gandhi is being discussed in connection to environmental issues. Gandhi's views regarding developmental policies, use of resources, consumerism etc. have become relevant now more than ever before. Gandhian ideas are holistic in character and have to be understood as such to really assimilate his philosophy.

The dawn of the 1950s saw several environmental issues and movements developing in the world. As a result, many different views regarding environmentalism have also arisen. Further, it developed into two broad schools, environmentalism and ecologism. Naturally, it has been assumed that the philosophy of environmentalism and ecologism has western origin. The rationale of this study is to establish that the origin of Ecologism needs to be traced in the philosophy of Gandhi and also that it is not western as is widely believed and accepted. With a view to achieve this objective, in this article, Gandhian views have been elaborated on and the western environmentalism and ecologism has been compared to Gandhian philosophy. The presentation will lead us to the conclusion that it is Mahatma Gandhi who is the real pioneer of Ecologism. This article is divided into the following parts:

- 1) Gandhian views regarding Modern Civilisation
- 2) Gandhi's Alternative Model of Development
- 3) Gandhian Environmentalism and Ecologism of the West: a comparison
- 4) Conclusion
- 5) References

The author has referred to the writings of several thinkers including Mahatma Gandhi and Arne Naess as primary source and others in the form of secondary source. Analytical and comparative method has been employed while writing the article.

Gandhian Views Regarding Modern Civilisation

Gandhian environmentalism originates in his views, critique to be precise, regarding modern civilisation. He justifies his criticism with the cause-effect way of explanation regarding the world scenario during his times. The Mahatma not only criticised but also appreciated the good in modern civilisation, for instance a sense of rule of law, liberty and equality, civic responsibility, awareness about sanitation etc.

Critique of Modern Civilisation

Gandhi puts forth his views regarding modern civilisation in his booklet, 'Hind Swaraj' which has been referred to as 'Rule of Dharma' by Vijayam (2009: 5). According to Gandhi, 'Civilisation is the mode of conduct which points out to man the path of duty (Parel, 1997: xxvii).' But, Gandhi is of the opinion that, modern civilisation advocates the 'khudaro' culture - of destruction, exploitation and suppression. Gandhi says

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A study of 'general exceptions' under Indian penal code, 1860

Suhas V Patki, Sairaj S Suryavanshi and Utkarsh S Patankar

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Abstract

An accused can be absolved of criminal liability for any illegal act or omission (offense) committed by him if there are various circumstances that can render an act or action non-criminal/non-offense. General Exceptions are defenses available to the accused that absolve them of criminal culpability. These defenses are dependent on the circumstances at the time, the accused's men's rea, and the reasonableness of his or her actions. The Indian Penal Code, 1860 safeguards or makes an infraction a non-offense in order to keep you or another person in a similar situation from being fined. Sections 76 to 106 guarantee the "right of the people to safeguard his life and limb, as well as the lives and limbs of others". Different methods and criteria for getting or protecting someone are given out further in this article. If found guilty, the accused must be held accountable for his actions and sentenced to the appropriate punishment. Crime entails a guilty mentality, guilty intention, and guilty conduct, in addition to an illegal act or omission. An act that does not meet these criteria for being a criminal is then excused from becoming a crime. These are the most common exceptions that an accused person can use to avoid guilt or avoid committing a crime. There are some exceptions that an accused person can utilize to avoid responsibility or avoid committing a crime that could result in death or harm to an innocent person. Given the democratic structure of our country, the accused should be given the opportunity to be heard as well. This is why specific exceptions exist to allow people to represent themselves in court.

Keywords: Act, accused, criminal, defence, general exceptions, Indian penal

Introduction

General Exceptions are defenses available to the accused that absolve them of criminal culpability. An accused can be absolved of criminal liability for any illegal act or omission (offense) committed by him, which indicates that there are various circumstances that can render an act or action non-criminal/non-offense. Men's rea (evil purpose) and actus rea (commission of the act in furtherance of the evil intention) are the two sines qua non-essentials that must be met in order to charge an accused with a crime under the Indian Penal Code. If either is missing, the accused person cannot be charged with the offence of committing the crime and may plead for his defence, as clearly specified by the IPC, 1860. Sections 76 to 106 guarantee the right of the people to safeguard their own and others' lives and limbs. Section 6 of the IPC states that all offences in the IPC are to be read with general exclusions. According to Section 105 of the Indian Evidence Act of 1872, the accused bears the burden of proving broad exceptions to the IPC.

Another major decision by the Supreme Court criminalized sex with a minor wife aged 15 to 18 years. The court dismissed a rape law exception that permitted a husband to have sex with his wife aged 15 and up regardless of consent, including punishment. The NGO Independent Thought filed a PIL in court, paving the door for this verdict, which will be applied even in the context of Muslim personal law. In India, criminal law deals with such matters, which are classified into several divisions based on their nature.

Criminal law encompasses a wide range of sanctions that vary depending on the circumstances. However, it is not always necessary for a person to be punished for a crime that he or she has done. Under "General Exceptions," the Indian Penal Code (IPC) of 1860 recognises defences. These defences, which are founded on the presumption that a person is not accountable for the crime committed, are covered in sections 76 to 106. These defences are dependent on the circumstances at the time, the accused's men's rea and the reasonableness of his or her actions.

Assume you have been attacked in an aggressive manner by an aggressor, and you will undoubtedly strive to defend yourself as a result of your stimulation.

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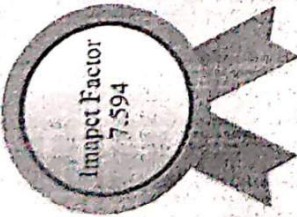
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"Health Care in India- The Legislative Measures"

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Abstract:

In majority of the countries, quality of care provided by the health care delivery system has come into sharp focus. Since quality is a crucial factor in health care, initiatives to address quality of health care have become worldwide phenomena. Many countries are exploring various means and methods to improve the quality of health care services. In India the quality of services provided to the population by both public and private sectors remains largely an unaddressed issue. The current structure of the healthcare delivery system does not provide enough incentives for improvement in efficiency. Mechanisms used in other countries to produce greater efficiency, accountability, and more responsible governance in hospitals are not yet deployed in India. State Policy strives to provide a welfare State with socialist patterns of society. It enjoins the State to make the "improvement of public health" a primary responsibility. Furthermore, Articles 38, 42, 43 and 47 of the Constitution provide for promotion of health of individuals as well as health care. The government is showing enthusiastic approach towards the objective of the Act. It is expected that in the coming years each and every clinical establishment in India will be systemized and equipped with all the basic minimum standard of medical care so that the healthcare in India will be an appreciable revolution. India is already outshining itself in the global strata of pharmaceutical market. It is apparently a boon above that for the fact that India is expected to witness a tremendous improvement in its public health as the Government is showing enthusiastic approach towards striving at the objective of the Clinical Establishments (Registration and Regulation) Act, 2010. With the implementation of the diligently drafted standards through this Act, it is expected that in the coming years each and every clinical establishment in India will be systematized and stringently compelled to be equipped with all the basic minimum standard of medical care and hence, the scenario of healthcare section in India is expected to grow through a tremendously appreciable revolution.

Key Words: Healthcare, Nursing Home, Services, Clinical Establishment, Patients

Health Care in India-The Legislative Measures

1. Introduction

Right to Health is fundamental right in India.ⁱ The Doctor patient relationship in our country has undergone a sea change in the last decade and a half. The lucky doctors of the past were treated like God and people revered and respected them. We witness today a fast pace of commercialization and globalization on all spheres of life and the medical profession is no exception to these phenomena. As a result, the doctor-patient relationship has deteriorated considerably. Earlier too, doctors were covered by various laws, i.e. the Law of Torts, IPC etc., but since the passing of the Consumer Protection Act in 1986, litigation against doctors is on the increase. The medical profession is definitely perturbed by this and a rethink is necessary on standards of medical practice or 'defensive medicine'.

It is duty of the state to provide adequate health care facility to every person within India.ⁱⁱ In majority of the countries, quality of care provided by the health care delivery system has come into sharp focus. Since quality is a crucial factor in health care, initiatives to address quality of health care have become worldwide phenomena. Many countries are exploring various means and methods to improve the quality of health care services. In India the quality of services provided to the population by both public and private sectors remains largely an unaddressed issue. The current structure of the healthcare delivery system does not provide enough incentives for improvement in

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44th Constitutional Amendment, Right to Property and Right to Compensation

Irale Vikram Vitthal*

Abstract

In India, no fundamental right has generated as much debate and as much controversy between government and citizen as the right to property. In liberated India, no fundamental right has caused so much suffering and given rise to so many controversies between governance and the citizen, as the right to property. Whatever laudable the state intends to achieve, it cannot deprive a person of his property or violate this right, except as a rule of law. The purchase can be made against the will of the owners but the guaranteed compensation is paid to the owners or those interested in the land. State can acquire land for public purpose and also for the company under Land Acquisition law but due regard must be given to the amount of compensation, and right to compensation should not get hampered. The term "public purpose" flows from public welfare and the welfare of the people should be the primary focus of any legislative or executive action.

Keywords: Amendment, Article, Compensation, Constitution, Corporate, Law, Property, Public

INTRODUCTION

The Constitutional Law (forty-fourth amendment), 1978, constitutes a crisis in the evolution of the fundamental right to property in this country. This amendment means the end of the fundamental right to property. Articles 19 (1) (f) and 31 are two important fundamental rights who were responsible for the enforcement and protection of right to property, and 44th amendment to the Constitution made major change the right to property and these two Articles got replaced by said Amendment.

The United States Constitution in the Fifth Amendment states, "No person may be deprived of his life, liberty or property without due legal process [1]." In our country, on the other hand, politicians under the impact of socialist philosophy have begun to curtail the institution of private property almost from the very day the constitution came into effect.

In liberated India, no fundamental right has caused so much suffering and given rise to so many controversies between governance and the citizen, as the right to property. Logically fundamental rights are negative burden on state and article 19 (1) (f) – right to property was a major obstacle in the acquisition of land for various public purposes. Along with article 19 there was article 31 of the

Constitution which has protected the property of the citizens and also provided them compensation on compulsive acquisition of property. Within the Constituent Assembly, there was a consensus on treating major land reform programs on a different footing from other kinds of State acquisition of property [2].

ARTICLES 19 (1) (F) AND 19(5)

Until 1978, Art. 19(1) (f) existed in the Indian constitution which gave a protection to private property. Article 300 A was introduced in the

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CONTENT

Sr.No	Subject	Title	Author	Page.No
1.	Accountancy	Financial Inclusion For Banks In India	Dr. M. A. Koli	1-4
2.	English	Environmental Degradation and Responsibility of Human Being	Dr. Mrs. Patil Manik Shantinath	5-8
3.	राज्यशास्त्र	कोरोना काळातील शिक्षण : एक अभ्यास	प्रा. डॉ. व्ही. एच. भटकर.	9-11
4.	राज्यशास्त्र	डॉ. व्ही. टी. पाटील यांच्या सामाजिक, राजकीय, शैक्षणिक, सहकार क्षेत्रातील नेतृत्वाचा अभ्यास	सुरेखा राजाराम संकपाळ.	12-13
5.	मराठी	भारतीय स्त्रीमुक्ती विचार उदय आणि परंपरा	प्रा. डॉ. विवेक गं. देशमुख.	14-17
6.	राज्यशास्त्र	भारतीय निवडणूक आयोगाची यशस्वी वाटचाल	प्रा. डॉ. अनिल रा. कडू.	18-21
7.	गृहअर्थशास्त्र	आहारोपचार समुपदेशनामध्ये आहार तज्ञाची भूमिका- एक अध्ययन	डॉ. लिना श. गावंडे.	22-24
8.	Geography	Global Warming: Curse For Human Being	Prof. Mangala. M. Kanate	25-30
9.	राज्यशास्त्र	कोविड १९ चा ग्रामीण अर्थव्यवस्थेवरील परिणाम आणि स्थानिक स्वराज संस्था	प्रा. डॉ. टी. एम. पाटील.	31-34
10.	राज्यशास्त्र	आहिताग्नि राजवाडे यांची धर्म चिकित्सा	विशाल व्यंकट रणखांब.	35-42
11.	राज्यशास्त्र	गडचिरोली जिल्ह्यातील आदिवासी समुदायातील महिलांच्या राजकीय जाणिवेचे अध्ययन	प्रा. डॉ. गणेश बी. खुणे.	43-45
12.	Law	Article 25 & Article 44 Of The Constitution Of India: A Study With Special Reference To 'TripalTalaq'	Mrs. Snehal Arun Shinde	46-51
13.	Law	Public Interest Litigation As An Effective Instrument To Provide Better Life And Greater Liberty: A Study With Special Reference To Judicial Review In India	Mr Vikram V. Irale	52-57
14.	Law	"Health Care In India- The Legislative Measures"	Mrs. Kirti Kuldeep Pawar	58-62
15.	Urdu	Urdu Repor-Taz-Nigari Me Khawatein Ka Hissa	Dr Farheena Shirin Nasiruddin	63-72
16.	राज्यशास्त्र	मानव अधिकारांच्या परिप्रेक्ष्यातून पर्यावरणीय राजकारण आणि शाश्वत विकासातील आंतरसंबंध	सविता सुरेश घरजारे	73-76
17.	राज्यशास्त्र	मानव अधिकार और कोविड-१९ का बच्चो पर प्रभाव	उल्का शशिकांत फराकटे	77-81
18.	इतिहास	बडोद्याच्या महाराणी चिमणाबाई गायकवाड द्वितीय यांचे स्त्री सुधारणा कार्यातील वैचारिक योगदान	डॉ. सुनीता संतोष खडसे	82-92
19.	Management	Cluster Initiatives in a Transition Economy: The Pot-Pourri of Indian Economy	Dr. V.N.Laturkar Gajanan Bellale Dr.G.B.Katalakute	93-100



PUBLIC INTEREST LITIGATION AS AN EFFECTIVE INSTRUMENT TO PROVIDE BETTER LIFE AND GREATER LIBERTY: A STUDY WITH SPECIAL REFERENCE TO JUDICIAL REVIEW IN INDIA

Mr Vikram V. Irale, Asst. Professor, Department of Law, Shivaji University, Kolhapur

Abstract:

The Indian court's inspired by the success of Public Interest Litigation in United States, adopted it to decide cases involving public interest. Protection of rights is duty of state but if they violate in publicly the remedy has to be given by constitution of India throw the public Interest Litigation. it has now become settled law that where any constitutional or Human rights of a person has been violated and that person himself unable to move that court for relief due to poverty, backwardness or any other disability another person on his behalf can file PIL petition for enforcement or vindication of aggrieved person's right. Generally, PIL writ directed to protect the interest of those who are unable to move the court for protection of their right due to poverty, illiteracy or ignorance etc. the concept of public interest litigation has evolved thought which legal remedies can be sought without investment of heavy court fees as required in private civil litigation. Hon'ble Justice Krishna Iyer were instrumental of this juristic revolution of eighties to convert the apex court of India into a Supreme Court for all Indian, and as a result any citizen of India or any consumer groups of social action groups can approach the apex court of country.

Key Words: Aggrieved, Court, Fundamental rights, Interest, Public, Right, Writs etc

1. Introduction:

"Locus Standi" is basic principle of law, generally only aggrieved person has right to stand before court. But under certain circumstances when the aggrieved person is not capable to approach to the court due this any inability, then the person other than that aggrieved person can file a petition before Supreme Court (under article 32) or before High Court (under article 226) Court treat them as writ petition, writ petitions litigation. Locus standi is the right to be heard in an appropriate court.

The seed of concept of PIL was introduced in India by Krishnan Iyer Justice in 1976 in case Mumbai Kamgarsingha v. Abdulbhai, after that seed of PIL converted into seal of judicial system.ⁱ Protection of rights is duty of state but if they violate in publicly the remedy has to be given by constitution of India throw the public Interest Litigation. Ambedkar said that "If any person asked me that which Article in our constitution you like then I prefer Art.32 and Art. 226 the reason behind it is these two Articles are the heart of our constitution because these two Articles are protected the rights of the citizen of India by Articles 32 Supreme Court has get the power of constitutional remedy and Article 226 has gave power to High Court constitutional remedy. Part III of our constitution gave right and freedom to citizen if these rights are violated by government or any individual then the person protect or get remedy by these two Articles so without these two Articles the rights provided in the so these are very important in our constitution.

"Public Interest law" is the name that has recently been given to efforts to provide legal representation to previously unrepresented groups and interest such efforts have been undertaken in recognition that the ordinary market place for legal services fails to provide such services to significant interests.ⁱⁱ

2. Objects of P.I.L.:

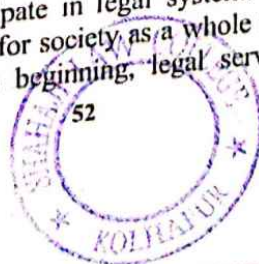
From the very outset, the rationale behind legal aid is supposition that in every society there are individuals who are unable to participate in legal system. Therefore, it is of prime importance for the system of Justice and for society as a whole to provide such individuals voluntary services of advocates.ⁱⁱⁱ In the beginning, legal service was not provided on

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Child problems and Legislative framework in India.

Mr. Vikram V. Irale Assistant Professor, Department of Law,
Shivaji University Kolhapur

Abstract: Child is an important national asset of a nation and as the future of any nation depends on how its children mature and develop. In the present times protection of children from all kinds of exploitation and abuses has become the main objective of our society. There have been many instances of child exploitation in the form of Sexual molestation, Child marriage, Underfeeding, Verbal abuse, Child battering, Child prostitution, Child pornography and Child labour; which indirectly highlights our society's own failure to protect our future generations. Child protection is regarded as one of the main responsibilities of the government as well as the society and considering the challenges and problems faced by the children. Historically we have witnessed a sea change in laws, policies and the recognition of human rights and child rights.

1. Introduction:

Children are like buds in a garden and should be carefully and lovingly nurtured, as they are the future of the nation and the citizens of tomorrow. I may not have time for adults, but I have enough time for children.¹

Child is an important national asset of a nation and as the future of any nation depends on how its children mature and develop. In the present times protection of children from all kinds of exploitation and abuses has become the main objective of our society. There have been many instances of child exploitation in the form of Sexual molestation, Child marriage, Underfeeding, Verbal abuse, Child battering, Child prostitution, Child pornography and Child labour; which indirectly highlights our society's own failure to protect our future generations. Child protection is regarded as one of the main responsibilities of the government as well as the society and considering the challenges and problems faced by the children.

The children are the greatest gift of God to man, our most precious and important assets. The welfare and development of any community depends largely on the health and wellbeing of its children. It has been said 'who hold souls of the children holds the nation'. The physical and mental health of a nation is determined largely in the manner in which it is shaped in early stages.

Justice V.R. Krishna Iyer said that, "it is our obligation to the generation by opening up all opportunities for every child to unfold its personality and rise to its full stature physical, moral, mental and spiritual and it is the birth right of every child that cries for justice from the world as a whole."

2. Who is child-

Different Legislations in India provides different definitions of child for protection of rights of child and to avoid any injustice to the child.


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By Jawaharlal Nehru, First Prime Minister of India.
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Sr. No.	Title of paper 2020-2021
33	The dimension of Social Exclusion of Migrants in the European Contient-An analysis
34	Sustainable Development in the eyes of Environmental Jurisprudence



33

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ON
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CONTENTS

SR. NO.	TITLE OF PAPER & AUTHOR (S) NAME	PG. NO.
1	The Dimensions of Social Exclusion of Migrants in the European Continent – An Analysis <i>Dr. Suchita Suragihalli</i>	1-5
2	Women from Ramoshi Community: The Second Citizens <i>Dr. Manisha Vinayak Shirodker</i>	6-11
3	Understanding the Notion of Castes in Western Marathwada Region: From the Perspective of Annihilation of Castes <i>Prabhakar Nisargandh</i>	12-23
4	Social Identity, Rural Labour and Urban Unorganised Sector: An Overview of Exclusion <i>Prof. Jagan Karade & Kuldeepsingh Rajput</i>	24-31
5	Biodiversity: social justice for tribal <i>Amit A More</i>	32-37
6	Gender Inequality and Social Exclusion <i>Avishkar D Kamble</i>	38-41
7	Constitution says, “Laws are equal for all”, but in reality, unequal for few; The Ramoshi Community of Maharashtra <i>Dr. Vijay Jaysing Mane</i>	42-49
8	Exclusion of Children of Divorced Families in Pune City of Maharashtra: A Reality Analysis through Case Studies <i>Geeta Joshi & Dr. B.T.Lawani</i>	50-61
9	Silent Social Exclusion - A barrier at Pre-Primary School level <i>Vrunda Purandare</i>	62-70
10	Sociological Study of the old age home and the Socio-Psycho Problems of elders in Maharashtra <i>Dr. Chavan Ashok Shamrao</i>	71-79
11	Forest rights of other traditional Forest Dwellers: topic for research explorations <i>Mr. Avinash Bhale</i>	80-87

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THE DIMENSIONS OF SOCIAL EXCLUSION OF MIGRANTS IN THE EUROPEAN CONTINENT – AN ANALYSIS

Dr. Suchita Suragihalli (Pg 1-5)

Assistant Professor, Shahaji Law College, Kolhapur

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Abstract

Social exclusion is a multi-dimensional phenomenon. It involves physical, emotional and mental deprivation or discrimination of a group vis-à-vis the remaining population of a nation. Migrants in such a class which has to face Social exclusion in its most naked and brute form. The increasing migration to European continent has also increased awareness regarding their plight and horrific situation. The social exclusion of these migrants is varied and multifaceted. It exists in all areas of their existence from basic living standards, to health, to education and to employment opportunities. This paper is an analysis of the dimensions of social exclusion of migrants. Some suggestions to facilitate and increase social inclusion have also been made.

Key words: Social Exclusion, Migrants, Europe, Dimensions



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INTRODUCTION:

One of the most important aspects that the world is discussing for the last 15-20 odd years and more specifically in the last 10 years is the issue of Social Exclusion. The notion of Social Exclusion can be defined as a discrimination carried out against a certain group of people so as to exclude them from activities in a given society. These activities may be social, political, economic or cultural. This group of people are not considered when the policy formulation takes place in a state. As a result, the exclusion keeps them bereft of development, opportunities, participation and identities. Social exclusion as is currently discussed by us is mostly of European origin. In the 1980s, the Europeans started discussing about how the people living in poverty without proper housing, educational facilities need to be made attention to they had been 'excluded'. But the concept of social exclusion has to be considered in much wider perspective depending on the state, region one is speaking of. It has to encompass the exclusion based on race, caste, gender. All these factors of social exclusion result in a person or a group not having access to employment, humane conditions of living, political voice and most importantly lack of legal representation.





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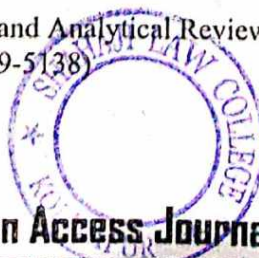
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Sustainable development in the eyes of Environmental Jurisprudence

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Kolhapur-416001.

Development involves a progressive transformation of economy and society. A development path that is sustainable in a physical sense could theoretically be pursued even in a rigid social and political setting. But physical sustainability cannot be secured unless development policies pay attention to such considerations as changes in access to resources and in the distribution of costs and benefits. The global consciousness towards protecting the environment cannot be seen in isolation. Man has a fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. Even the narrow notion of physical sustainability implies a concern for social equity between generations, a concern that must logically be extended to equity within each generation.

Living standards that go beyond the basic minimum are sustainable only if consumption standards everywhere have regard for long-term sustainability. Yet many of us live beyond the world's ecological means, for instance in our patterns of energy use. Perceived needs are socially and culturally determined, and sustainable development requires the promotion of values that encourage consumption standards that are within the bounds of the ecological possible and to which all can reasonably aspire.²

International efforts

The United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992, provided the fundamental principles and the programme of action for achieving sustainable development. As defined by the Brundtland Report, sustainable development means "Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs".³

The Earth Summit or United Conference on Environment and Development (UNCED) was held at Rio de Janeiro, Capital of Brazil, from June 3 to June 12, 1992. It was the largest International conference in the history of International relations and International Law. It was attended by 178 nations. More than 20,000 participants attended the conference. The plenary session was attended by 130 heads of State and Government.

The Earth Summit is the culmination of series of UN conference beginning with the Stockholm Conference on Human Environment in 1972. Industrialized countries degrade the environment by insatiable consumption and intense production of wastes, while high fertility and rapid population growth in many developing countries put damaging pressure on the planet combined, such human demands are undermining

Sr. No.	Title of paper 2019-2020
35.	Suggestions towards improvement of Right to Information
36.	Mahitichya Adhikarachya Gairvaparavar Kendriya Mahiti Ayogachi Bhumika : Chikitsak abhyas
37.	Articulation of Welfare State in India : A Judicial Perspective
38.	Role of Judiciary in the development of the Right to Privacy in India
39.	Delayed Justice and Democratic Principles : An Uneven Balance

CONTENTS

S.N.	Subject	Title	Author	P.No.
1	English	Study of the Nature in David Malouf's novel Harland's Half Acre (1984)	Chandan S. P. Mishra	1-5
2	Political Science	Good Governance	Miss. Supriya D. Thorat	6-11
3	Economics	A Study of Family Expenditure on Food Articles and Non Food Articles in Chandgad Taluka of Kolhapur District	Miss-Vrushali Kamalakar Herekar.	12-17
4	अर्थशास्त्र	जयसिंगपूरमधील वडार समाजातील स्त्रियांची उच्चशिक्षणातील सद्यस्थिती.	श्री. विजय रामचंद्र डोंगरे	18-20
5	हिंदी	अभिव्यक्ति स्वातंत्र्य पर संकट : मुक्तिबोध की कविता 'अंधेरे में'	सौ. विद्या शामराव चौगले	21-24
6	मराठी	महाराष्ट्रातील शेतीच्या अल्पउत्पादकतेची मिमांसा	प्रा.डॉ.शिवप्रसाद पं. वायाळ	25-26
7	राज्यशास्त्र	शहरीकरण आणि झोपडपट्टीची समस्या	प्रियांका आबासो शिंदे	27-29
8	राज्यशास्त्र	आचार्य विनोबा भावे यांचे धर्मचिंतन	डॉ. वकील टी. शेख	30-34
9	राज्यशास्त्र	18 व 19 व्या शतकातील कायदा आणि लिखाणांच्या माध्यमातून स्त्री सुधारणा चळवळ :- एक दृष्टीक्षेप	डॉ.सुजाता पाटील	35-37
10	राज्यशास्त्र	राजारामशास्त्री भागवत यांची स्वराज्याची संकल्पना	श्रावण धोंडीराम पाटील	38-40
11	राज्यशास्त्र	कोल्हापूर जिल्हयातील धरणग्रस्तांच्या पुनर्वसनाचे प्रश्न	पुजा काकासाहेब चव्हाण	41-42
12	राज्यशास्त्र	राजनीति में महिला आरक्षण : एक दृष्टिक्षेप	डॉ.विवेक दिवाण	43-45
13	राज्यशास्त्र	भारतातील दारिद्र्य व दारिद्र्य निर्मुलनाचे कार्यक्रम	सचिन श्रीरंग चव्हाण	46-52
14	इतिहास	ब्रिटीश शिक्षणपद्धती व त्याचा भारतीय समाजावर पडलेला प्रभाव - एक ऐतिहासिक अध्ययन	भोगेकर सचिन पुनूजी	53-56
15	English	Pt. Jawaharlal Nehru's Views On Indian Democracy	Dr. Wale Nagesh Gurappa	57-59
16	Law	Suggestions towards Improvement of Right to Information	Dr. Savita Rasam	60-63

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Suggestions towards Improvement of Right to Information

Dr. Savita Rasam M.A. LL.M. Ph.D. Asst. Professor, Shahaji Law College, Kolhapur

Introduction :

In a democracy, the people are the ultimate sovereigns and they have every right to know about the functioning of the government. In modern days, the quality of government depends upon the intelligence of the people. The social welfare concept has pervaded all the democracies. The powers are used to affect personal liberty and interest of individual.

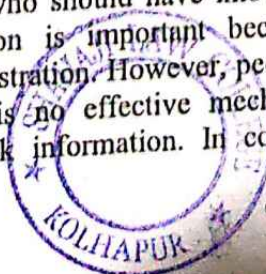
Democracy holds the highest place amongst the forms of government. It is the yardstick for good government. The right form of Government depends on the stage of development reached by the people. Information is the lifeblood that sustains political, social and business decisions. There must exist mutual trust and understanding. Thus, the right to information empowers the people and therefore the people as well as bureaucrats or politicians need to be educated. India being a democratic country, the Indians who are the source of the constitution must assert their right to have a good government. People are sovereign and they must therefore be educated. The Right to Information is vital to democracy. It is a human right which is necessary for making the governance transparent and accountable. The basic objective of the Right to Information is to provide for freedom to every citizen to secure access to information under the control of public authorities consistence with public interest, in order to promote openness; transparency and accountability in administration. The Right to Information promotes transparency, empowers the citizen reduces corruption, increases efficiency, makes officials accountable and put an end to their indifference, arrogance and corruption. Unless the citizens are informed of their right in the form of information, probably they can not assert their rights and make the government accountable for this action.

The Supreme Court held in various cases that R.T.I. is a fundamental right. The roots of R.T.I. can be traced down in various judgements of the Supreme court of India. The Supreme Court said in Indian Express Newspapers v/s Union of India, that Democratization of Communication Freedom of Speech of the Press of Information and of assembly are vital for the realization of human rights.

In modern times, the quality of government depends upon the participation of the people and that is why the people must be educated for their responsibility. We have to rely on the government for everything. Thus, we must change the people and become aware of their own inner strength. The people elects representative, but they are not controlled by public opinion. The Right to Information has long proven to be a key component of a healthy democracy because it empowers citizens with the right to demand what activities and decisions are being made in their name. The important object of the Act is to open the governments' decision - making process to public scrutiny.

Justice P.B. Sawant said, "The barrier to information is the most important cause responsible for corruption in the society. It facilitates clandestine deeds, corruption, arbitrary decision, manipulations etc. withering away of corruption in public life is sine qua non for citizens who should have knowledge as to how public administration is going on." Information is important because its empowers people and ensures transparency of administration. However, people's access to information is often limited either because there is no effective mechanism for dissemination of man's brain deliberately holds back information. In conclusion, it can be said nothing can be

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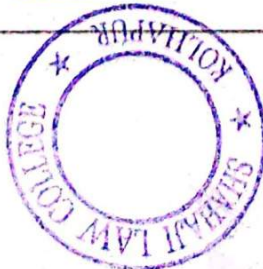

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CONTENTS

S.N.	Subject	Title	Author	P. No.
1	Psychology	Psycho Analytical Aspect in The Novels Of Anita Desai.	Prof. Rahul P. Ghuge	1-2
2	वाणिज्य	नागपूर जिल्ह्यातील वृद्धाश्रमांचे कामकाज आणि त्यांच्या प्रबंधाचे विश्लेषणात्मक अध्ययन कालखंड (२०००-२००९)	डॉ. स्वाती गोडे (भोयर)	3-7
3	हिंदी	इक्कीसवी शती में चित्रित नारी जीवन	प्रा. डॉ. रामचंद्र लोंढे	8-9
4	मराठी	नव्वदोत्तरी बालकादंबऱ्याच्या आशयाचे स्वरूप	विजया पांडुरंग पाटील	10-12
5	इतिहास	महाराष्ट्र संस्कृतीचे जतन व संवर्धनमध्ये वारकरी संप्रदायाचे योगदान	प्रा. डॉ. सौ. वंदना रामचंद्र लोंढे	13-15
6	लोकप्रशासन	पंडित जवाहरलाल नेहरूंचे लोकशाही समाजवादी विचार	डॉ. संतोष बाबुराव कुन्हे	16-19
7	राज्यशास्त्र	लोकशाही समाजवाद आणि पं. जवाहरलाल नेहरू	डॉ. प्रभाकर दिगंबर सूर्यवंशी	20-23
8	जनसंवाद व विद्याविभाग	दैनिक लोकमत व दैनिक भास्कर मधील महिला अत्याचारांच्या बाताम्यांचा चिकित्सक अभ्यास	साधना रामचंद्र काळे	24-28
9	ग्रंथालयशास्त्र	ब्रिटीशकालीन अभिलेख व्यवस्थापन पद्धती	मुल्ला जुबेदा यु. डॉ. एन. बी. खोत	29-32
10	अर्थशास्त्र	उमरेड तालुक्यातील मिरची पिकाच्या उत्पादनाचे स्वरूप	डॉ. आशा तुकारामजी बानकर	33-35
11	Sociology	Caste Based Discrimination in Maharashtra: With Special Reference to Pune City	Gadade Kashinath Nandkumar	36-40
12	कायदा	माहितीच्या अधिकाराच्या गैरवापरावर केंद्रीय माहिती आयोगाची भूमिका - चिकित्सक अभ्यास	डॉ. सविता रविकांत रासम	41-47

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माहितीच्या अधिकाराच्या गैरवापरावर केंद्रीय माहिती आयोगाची भूमिका - चिकित्सक अभ्यास

डॉ. सविता रविकांत रासम एम.ए. एलएलएम., पीएच.डी. सहाय्यक प्राध्यापक,
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गोष्टवारा -

माहितीचा अधिकार परिनियम म्हणजे सार्वजनिक प्राधीकरणास नाहक त्रास देणे, वेठीस धरणे किंवा गैरप्रकाराने काही साध्य करण्याचे साधन नाही.

माहितीच्या अधिकार परिनियमाचा वापर नागरिकांनी सार्वजनिक हिताच्या दृष्टीने करणे गरजेचे होते. परंतु २०१२ नंतर शासकीय परिपत्रकांद्वारे सदर अधिनियमांवर अंकुश ठेवणे गरजेचे भासले. सदर परिनियमाबाबत प्रशासकीय यंत्रणेतही अज्ञान असलेने नाहक त्रास देणाऱ्या अर्जदारांची संख्याही वाढली. वारंवार तशाच प्रकारचा अर्ज करण्याचाही पायंडा पडू लागला. अर्जदारांकडून कायद्याचा गैरवापर तसेच प्रशासकीय यंत्रणेकडून कायद्याची अयोग्य अंमलबजावणी यामुळे केंद्रीय माहिती आयोगाने वेळोवेळी विविध अपिलांच्या निकालामध्ये गैरवापराबाबत योग्य मार्गदर्शन केले आहे त्याचा या लेखामध्ये सविस्तर खुलासा केला आहे.

प्रस्तावना :

आपल्याकडे येणारे नागरिक हे फार मोलाचे असून त्यांच्याकरिता प्रशासन आहे ते आपल्या कामामध्ये व्यत्यय नसून ते आपल्या कामाचा गाभा आहेत हे महात्मा गांधीचे उद्गार आधुनिक युगात बरोबर उलट दिशेने लागू होत आहेत. निव्वळ महाराष्ट्रात २०१० मध्ये माहितीसाठी अर्ज करणाऱ्यांची संख्या तब्बल ५ लाख ४८ हजार इतकी होती. (महाराष्ट्र टाईम्स, मंगळवार दि.२६ एप्रिल २०११).

माहितीच्या अधिकार अधिनियमातील कलम २५(४), नुसार राज्य माहिती आयोगाने राज्य विधी मंडळासमोर सादर केलेल्या अहवालानुसार सदर अधिनियमाची प्रभावी अंमलबजावणी करणेकरिता प्रशिक्षण कार्यक्रमांचे आयोजन करणेबाबत स्पष्ट नमूद केले आहे. परंतु सार्वजनिक प्राधिकरणांनी कायद्याच्या जागरूकतेबाबत कोणतेही प्रभावी पाऊल न उचललेने अर्जदार या कायद्याचा गैरवापर करू लागल्याचे स्पष्ट दिसते.


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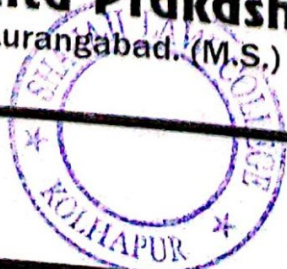
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CONTENTS OF PART - II

S.No.	Title & Author	Page No.
1	Protection of Women with Reference to 'Rape' Cases in India - A Critical Study Dr. B. Yuvakumar Reddy Dr. Anjali Bondar	1-11
2	Acid Attack a Social Menace: Legislative Provision in Prevention & Rehabilitation of Victims Dr. Shilparani Dongre	12-19
3	Articulation of Welfare State in India: A Judicial Perspective Dr. M. C. Sheikh	20-24
4	Trends in Compensatory Jurisprudence in India with Reference to the Constitution Dr. Prafull Chavate	25-34
5	India's Move towards Achievement of SDG 6-Clean Water and Sanitation Dr. Prachi Parag Kadu	35-40
6	Cyber Obscenity: Women and Laws Dr. Radhika Deshmukh	41-48
7	Media and Right to Privacy of Public Persons / Celebrities Prof. Chaitanya Ghuge Dr. Pranay Malviya	49-55
8	Law and Terminally Ill Patients in India Prof. Dipak Lokhande	56-62
9	Critical Analysis the Concept of Reproductive Rights of Women with Special Reference to Feminist Jurisprudence Prof. Nisha Chavhan	63-67
10	Constitutional Protection of Scheduled Castes and Scheduled Tribes in India Prof. Shahiza Irani Prof. Ankita Kapoor	68-76
11	E-Contract and Legal Challenges with Special Reference to Information Technology Act, 2000 Prof. Mangesh Pote	77-82


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3. Articulation of Welfare State in India: A Judicial Perspective

Dr. M. C. Sheikh

Asso. Prof., Shahaji Law College, Kolhapur (Mah).

"A well-designed welfare state can actually encourage people to take chances with their jobs and be more, not less, open to changes."

- Ha-Joon Chang¹

'Since the advent of the Constitution, the state action must be directed towards attaining the goals set out in Part IV of the Constitution which, when achieved, would permit us to claim that we have set up a welfare State.'

- Chandrachud, Y.V. ((Cj))²

Welfare is actually a form of liberty in as much as it liberates men from social conditions which narrow their choices and brighten their self development. The concept of welfare is nothing but- "System of laws and institutions through which a government attempts to protect and promote the economic and social welfare of its citizens which are usually based on various forms of social insurance against unemployment, accident, illness and old age, etc"

A welfare state is one, which seeks to ensure maximum happiness of maximum number of people living within its territory. A welfare state provide all facilities for decent living, particularly to the poor, the weak, the old and the disabled i.e. to all those, who admittedly belong to the weaker sections of society.

United Kingdom

The welfare state of the United Kingdom comprises expenditures by the government of the United Kingdom intended to improve health, education, employment and social security. The British system has been classified as a liberal welfare state system.³

The United Kingdom social security schemes include: f The National Insurance Scheme (NIS), which provides cash benefits for sickness, unemployment, death of a partner, retirement, etc. People earn entitlement to these benefits by paying National Insurance contributions; f The National Health Service (NHS), which provides medical, dental and optical treatment and which is normally available free of charge only to people who live in Great Britain and Northern



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ROLE OF JUDICIARY IN THE DEVELOPMENT OF THE RIGHT TO PRIVACY IN INDIA WITHIN 1954-2019 ERA: AN OVERVIEW

¹ Archana Arun Thorat,² Dr. M.C. Sheikh

¹Research Scholar, ² Research Guide & Associate Professor

¹Department of Law,

¹Shivaji University, Kolhapur, Maharashtra, India

Abstract: Privacy is an important phenomenon of every individual's life. Privacy connotes every aspect of human behavior. The concept of privacy not only relates to body, property, reputation, marriage, procreation, education, etc. but also relates to data, information, and communication in digital era. The scope of privacy has different dimensions and angles which depend upon the upbringing situation, morality, psychological and sociological background of an individual. But in simple sense, privacy means an autonomy barred by illegal interference or it is one kind of secrecy which a man would like to keep away from the society or others. Present research paper attempts to review the conscious awareness of Right to Privacy' on judicial level.

Index Terms- Right to Privacy, Data, Information, Precedent.

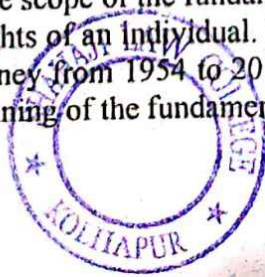
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Privacy is an important phenomenon of every individual's life. Privacy connotes every aspect of human behavior. The concept of privacy not only relates to body, property, reputation, marriage, procreation, education, etc. but also relates to data, information, and communication in digital era. The scope of privacy has different dimensions and angles which depend upon the upbringing situation, morality, psychological and sociological background of an individual. But in simple sense, privacy means an autonomy barred by illegal interference or it is one kind of secrecy which a man would like to keep away from the society or others.

The concept of privacy is not new for mankind. From the ancient to modern stages of civilization the concept of privacy can be traced. In every religion privacy concept was at paramount level and protection has been awarded for invasion of right to privacy. It can be traced in Koutilya's Arthshastra, Quran, Bible, Manusmriti, etc.

The Constitution of India is supreme blueprint and foundation of legal procedures and rule governed life in India. No one can make a law which is going to contravene the constitutional provisions. The provision regarding right to privacy was not inserted by Constitution makers at the time of 1950 when Constitution was adopted. At the time of Constitutional debate, Dr. Babasaheb Ambedkar was of the opinion that the right to privacy shall be under the heading of fundamental rights but was unable to implicate it. It was the constant struggle of judiciary to enhance the scope of the fundamental rights which provides the approach to protect fundamental as well as personal rights of an individual. The path to achieve the recognition towards right to privacy was a track race. The journey from 1954 to 2017 was mutable. The unending efforts taken by the judiciary resulted into the new beginning of the fundamental right of privacy in India.

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CONTENTS OF PART - II



S.No.	Title & Author	Page No.
12	An Analytical Study of Scheduled Tribes Attitude towards Panchayats (Extension to the Scheduled Areas) Act, 1996 (Pesa) and Forest Rights Act 2006 (Fra) Prof. Manish Wadive	83-87
13	Counterfeit Consumer Goods: Challenge to the Economy - A Survey on Violation of Provisions of the Trade Mark Act, 1999 in Akola City Prof. Pavan Dhanj Kumar Chouhan	88-93
14	Analyzing the Effectiveness of 74th Constitutional Amendment in Empowering Women in Urban Governance Amrita Sanyal Urmiladevi Chauhan	94-99
15	Dr. B. R. Ambedkar Views on Democratic Society: Reflections under Indian Constitution Prof. D. R. Kshirsagar	100-104
16	Arbitration - An Effective Legal Institution in India Adv. Kirti Bajaj Malpani	105-112
17	Right Against Self-Incrimination: Study of Legislative Provisions and Judicial Trends in India Adv. Laxmi Parihar	113-117
18	Live in Relationship and Indian Judiciary Adv. Rupali Chhajer	118-125
19	Social Security for Domestic Workers through Progressive Legislation Adv. Meenakshi Kale	126-130
20	Human Trafficking.... Emerging Organized Crime and Legal Impact in India Adv. Archana W. Awaghad Adv. Renuka M. Talokar	131-137
21	Women Empowerment - A Social Legal Perspective in India Madiha Massarrat Md. Qayyum	138-145
22	Delayed Justice and Democratic Principles: An Uneven Balance Ms. Swati Hajare	146-153

22. Delayed Justice and Democratic Principles: An Uneven Balance

Ms. Swati Hajare

Research Scholar, Shivaji University, Kolhapur.

In a democracy, court belongs not to the lawyers and judges but to the citizen;

Jerome Frank

Abstract

Judiciary is meant to achieve justice and equality for all irrespective of discrimination. India being a democratic country, administration of justice plays a vital role here. But as we know around 3.3 crore cases are pending in upper as well as in lower courts. It is overburdened with civil, criminal, and other cases. It leads to further increase in delay in disposal of cases. It affects the trust of litigant who are in a queue from years and years waiting for disposal of their cases. It also violates the right to speedy trial of citizen guaranteed under constitution of India. In this paper analytical study of present judicial discusses the reason for delay in disposal of cases and its impact on democratic principles with some of the suggestions to reduce the pendency in litigation.

1) Introduction

Judiciary is the pillar of democracy. Indian Constitution has given separate and independent status to judiciary. So that it can work efficiently without dominance by other. It made Indian judicial system more powerful organ of the democracy. The development of democracy depends upon the growth of this organ. Today workload on judiciary is increased. There are 3 Crore cases pending in the courts of the country. People are waiting for disposal of cases from years and years. The justice must be imparted by judiciary within stipulated time, if not then it is not worth to have it at later time. So justice delayed is equal to justice denied. People loses their trust on this organ. It will automatically affect democratic values of the country. In support of this study I must quote Nani Palkiwala as he said,

"May I now turn to the situation in India which has the second largest number of lawyers in the world. While it is true that justice should be blind, in our country it is also lame. It barely

Sr. No.	Title of paper 2018-2019
40	Alternative Dispute Resolution : As a quick access to justice
41	Abrupt Attempt to Prohibit Police Torture : A Critical Analysis of the Torture Bill 2010 in the Light of 273rd Law Commission Report of India Report, 2017 - Pertinent Suggestions and Trajectory for Future Bill.
42	Impact of ICT on Teaching and Learning Legal Education in Digital Age
43	E-Banking : Opportunities and Challenges in the Cyber World
44	Women Judges : The Emerging Judicial Leadership
45	Higher E-Education in India : A Bird Eye View
46	Delayed Justice and Democratic Principles : An Uneven Balance
47	Women Empowerment
48	Sustaining Indian Judicial Transparency in ICT Age
49	An Articulation of Women Empowerment in India
50	Diverse Judicial Leadership : The Emerging Legal Landscape
51	Gandhian Philosophy of Nai Talim : A Scheme of Learning for Sustainable Development
52	Mahatma Gandhi : The Pioneer of Ecologism

53	The Problem of Rehabilitation and Social Re-Integration of Drug Addicts
54	Drug Abuse and Youths in India : A Socio-Legal Study
55	Education and Women empowerment A Study with reference to Legislative and Judicial Efforts
56	Demonetization: and its effects On Agriculture.
57	The information Technology Act, 2000 and Cyber offences affecting social, economic and cultural life of the mankind.
58	A critical study on ‘rights of the dance bar girls with reference to Maharashtra restaurants and bar rooms and protection of dignity



॥ न हि ज्ञानेन सदृश्यं पवित्रमिह विद्यते ॥

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			266
Political Science			
1.	दहशतवाद एक प्रमुख आव्हान	प्रा. अशोक जाधव	267-269
	भारतीय लोकशाहीतील जनतेची राजकीय उदासीनता.	प्रा. कठरे.डी.एन.	270-272
Sociology			
1.	शेतकऱ्यांच्या आत्महत्या: एक समाजशास्त्रीय अभ्यास	डॉ. संजय हिंदुरा िशेदे	273-277
	IMPACT OF DEFORESTATIONS ON SOCIETAL BEHAVIOR OF ETHNIC	DR. SAVITA GIRE	278-281
Law			
1.	ALTERNATIVE DISPUTE RESOLUTION: AS A QUICK ACCESS TO JUSTICE	MISS. SWATI ASHOK HAJARE	282-286


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Special Issue



ALTERNATIVE DISPUTE RESOLUTION: AS A QUICK ACCESS TO JUSTICE

***Miss. Swati Ashok Hajare**

Research Scholar, Shivaji University, Kolhapur

Email Id: swatigavade9990@gmail.com

Abstract: Judiciary is the important organ of the sovereign state. They impart justice which should be fair equal without bias. Indian judicial system is overburdened by the piling of pending cases. Thus justice within reasonable time becomes for impossible. Alternative dispute resolution can be effective solution for the delayed justice. The procedures under Alternative dispute resolution are simple, faster. It is amicable settlement of dispute by using methods like arbitration, mediation, negotiation, conciliation. Thus to lessen the burden from judiciary Alternative dispute resolution may act as a innovative solution.

As Mahatma Gandhi has rightly said, "I realized that the true function of a lawyer was to unite parties. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromise of hundreds of cases. I lost nothing thereby not even money, certainly not my soul."

Keywords: Alternative Dispute Resolution (ADR), delay, justice, pendency

Introduction

Abraham Lincoln has rightly said, "Discourage litigation.....A nominal winner is often the real loser in fees, expenses and waste of time."

The traditional dispute resolution by the state courts always include lengthy technicalities, procedure which leads towards the delay in disposal of cases. The delay in dispensation of justice defeat the purpose of it on the other hand Alternative dispute resolution act as a informal method of dispute resolution which is speedy, economic. Alternative dispute resolution resolves different kinds of disputes like domestic, labour, business. It must be used to assist the judiciary for reducing the number of pending litigation in India. The more importance is given on strengthening the relationship of the litigant in Alternative dispute resolution.

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The doctrinal method is used for this study. The Researcher use secondary sources like books, articles, blogs, websites etc. Due to lack of time primary resources are not used by researcher.

Concept of Alternate Dispute Resolution

Alternative dispute resolution is no new concept in India. Earlier we have Panchayat System which consist of five elderly persons in the village and who were leaded by the village headman (Panchamukhi Parmeshwar). Whereas the version given by Pancha were treated to be trustworthy. This was kind of self-governance. The appeal from the village panchayat lies to the kings' court. Now a day's panchayat system got Constitutional sanction.

Alternative dispute resolution is the resolution of dispute by the amicable means. It includes settlement of domestic, labour, business, civil, related disputes.

Abrupt Attempts to Prohibit Police Torture: A Critical Analysis of the Torture Bill 2010 in the Light of 273rd Law Commission of India Report, 2017- Pertinent Suggestions and Trajectory for Future Bill

Praveen Patil

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Abstract

Not only the states in their domestic jurisdictions have denounced torture but also nearly universal attempts have been made by the international community at international platform to prohibit torture, inhuman and degrading treatment. Of the several conventions, The Convention against Torture and other Cruel, Inhuman and Degrading Treatment 1984, to which India is a party to, has mandated the signatory states to prohibit and punish all acts of Cruel, Inhuman and Degrading Treatment through their domestic penal legislations. India being a signatory, tested the water for long time and, came with the Prohibition of Torture Bill 2010. The Bill fortunately did not pass the muster (not for good enough reasons on rationality but on technical ground of dissolution of Lok Sabha), but gave an impetus to debates and deliberations on the model law on prohibition of torture and other degrading and inhuman treatments. The present paper deals with flaws of 2010 Bill, the subsequent suggestions made by multiple institutions and tentative suggestions that may be included in the new Bill.

KEY WORDS: Convention on Cruel, Inhuman and Degrading Treatment 1984, custodial torture, Prohibition of Torture Bill 2010, Law Commission of India, Human Rights, NHRC,

PART I: INTRODUCTION

Police resort to torture as a means of investigation. Legal systems have prohibited torture and yet the practice is strengthening with passing years and crimes. The remote justification for torture is security of the state. The protection of fundamental rights of an individual on the one hand and duties of the police to protect the society and suppress the crimes on the other, is a delicate balance the State must strike. It cannot be gainsaid that freedom of an individual must yield to the security of the State. Latin maxim *salus populi est suprema lex* - the safety of the people is supreme law; and *salus reipublicae suprema lex* - safety of the State is supreme law, co-exist. However, the doctrine of the welfare of an individual must yield to that of the community.¹

Though the Supreme Court has read prohibition of torture as a fundamental right in several cases² and consequentially issued several guidelines to prohibit and

¹ *Prithipal Singh v. State of Punjab* (2012) 1 SCC 10 MANU/SC/1292/2011

² See the following cases where the Supreme Court of India has strongly condemned the practice of torture and other inhuman and degrading treatment by police during the custody or otherwise.

Raghubir Singh v. State of Haryana (1974) 4 SCC 560., *Niranjan Singh v. Prabhakar Rajaram Kharote* AIR 1980 SC 785., *Kishore Singh v. State of Rajasthan* AIR 1981 SC 625., *Gauri Shanker Sharma v. State of UP* AIR 1990 SC 709., *Citizen for Democracy v. State of Assam* (1995) 3 SCC 743., *Prem Shankar Shukla v. Delhi Administration* AIR 1980 SC 1535., *Kishore Singh v. State of Rajasthan* 1981 AIR 625., *Prakash Kadam v. Ramprasad Vishwanathji Gupta and another* (2011) 6 SCC 189., *POCL v. State of Maharashtra* (2014) 10 SCC 635., *Tuka Ram Anr v. State of Maharashtra*, AIR 1979 SC 185., *State of Maharashtra v. Madhukar Narayan Maralkar*, AIR 1991 SC 207., *Arvinder Singh Bagga v. State of U.P* 1994 SCC (6) 565., *Francis Corallie Mullin v. Union Territory of Delhi* AIR 1990 SC 199.

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IMPACT OF ICT ON TEACHING AND LEARNING LEGAL EDUCATION IN DIGITAL AGE

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"Curriculum tells you what to teach, but doesn't tell you HOW you have to, make the shift to the 21st century learning environment". – Stacy Behmer

Learning is an integral part of teaching. It is not a mechanical process. However one has to acquire recent trend to impart the legal education. Change is unavoidable part of our life. One has to adopt audio visual modes for effective and innovative teaching. We cannot survive with chalk and talk method in digital age. Reforming legal higher education involves organizational aspects as well as aspects on learning and instruction. We focus on the learning and instruction part of education and also make a restriction for institutionalized learning and instruction, that is, learning and instruction that takes place within the context of a school or university. Instruction should aim at enhancing effective and efficient learning, that is the acquisition of knowledge and skills in the field or subject area at stake. Instruction involves presentation of learning materials and presentation of support in processing these materials. Technology can be used in instruction to support both the presentation and the processing of learning materials. In this paper the focus is on how ICT helps to impart legal education effectively and efficiently.

Keywords: Teaching and learning, Legal education, TCT, Reforms, E-learning, Audio visual modes.

Introduction

Teaching, learning and evaluation are basic aspects of the curriculum for which teachers take responsibility. Teaching is an art. It requires knowledge, eloquence, convincing power, skill, energy and patience. It is not a mechanical process. To teach is to engage students in learning; thus teaching consists of getting students involved in the active construction of knowledge. A teacher requires not only knowledge of subject matter, but knowledge of how students learn and how to transform them into active learners. Good teaching, then, based on commitment to systematic understanding of learning. The aim of teaching is not only to transmit information, but also to transform students from passive recipients of other people's knowledge into active constructors of their own and others' knowledge and ideas. Of course the teacher cannot transform without the student's active participation. Teaching is fundamentally about creating the pedagogical, social, and physical conditions under which students agree to take charge of their own learning, individually and collectively.¹ Learning can be defined as the activity or process of gaining knowledge or skill by studying, practicing, being taught, or experiencing something². Evaluation is defined as the act of judging the amount of learning that took place as a result of learning and teaching.

The second noteworthy stage of education system. According to the UNESCO website, curriculum has various meanings and can be envisaged from different perspectives. What societies envisage as important for teaching and learning constitutes the intended curriculum. Since syllabi is usually presented by academic body as an official curriculum. What learners actually learn is achieved or learned curriculum.³

Legal Education

The aim of legal education is to enable the students to be a professional personal to practice the law in courts, administrative and quasi-judicial authorities. Presently, the legal education involves learning of substantive and procedural law. The civil substantive law deals with the rights and duties of an individual. The civil procedural law deals with the procedure to implement the rights, duties and liabilities in the substantive law. While raising the dispute in the court, the aggrieved party has to follow the procedure in the Code of Civil Procedure, 1908. It means merely a learning of the provisions of

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18-19 43

E- Banking: Opportunities and Challenges in: the Cyber world

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Abstract:

Online banking is an electronic payment system that enables customers of a financial institution to conduct financial transactions on a website operated by the institution, such as a retail bank, virtual bank, credit union or building society. Online banking is also referred to as internet banking, e-banking, or virtual banking. To access a financial institution's online banking facility, a customer with internet access would need to register with the institution for the service, and set up a password and other credentials for customer verification. Online banking services usually include viewing and downloading balances and statements, and may include the ability to initiate payments, transfers and other transactions, as well as interacting with the bank in other ways. In present scenario Banking institutions are increasingly getting various opportunities to provide various banking services, at the same time facing cyber crimes. There is need of equilibrium to setrate the issue. Technosavi peoples are trying to provide possible solution to rescue from cyber crimes and abuse of the process.

Introduction

Finance is the life blood of trade, commerce and industry. Now-a days, banking sector acts as the backbone of modern business. Development of any country mainly depends upon the banking system. The term bank is either derived from old Italian word *banca* or from a French word *banque* both mean a Bench or money exchange table. In olden days, European money lenders or money changers used to display (show) coins of different countries in big heaps (quantity) on benches or tables for the purpose of lending or exchanging. A bank is a financial institution which deals with deposits and advances and other related services. It receives money from those who want to save in the form of deposits and it lends money to those who need it.

Online banking facilities offered by various financial institutions have many features and capabilities in common, but also have some that are application specific. The term 'Online' became popular in the late '80s and referred to the use of a terminal, keyboard and monitor to access the banking system using a phone line. While financial insitutions took steps to implement e-banking services in the mid-1990s, many consumers were hesitant to conduct monetary transactions over the web. It took widespread adoption of electronic commerce, based on trailblazing companies such as America Online, Amazon.com and eBay, to make the idea of paying for items online widespread. By 2000, 80 percent of U.S. banks offered e-banking. Customer use grew slowly. At Bank of America, for example, it took 10 years to acquire 2 million e-banking customers. Today, in India many banks are only internet banks. Unlike their predecessors, these internet only banks do not maintain brick and mortar bank branches. Instead, they typically differentiate themselves by offering better interest rates and more extensive online banking features.

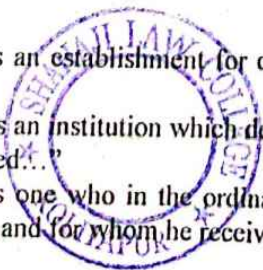
Online banking is an electronic payment system that enables customers of a financial institution to conduct financial transactions on a website operated by the institution, such as a retail bank, virtual bank, credit union or building society. Online banking is also referred to as internet banking, e-banking, or virtual banking. E-banking is a result of the growing expectations of bank's customers. E-banking involves information technology based banking. Under this I.T system, the banking services are delivered by way of a Computer-Controlled System. This system does involve direct interface with the customers. The customers do not have to visit the bank's premises. The popular services covered under E-banking include Automated Teller Machines , Credit Cards, Debit Cards, Smart Cards, Mobile Banking, and Internet Banking etc.

Definition of a Bank

[Oxford Dictionary : " Bank as an establishment for custody of money, which it pays out on customer's order."

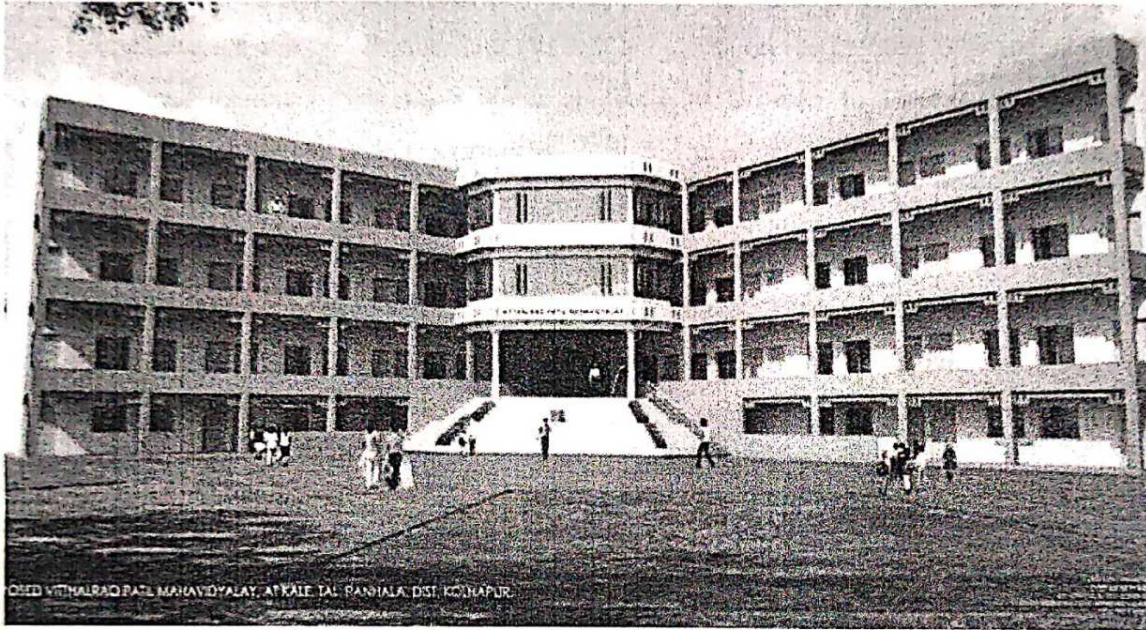
[Oxford Dictionary: " Bank is an institution which deals in money, an establishment where money is deposited, maintained and issued..."

Shahaji Law College, Kolhapur. A banker is one who in the ordinary course of his business, honours cheques drawn upon him by persons from and for whom he receives money on current account."



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**One-Day
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on
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Sr.No.	Author Name	Research Paper / Article Name	Page No.
1.	Prin. Dr. B. M. Ladgaonkar	WOMEN CONTRIBUTION IN INDIAN ENGLISH LITERATURE	1 To 3
2.	Prin. Dr. B. M. Ladgaonkar	FEMININE SENSIBILITY IN THE SELECT POEMS OF KAMALA DAS AND MAMTA KALIA	4 To 6
3.	Sau. Savita Namdev Nandavadekar	WOMAN SENSIBILITY IN ANITA DESAI'S SELECTED NOVELS	7 To 9
4.	Dipak Sitaram Sarnobat	THE PERSPECTIVE OF KAMALA DAS TOWARDS EXPLOITED AND CHEATED WOMEN	10 To 12
5.	Pratiksha A. Bhosale Priyanka P. Mohire	INVOLVEMENT OF WOMEN SCIENTISTS IN AGRICULTURAL DEVELOPMENT	13 To 14
6.	C.Sudharani P.Revathi Dr.Kalarani Rengasamy	ANALYSIS OF WOMEN PARTICIPATION IN INDIAN AGRICULTURE	15 To 19
7.	S.Karthi Dr.M.Rajadurai Dr.Kalarani Rengasamy	CONTRIBUTION OF FEMALE LABOUR IN AGRICULTURE: A CASE STUDY OF TIRUVARUR DISTRICT OF TAMIL NADU	20 To 23
8.	Dr. Savita Vitthalrao Bhosale	CONTRIBUTION OF WOMEN IN INDIAN SPORTS: A STUDY	24 To 27
9.	Vijayakumar Jadhav	EMPOWERING WOMEN AT WORKPLACE: ISSUES AND REMEDIES	28 To 31
10.	Ms. Snchal D. Bhosale	ENABLING ENVIRONMENT FOR BUSINESS AND INVESTMENT CLIMATE FOR WOMEN ENTREPRENEURS	32 To 35
11.	Chhaya Bharat Sakate	WOMEN'S ORGANIZATIONS CONTRIBUTION TO WOMEN EMPOWERMENT : WITH SPECIAL REFERENCE TO PUNE DISTRICT	36 To 38
12.	Smt. Sheela B. Mohite	WOMEN SPORTS IN INDIA : A STUDY	39 To 41
13.	Prof. Pranjali B. Vidyasagar	CHANGING IMAGE OF WOMEN IN THE NOVELS OF MANJUKAPUR	42 To 45
14.	Dr.M.C.Sheikh	WOMEN JUDGES: THE EMERGING JUDICIAL LEADERSHIP	46 To 49
15.	Mr. Ganesh K. Injekar Ms. Aparna P. Sawant Ms. Archana B. Thorat	WOMEN EMPOWERMENT IN RURAL INDIA THROUGH ENCOURAGING ENTREPRENEURSHIP WITH SPECIAL REFERENCE THROUGH MANN DESHI FOUNDATION, MHASWAD	50 To 56
16.	Dr.M.B.Waghmode Prof. P.Y.Phadnis	EDUCATION OF LEGAL LAW'S FOR WOMEN EMPOWERMENT	57 To 59
17.	Dr. Bharati Bhosale And Dr. Rohini Devi	PREVALENCE OF HABITS AND MORBIDITY IN THE SELECTED INSTITUTIONALIZED ELDERLY MEN AND WOMEN	60 To 63
18.	Prof. Gautam Shahuraje Jadhav	CONTRIBUTION OF WOMEN IN INDIAN SPORTS	64 To 68
19.	Prof. Santosh M. Shinde	URBANIZATION AND WOMEN MIGRATION: THE INDIAN CONTEXT	69 To 72

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WOMEN JUDGES: THE EMERGING JUDICIAL LEADERSHIP

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Abstract

This paper examines patterns and trends of women participation in the apex judiciary in India in order to assess gender justice. If women lawyers and women judges through their differing perspectives on life can bring a new humanity to bear on the decision-making process, perhaps they will make a difference. Perhaps they will succeed in infusing the law with an understanding of what it means to be fully human.

*"Women are leading peacemakers. They work together towards creating a stress-free society"-H'ble
Justice Bhanumati Narasimhan**

The inclusion of women's experiences will make law more representative of the variety of human experience.¹ By leveraging a global network of expertise, launching national initiatives, and forging local partnerships, women judges are rising to key leadership roles and advancing the rule of law in their societies. As a result, litigants are gaining greater confidence in the fairness of courts because judges resemble the population that comes before them rather than a judiciary drawn from only one demographic sector.²

Law is pervasive and affects many aspects of peoples's lives, women and men alike. As we witness the growing 'juridification' of life- that is, the expansion and penetration of the legal sphere into more and more aspects of other social (public and private) spheres – the prominence of law and rights in affecting people's lives becomes increasingly obvious. Law and justice impact people's capacity to accumulate endowments, enjoy returns to such endowments, access rights and resources, and act as free, autonomous agent in society. Inequalities in endowments, access to resources and rights, social (and household) status, voice and agency are perpetuated. Codified, contested and redressed through norms and the institutions established or resulting from such norms, be they social or legal.³

United States of America (USA)

In 1981 Sandra Day O'Connor was the first woman appointed to the U.S. Supreme Court. As a Republican, she was considered a moderate conservative and served for 24 years. Ronald Reagan nominated her to the U.S. Supreme Court. She received unanimous Senate approval, and made history as the first woman justice to serve on the nation's highest court. At present in America the position of women judges are- State Final Appellate Jurisdiction Courts : 122 Women Judges out of 353 (35%), 344 Women Judges in State Intermediate Appellate Jurisdiction Courts out of 991 (35%).⁴ Nine Justices make up the current Supreme Court: one Chief Justice and eight Associate Justices. Currently, there are 03 women on the U.S. Supreme Court, 1/3 of that body.⁵

United Kingdom (UK)

As of 31 March 2018, there were 97 Justices of the High Court (15 Chancery Division, 17 Family Division, and 65 Queen's Bench Division judges), 76 male and 21 female i.e., 21.64 % female judges. In the period from 1 April 2014 to 1 April 2017, the percentage of female judges has increased from 18% to 24% in the Court of Appeal; 18% to 22% in the High Court and 24% to 28% in the courts judiciary. 14 out of 66 Deputy High Court Judge (22%) were women.⁶

China

Out of 12 high court judges 3 women judges are presently working as Justices of Appeal of the Court of Appeal of the High Court, People's Republic of China (Position as at 30 April 2018). There is no representation of women judges in Supreme Court of People's Republic of China.⁷

Indian Scenario

Justice Indu Malhotra is the seventh woman judge since independence to make it to the Supreme Court. Ms Malhotra's direct move from Bar to Bench is seen as breaking a major glass

18-19

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225

54	Soft Skill Development in Higher Education: A Need of the Day	Parul Tugta Abhijit J. Patil	205
55	Soft Skills in Legal Education	Msx. Priyanka Sambhar Jadhava	217
56	The Growing Importance Of Soft Skill In Ict	Dr. Anil D. Warghat	221
57	हिंदी विभागतून जीवनकौशलयांसाठी अध्ययन- अनुभव योजना	प्र.सो.शोभा संग्राम पाटील	223
58	Soft Skills: A Holistic Approach To Life At Work Place	Dr. Panchappa Ramchandra Waghmare	228
59	Role of 'Open and Distance Learning' in development of Employable Skills in Higher Education	Mr. Vaibhav Vijay Patil	231
60	The Role Of ICT For Soft Skill Development	Dr. Tabassum Yakub Patel	235
61	उच्च शिक्षा में कौशल विकास	सुश्री. श्रीदेवी बबन वाघमारे	241
62	Skill Development In Higher Education Institutions Of India	Dr.Durgesh Narpat Valvi Dr. Suresh Shripati Apaté	244
63	सौम्य कौशल्य विकसनात माहिती संप्रेषण आणि तंत्रज्ञानाची भूमिका	रुविता.टी.जानकरे.	249
64	डॉ. विश्वास मंडलिक यांचे योग्यकौशल्य विकसनातील योगदान	प्र.गणेश जिभाऊ वाघ, डॉ. नितीनकुमार दादासाहेब माळी	252
65	Development of Skills for Modern Teachers Through Teacher Education Programme (TEP)	Dr. Lata Shivaji Patil	255
66	Implementation of the National Skill Development Policy by UGC through Higher Education: A Critical Appraisal	Dr Sonali Shankhwalker Dr Ketan Govekar	258
67	राष्ट्रीय सेवा योजना (N.S.S.) मधून युवकांमध्ये कौशल्य विकास	प्र. संजय पाटील, डॉ. रणजित पवार.	262
68	छात्राध्यापकांतील स्वयंमूल्यमापन कौशल्य व शिक्षक उत्तरदायित्व संवर्धनासाठी स्वयंप्रत्याभरण पत्र योजना : एक नवोपक्रम	डॉ.पिं.दे. भागवत अराराम	265
69	Skill Development In 21st Century	Dr. N. S. Jadhav.	269
70	उच्च शिक्षणात कौशल्य विकासची गरज	डॉ. वीणा मा. लाडे (नायणगे)	274
71	Enhancing English Communication Skill Among B.Ed Trainees; A case Study Of G.V.M's Dr Dada Vaidya College Of Education	Mr. Sunil Kumar	278
72	Skill Development Through Higher Education"	Prof. Kshirsagar Urmila Narsingrao	282
	Facilitating Participatory Training Methods For Developing Teaching Skills	Dr.C.P.Sonkamble, Viyanna.R.Cabrai.	285
	Adoption Of Modern Dairy Practices Followed By The Women Farmers In Kolhapur District For Their Sustainable Development.	Dr. K. V. Gurav.	291

75	Skills Of Teacher Educators To Teach In Multilingual Classroom	Ketan Lakshmi Kumbhar Dr. Geetani Choudhary Dr. Megha Uplani.	296
76	Skill Development Among Dyslexic Children	Dr. Kanakappa Pujar	300
77	"Skill Development In E - Literacy Campaign In Higher Education."	Dr. Ramesh G. Panhalkar	304
78	Importance Of Translation In Higher Education	Dr.Prabhavati A.Patil	307
79	जीवन कौशल्य विकास : काळजीची गरज	Bijali S. Dadape	310
80	शिक्षक-शिक्षणामध्ये माहिती संप्रेषण तंत्रज्ञानाचा वापर	डॉ. अंकुश नाथा जाधव	314
81	Skill Development In Higher Education	Mr. Sudam V. Chakradhar	318
82	Use Of Mobile Apps For Improving Study Skills Of Visually Impaired Students	Dr Ashwini Wadegaonkar Dr Anjusha Gawande	320
83	बी.एड. प्रशिक्षणाच्यामध्ये स्व आकलन धमता विकसित करण्यासाठी राबविलेल्या उपक्रमांचा आढावा	डॉ. जाधव पद्मा मोहनराय	328
84	महाराष्ट्र राज्यातील विविध विद्यापीठांच्या अध्यापक शिक्षण अभ्यासक्रमातील अंतर्गत मूल्यमापन योजनेचा अभ्यास		
85	अध्ययन कौशल्य विकसन : उच्च शिक्षणातील गुणवत्तेचा केंद्रीभूत घटक		
86	Skill Development In 21st Century	Mrs. Rajasree Suresh Pillai	343
87	कौशल्य शिक्षणाचा अभाव उच्च शिक्षणातील गळतीचे संदर्भ	Dr. Navnath Sopanrao Gaikwad	348
88	How Women Empowerment Influences The National Integration?	Dr. Jyoti S. Pattanashetti	351
89	Higher E-Education In India: A Bird Eye View	Dr. M.C.Sheikh	356
90	दस्तलिखितेचे जतन व संवर्धन: एक कला	कटे चंद्रशेखर काशिनाथ	359
91	Life Skill Education: Skill Development Among Students	Dr. Anil Tukaram Thosare	362
92	Role Of ICT In Higher Education For The 21st Century	Dr. G. N. Dhale	365
93	Psycho-Social Problems Faced By Female Teachers Of Schools And Colleges	Dr. Jyoti S. Partanashetti	370
94	Foundation Of Life Skills	Dr. Ravindra Mirajkar	374
95	Life Skills - New Techniques Of Teaching And Learning	Dr. Shradha Patil	376
96	The Importance Of Life Skills In Daily Life	Dr. Sharmili Mirajkar	379
97	भाषा अभ्यापन में अभिनय कौशल का योगदान	प्र. डॉ. रविशज अच्युत फुडे	380
98	Impact Of Ict On Teaching And Learning Legal Education In Digital Age	Patki Suhas Vijayrao	383
99	Status Of Science Process Skills Among Undergraduates	Dr. Supriya. P. Patil, Dr. Sunil M. Sangle	387
100	Soft Skills: An Integral Part Of Higher Education	Mr. Shrikant Banda Desai	394

HIGHER E-EDUCATION IN INDIA: A BIRD EYE VIEW

Dr. M.C.SHEKHII

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"Education is not the amount of information that is put into your brain and remains there, undigested, all your life. You must have life-building, character-building, assimilating fine ideas and making them your life and character. You have more education than any man who has got by heart a whole library." - Swami Vivekananda

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THIS form of higher education in India is praiseworthy, which lays foundation of good citizenship and a principal instrument to awaken the younger generation to intellectual, cultural pursuits and values. For nation building activities, higher education therefore a powerful tool to uplift the society at large. Higher education should, thus, be co-related to social, political or economic needs of our developing nation fostering secular values breaking the barriers of casteism, linguism, religious bigotry and it should act as instrument of social change. Education system should be so devised as to meet these realities of life, it nourishes intellectual advancement to develop dignity of person without which there is neither intellectual excellence nor pursuit of happiness. According to Bharat Ratna Dr. Ambedkar education is the means to promote intellectual, moral and social democracy. Every citizen, as a fundamental duty, to promote harmony and spirit of common brotherhood among the people, to develop the scientific temper, humanism and the spirit of inquiry and reform; to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement. In India education is a fundamental right. The native endowments of men are by no means equal. It is process which provides for intellectual, moral and physical development for good character formation, mobility to social status, an opportunity to scale equality and a powerful instrument to bring about social change including necessary awakening among the people.

Administration of Higher Education in India

The education system in India is administered by the Ministry of Human Resource Development at the center and the different Departments of Education at the state level. Education is a concurrent subject in the Indian Constitution, which implies that Indian states and the federal government both have jurisdiction over the sector, although the Government of India provides the overall policy framework, financial support and guidelines to ensure a national standard of education, implementation is primarily done at the state level.

After the United States and the China, India is a largest education system in the world. The governing body for the Higher Education after the Ministry of Human Resource Development is University Grants Commission which enforces the standards and advises to the Central and State Government by helping and co-ordinating between the Central government and State government.

Recent Government initiatives

- Rashtriya Uchchatar Shiksha Abhiyan - A total of 316 state public universities and 13,024 colleges will be covered under the Rashtriya Uchchatar Shiksha Abhiyan, a plan to manage funding for higher education. This is a scheme to develop state university by central govt funding (60% for general category states, 90% for special category states, 100% for union territories).
- Scheme of Integrating Persons With Disabilities In The Mainstream Of Technical And Vocational Education - Caters to around 50 polytechnics in the country and provides them with grants-in-aid aimed at facilitating the greater integration of disabled individuals into higher education.⁽²⁾

• Scheme of Prastha Madam Mahila Mahila National Mission on Teachers and Teaching (PMMNMTT) - The purpose of this scheme is to raise the quantity and quality of teaching staff across schools and colleges. It also aims to create better institutional frameworks in order to cultivate change in the positive direction.⁽¹⁾

Information Communication Technology (ICT) In Higher Education:

Internet is a biggest communication tool in various sectors. Its positive impact also seen in education system. Traditional education system has some limitation. Most of the students suffer from learning disabilities. There is no doubt in india percentage of degree and masters degree holder students goes increasing. When these students came in various sector they are weak in professional skills.

Multimedia education will definitely help students to improve their educational skills and learning the evolution in artificial intelligence emerging sector. Economic factor also impact on e-education. It provides quality education with easy accessing through mobile and computers. Indian government also provides quality education through programmes like SSA (Sarva shiksha Abhiyan), ICDS (integrated child development services) etc. these programmes have good structure policy for education but still it needs multimedia education support for more effective implementation. Indian economic market needs are changing rapidly in this decade. It is largely based on the soft skill. Soft Skill will be developed only with vision of e-education which is need of ICT world.

National Knowledge Network:

The National Mission on Education through ICT, launched in 2009, aims to leverage ICTs for enhancing the teaching learning experience of learners. A high-speed digital broadband network, the National Knowledge Network, is envisaged for interconnecting the country's major research and educational institutions, colleges, and universities. A structured empowered committee will be in charge of coordinating the activities of creation and implementation of the content, application, and establishment of the network. The Mission has three components: content generation and providing connectivity, inc

institutions. On the content generation front, a wiki style collaboratory committees is envisaged. Renowned institutions and advisory committees in respective areas of excellence like the National Program of Technology Enhanced Learning

Resource for Learning & Online Teaching (MERLOT) could contribute to this exercise. In the Eleventh Five-Year Plan, an amount of INR 46 billion (approximately USD 0.9 billion) has been assigned for the Mission with a budget provision of INR 3 billion (approximately USD 0.1 million) for the financial year 2008-09. SWAYAM

SWAYAM is a programme initiated by Government of India and designed to achieve the three cardinal principles of Education Policy viz., access, equity and quality. The objective of this effort is to take the best teaching learning resources to all, including the most disadvantaged. SWAYAM seeks to bridge the digital divide for students who have hitherto remained untouched by the digital revolution and have not been able to join the mainstream of the knowledge economy. This is done through an indigenous developed IT platform that facilitates hosting of all the courses, taught in classrooms from 9th class till post-graduation to be accessed by anyone, anywhere at any time. All the courses are interactive, prepared by the best teachers in the country and are available, free of cost to the residents in India. More than 1,000 specially chosen faculty and teachers from across the Country have participated in preparing these courses.

The courses hosted on SWAYAM are in 4 quadrants -

18-19 46

Delayed Justice And Democratic Principles : An Uneven Balance

Mrs. Swati Prithviraj Gavade¹
(Research Scholar Shivaji University, Kolhapur)

Dr. M. C. Sheikh²
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(Affiliated to Shivaji University Kolhapur)

Abstract

The present study is related to One of the greatest defect of our Indian judicial system i.e. delay in disposal of cases. Lots of the cases either civil or criminal are pending in High court, Supreme court as well as in lower courts. It takes 7 to 10 years before small suits are finally disposed of through all stages. As we know "Justice delayed is justice denied". The delay in the disposal of cases and appeals in the course of administration of justice shakes public confidence in the administration of justice. It constitutes great hardship to the litigant. The administration of justice fall into disrepute and this can be very unfortunate for a democratic society which can survive only when people have respect for law. The commercial and industrial progress of the country is retarded by the laws delay. The problem of delay in pendency of cases has been a crucial problem all over the world. India is facing the similar problem. Various effects have been tried by Indian Govt. but they failed every time.

"Delay in justices is injustice" said by British writer Savage Landor.

I) Introduction :-

Among the three wings i.e. executive, legislative and judiciary. Judiciary plays a vital role in imparting justice. Today millions of cases are pending in various courts in India including supreme courts. Many people are waiting for justice which is in the hands of court system. People trust on judiciary. As we know our court system is overburden with pending cases. When justice is not provide within reasonable time then what is the use of that justice. So justice delayed is equal to justice denied. It hampers the faith of ordinary people on judicial system. And if this situation remain then question of maintenance of law and order in country may become crucial.

According to justice Giorgio Del Vecchio, "without justice, life would not be possible and even if it were it would not be worth living"

Unlike American constitution speedy trial is not specifically enumerated as a fundamental right, it is implicit in Article 21 as interpreted by the apex court. Various legislation have been passed for speedy disposal of cases by our government also. But they failed every time.

II) National Judicial Data Grid Report On Pendency Of Cases :-

According to National Judicial Data Grid, five states which accounts for highest pendency are Uttar Pradesh, Maharashtra, West Bengal, Bihar and Gujarat.

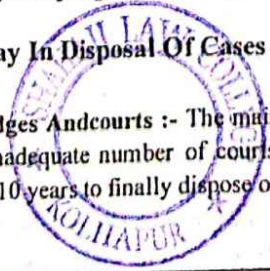
3.3 crore cases pending in Indian Courts. 2.84 crore cases are pending in the subordinate courts, the backlog of High court and supreme court is 43 lakh and 57,987 cases respectively. Account to NJDG the five states which account for the highest pendency are Uttar Pradesh (61.58 lakh), Maharashtra (33.22 lakh), West Bengal (17.59), Bihar (16.58 lakh) and Gujarat (16.45 lakh).

Case : S.C. advocates on record Association V. Union of India
The court pointed out the need of appointment of judges and held that it may issue direction to assess the felt need and fix the strength of judges according to the need.

III) Reasons/Causes For Delay In Disposal Of Cases :- Following factors contributed for delay in disposal of cases

I) Inadequate Number Of Judges And courts :- The main factor for delay in disposal of cases is inadequate number of judges and the inadequate number of courts in the ratio of population. Millions of cases are pending in India. It takes 7 to 10 years to finally dispose of one case.

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221

2018-19

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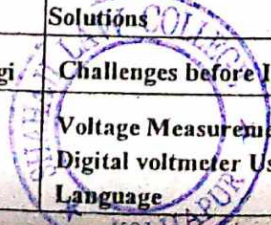


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3.	Dr. Namadev P. Khavare	Cultural Conflict in <i>Inside the Haveli</i>	95 To 99
4.	Mr. Patil Vilas Shamrao Dr. B. Sundaresan	Quantum Mechanics links meaning of human life, it becomes a need of democracy	100 To 105
5.	Mr. Patil Vilas Shamrao Mr. Avinash K. Ladgaonkar Dr. B. Sundaresan	India becomes self-sufficient in food by using Sensors and Transducers with Advanced Agriculture Technology	106 To 115
26.	Mrs.Dhanawanti Sunil Bamane	Human Rights And Women Empowerment	116 To 119
27.	Mr.Harichand Sugriv Shirsat	The Role of Media in Women Empowerment	120 To 122
28.	Dr.M.C Sheikh Mrs. Priyanka Sambhaji Jadhavar	Women Empowerment	123 To 126
29.	Mrs. Swati Prithviraj Gavade Dr. M. C. Sheikh	Delayed Justice and Democratic Principles : An Uneven Balance	127 To 129
30.	Ms. Shinde Pratima H Mr. Patil Vilas Shamrao Dr. B. Sundaresan	Synthesis and Characterization of PEDOT-PSS Based Electrodes For Electrochemical Supercapacitor and its nanoelectric applications	130 To 136
31.	Mr. Lakhan Sopan Kare Mrs.Patil Manisha Vilasrao Dr. K.Chinnasamy	ICT, E-governance Implication In Academic Libraries and Role of Librarians	137 To 139
32.	Mr. Patil Vilas Shamrao Mr. Patil Manohar N Dr. B. Sundaresan	Proper implementation of Green practices by girl students, colleges transforming to eco-campus	140 To 144
33.	Dr. Swalcha M. Attar	Megha's anguish in Shobhan Bantwal's <i>The Dowry Bride</i>	145 To 147
34.	Mr. Vilas Shamrao Patil Mr. Chandrakant B. Mane Dr. B. Sundaresan	E-Waste management: A New Environmental Challenge before India	148 To 157
35.	Mr. Sandip Tukaram Patil Dr. Savitsmita Vilasrao Chawan	Impact of MGNREGS through Poverty Alleviation in the Gaganbavada Tehsil of Kolhapur District in Maharashtra State	158 To 163
36.	Dr. Manisha M. Mujumdar	Films: A Medium to Break Gender Ideology and to Boost Women Empowerment	164 To 167
37.	Dr. Ingawale D.B	Displacement In India	168 To 171
38.	Dr.Vinayak Madhukar Honmore	Social Media and Youth: A Psychological Exploration	172 To 175
39.	Dr. Advait Dhondiram Joshi	Women empowerment in India: Realities and Solutions	176 To 179
40.	Dr. Mrs. Varsha Maindargi Ms. Rohini Patil Mr. Patil Vilas Shamrao	Challenges before Indian Democracy Voltage Measurement for Power Saving by Digital voltmeter Using Vhdl Programming Language	180 To 184

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Women Empowerment

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There is no change for the welfare of the world unless the condition of women is improved it is not possible for a bird to fly on only one wing.”
-Swami Vivekananda.

Abstract

This paper is with aim to create legal awareness about various acts constitutional provision, directive principles of state policy relating to women's equality in society. The aim of women empowerment can't achieve without education. Our state made various laws for elimination of gender inequality form society. 100% of eradication of gender inequality not achieved yet. Gender discrimination is man made creation deeply rooted in society. Gender Barrier is obstacle in women empowerment. The concept of empowerment is co-relation with the human rights development. Only law making is not sufficient for empowerment of women. There must be need social, political support. Their will be need of legal education promotion and legal provisions amalgamation for women empowerment. In our society. Through the women empowerment government will achieve the goal of development in country.

Introduction:

From the evolution of human society women's position and rights changed with the time to time. Gender discrimination seen in all strata's of societies of the world.. Women's life is under the shadow of her father first then husband and ending in the shadow of her son. Women couldn't take independent decision in her life their is always presence of undue influence it affects the gender justice in society. In India women's position has two sides of a coin. She is prayed as goddesses of divine power. Form goddesses men praying for power and other side he gave women discriminating treatment in society. Vedic period women enjoys her rights. After the Vedic period women faces degradation of her rights in society. Medieval period is dark period for women's position in society. Purdah system, sati tradition, child marriage female infanticide, and with number of restriction to spend life within four walls of house. In the British period introduced various laws for eradication of ill practices against women like sati prohibition act 1829. Various reformers like Mahatma Fule promoting education to women Maharshi Karve promoting education to women widow remarriage. After the independence India is a secular country. Indian constitution provides fundamental rights. It promotes equality among the citizens. Post independence ratio of literacy goes increasing. Due to increasing level of literacy rate socio-economic rate also incised in our society. According to 2011 survey 65.46% women literate in India. India's literacy rate increased 74%. For earning bread and butter number of women come out for earning money. They faces various kind of discrimination. Various legal provision existed for gender equality but still various types of gender inequality deeply rooted in our society. Son get more preference as compare to daughter in family. For maintaining gender justice in society awareness of legal education is very essential. Moral education for gender equality start from the home first. In the various stages of schools must teaches the concept of gender equality.

Women's rights in India: Constitution of India cherished the concept of gender justice. India signed the various international ratification for promoting , protecting the gender equality among the nation.

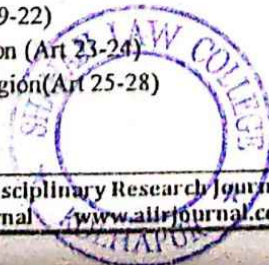
- Right to equality (Art 14-18)
- Right to freedom (Art 19-22)
- Right against exploitation (Art 23-24)
- Right to freedom of religion (Art 25-28)

- Cultural and educational rights (Art 29-30)
- Right to Constitutional Remedies Art 32
- Directive principles of state policy and Various other legal provisions


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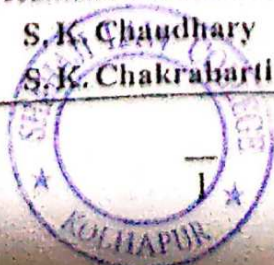
CONTENTS OF ENGLISH PART - IV

Sr. No.	Name & Author Name	Page No.
1	A Political Upheaval in Orhan Pamuk's Snow Maulasab A. Makandar	1-5
2	Agriculture & Food Security in India Shinde A. S.	6-13
3	A Comparative Study of Mental Health and Academic Achievement among the Adolescents Dr. Amol A. Nare	14-19
4	Mahesh Dattani's Tara: The Play of Feminine Strength Against Patriarch Mr. Anant Vithalrao Jadhav	20-23
5	Organic Dairy Farming: A New Trend in Dairy Sector Dr. S. S. Rupe Dr. G. Haresh	24-27
6	Consumer Behavior: A Tool to Keep Your Firm on Growth Path Dr. B. B. Lakshete	28-32
7	Identity Crisis Due to Different Cultures in Anita Desai's 'Bye Bye Black Bird' Mrs. Roshanara Shaikh	33-37
8	Emerging Applications of Data Mining for Better Healthcare Management Ms. Manjiri M. Mastoli Dr. U. R. Pol	38-43
9	Strange Amalgams: Analysis of the Contradictions Possessed by the Characters in Milan Kundera's the Unbearable Lightness of Being Prasanth K. V.	44-46
10	Brief Overview of International Trade Prin. Dr. Dilip Khanderao Patil	47-51
11	Forgotten Heroe's in Freedom Struggle in Karnataka Dr. Suma. S. Nirni	52-56
12	FRDI BILL, 2017: An Overlook Mrs. Pooja C. Parishwad	57-62
13	Sustaining Indian Judicial Transparency in ICT Age Dr. M. C. Sheikh	63-67
14	A Critical Estimation of Human Resource Accounting in the Present Era S. K. Chaudhary S. K. Chakrabarti	68-75

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13. Sustaining Indian Judicial Transparency in ICT Age

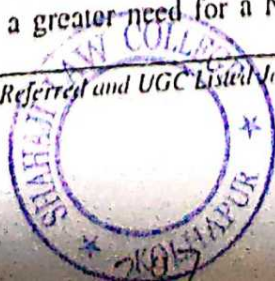
Dr. M. C. Sheikh

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The Judicial independence and transparency is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. Without transparency there should be no accountability: secrecy was only the preserve of a dictatorship. There must a balance between the competing principles of judicial independence, on the one hand and accountability and transparency on the other hand.¹ Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. The reports of the judicial corruption and non-performance create great concerns for which appropriate responses have to be made expeditiously as what is at stake is not just the credibility of judiciary but the very survival of rule of law and constitutional values. Hence judicial accountability and transparency is the need of the hour. Over here arises the tension between the independence of judiciary, transparency and the judicial accountability.

Judges are the ultimate authority in the interpretation of the Constitution, and so must be learned in the law and in the cultural wealth of the world. They play a vital role in the working of the Constitution and the laws.² The system of judicial appointments in the constitutional courts exemplifies the misalignment between the core values of judicial independence and accountability. The process by which a judge is appointed to the High Court or the Supreme Court has been prescribed by Justice Ruma Pal, a former judge of the Supreme Court, as "one of the best kept secrets in this country."

The text of the Constitution that provides for the appointment of the judges of the Supreme Court³ and the High Courts⁴ is deceptively simple. They provide for the President to appoint them in "consultation" with other judges. Originally, the power to appoint judges vested ultimately in the executive. It is now with the Chief Justice and the senior judges of the court, i.e., the Collegium. Choosing judges based on undisclosed criterion in largely unknown circumstances reflects an increasing democratic deficit. The recent case of the impeachment motion of Soumitra Sen, former judge of the Calcutta High Court, once again highlighted the need to have a relook at the process of appointment. The unanimous voice of Parliament motion of Sen was that there was now a greater need for a National Judicial Commission than ever



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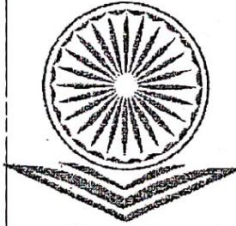
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CONTENTS OF PART - III

Sl. No.	Name & Author Name	Page No.
1	Articulation of Women Empowerment in India - A Legal Perspective Dr. M. C. Sheikh	1-8
2	Maternity Benefit and Women Empowerment Anita Bhagwat Desale	9-16
3	Women's Empowerment and Economic Growth Raju Chauhan	17-25
4	Gist of Meseaures for Attaining Gender Equality; An Indian Perspective CS Charul Y. Patel	26-31
5	A Paradigm Shift in Empathising with Women Dr. Kavita G. Kalkoti	32-39
6	A Notable and Progressive Begum of Bhopal - A Case Study Dr. Asthma Shaikh	40-45
7	A Study of Gender Wise Emotional Stability of Male and Female Dr. Khan Zeenat	46-51
8	Spatial Analysis of Maternal Health in India Prof. Dr. Moushumi Datta	52-57
9	Women in the Indian Corporate Sector - Role and Challenges Dr. Pallav Das	58-64
10	Empowerment of Women in Promoting Environmental Sustainability in Energy Sector Dr. Rani Tyagi	65-70
11	Women Empowerment through Entrepreneurship - An Insight on Progress Prof. Basukinath G. Jha Darshan M. Shah	71-74
12	Increasing Role of Women in the Manufacturing Sector Prof. Mannohan R. Yadav Dr. Shraddha M. Bhome	75-82
13	Women Harassment at Work Place Special Reference to Service Sector Prof. Ravindra S. Netawate Dr. D. B. Bhanagade	83-88


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I. Articulation of Women Empowerment in India - A Legal Perspective

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Abstract

The mission regarding empowerment of women is globally pursued even at international level. Internationally, under the aegis of United Nations, various instruments laid down the standards, to be adopted by member countries to overcome these challenges of women empowerment. After independence, India reiterate the fundamental principles of equality, liberty and social justice and also provided various rights for empowerments. The Constitution of India makes various provision for the treatment and development of women in every sphere of life. History speaks that women are considered as a divine force but the multi-cultured Indian society placed the women at different position.

This paper is a sincere attempt to explore the challenges / problems of women empowerment with judgments given by apex court and suggest the remedial measures to overcome.

"Feminism isn't about making women strong. Women are already strong. It's about changing the way the world perceives that strength." —G.D. Anderson, Australia Author

"We cannot achieve democracy and lasting peace in the world unless women achieve the same opportunities as men to influence developments at all levels of society..."

- Thorbjørn Jagland, Chairman, Norwegian Nobel Committee (Oct. 2011).

Introduction

In India, the Constitution guarantees equality of opportunity¹ and status to women and the welfare of women² is of prime importance in a welfare state. Any special provision for the protection or upliftment would not offend against the guarantee of non-discrimination.³ Women empowerment issue has always remained an object of intellectual controversy. The test of every civilization is the position of woman in the society. Empowerment is a process to establish control over resources and also means to acquire ability and opportunity to participate in decision-making process and its implementation. The recognition that empowering people, particularly women strengthen their own capacities is a main objective of development and that empowerment requires

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18-19

DIVERSE JUDICIAL LEADERSHIP: THE EMERGING LEGAL LANDSCAPE

Dr. M.C. Sheikh*

"Women are leading peacemakers. They work together towards creating a stress-free society".

— H'ble Justice Bhanumati Narasimhan

THE inclusion of women's experiences will make law more representative of the variety of human experience.¹ By leveraging a global network of expertise, launching national initiatives, and forging local partnerships, women judges are rising to key leadership roles and advancing the rule of law in their societies. As a result, litigants are gaining greater confidence in the fairness of courts because judges resemble the population that comes before them rather than a judiciary drawn from only one demographic sector.²

Law is pervasive and affects many aspects of peoples's lives, women and men alike. As we witness the growing 'juridification' of life- that is, the expansion and penetration of the legal sphere into more and more aspects of other social (public and private) spheres – the prominence of law and rights in affecting people's lives becomes increasingly obvious. Law and justice impact people's capacity to accumulate endowments, enjoy returns

* Research Scholar, Shahaji Law College, Shahupuri, Kolhapur.

1. Shirley S Abrahamson, 'Do Women Judges Really Make a Difference? The American Experience' in Shimon Shetreet (ed), *Women in Law* (Kluwer 1998); Terence Etherton, 'Liberty, the Archetype and Diversity: A Philosophy of Judging' (2010) Public L 727; Brenda Hale, 'Making a Difference? Why We Need a More Diverse Judiciary' (2005) 56 N Ireland LQ 281; Hale and Hunter (n 21); Rackley (n 1) ch 6; Wilson (n 15).
2. Judicial leadership page, official website of International Association of Women Judges (last accessed on 12/03/2018 at 2.30pm).

185



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Total Research Papers: 43

Table of contents

Sr.No	Name of The Research Paper
	Table of contents [Full Text PDF]
1	Ethnomedicinal value of Selected plant <i>Euphorbia hirta</i> L....Page.No- 01-05 Indu Kumari [Full Text PDF]
	A Comprehensive Review on the Effect of Food Processing Techniques on the Components of Grass pea (<i>Lathyrus sativus</i>)....Page.No- 06-19 Sujata Yerra[Full Text PDF]
3	Virmati: An Embodiment of 'New Woman' in Manju Kapur's Difficult Daughters....Page.No- 20-23 Bhavana Arora[Full Text PDF]
4	Strengthening the Healthcare Mechanism through Corporate Social Responsibility Practices in JharkhandPage.No-24-37 Priyanka Kumari[Full Text PDF]
5	Urbanization and Its Impact on the Health and Disease Pattern in Delhi....Page.No- 38-49 Asif [Full Text PDF]
	Abrupt Attempts to Prohibit Police Torture: A Critical Analysis of the Torture Bill 2010 In The Light of 273 rd Law Commission of India Report, 2017- Pertinent Suggestions and Trajectory for Future Bill....Page.No-50-64 Praveen Patil[Full Text PDF]
7	Gandhian Philosophy of Nai Talim: A Scheme of Learning for Sustainable Development....Page.No- 65-69 Suchita Renuka Prasad Suragihalli[Full Text PDF]
8	Human Rights and Social Movements- A Glance....Page.No-70-73 H. Ravikumar[Full Text PDF]
9	Human Rights in Contemporary India -Issues & Challenges: an Outlook....Page.No- 74-79 M. Ramana Reddy[Full Text PDF]
10	North Korea: Nuke Crisis....Page.No-80-87 Shahaji Law College, Kolhapur.



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Gandhian Philosophy of Nai Talim: A Scheme of Learning for Sustainable Development

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Abstract

The need for Sustainable development is a topic being discussed at all forums by leaders, politicians, environmentalists, academicians and statesmen alike. Sustainable development has to be an all encompassing phenomenon. Social justice becomes an integral part of sustainable development. Social justice is not possible without a sound and effective educational policy. This paper examines the shortcomings in the present educational policies. It also attempts to point out the utility of Nai Talim, Gandhi's philosophy on Basic Education, as a much better alternative.

KEYWORDS: sustainable development, social justice, education, Nai Talim

The former UN General Secretary, Ban Ki-Moon defined sustainable development thus, "Sustainable Development is the pathway to the future we want for all. It offers a framework to generate economic growth, achieve social justice, exercise environmental stewardship and strengthen governance". The common man connects sustainable development to mostly two things from the definition, viz. environment and development. But attaining social justice and sound governance are also important ingredients for the same. In this article, the author seeks to establish the fact that effective and relevant educational policy is an integral part of planning for sustainable development as it is the stepping stone to establish social justice. The article advocates the case of the Gandhian philosophy of Nai Talim in this context.

HISTORY OF EDUCATIONAL POLICY IN INDIA

India has a rich and vast heritage. The educational system of ancient India is an integral part of it. The ancient Universities like the Takshshila and Nalanda are some of the best known universities of all times. With the advent of foreign rule in India the situation underwent change. During the British rule, the educational policy in India underwent a drastic change with the introduction of the Macaulay's educational plan. He introduced the elimination of the indigenous system of education and replacing it with a foreign system under the name of 'reform'. This led to the establishment of many colleges and universities. The aim of this newly system of education was to mostly to create a class of bureaucrats which would become the lower cadres of the English administration. It also created the view that the erstwhile Indian system was defective and uncivilised.

After independence, the Governments in India introduced many educational policies. It appointed various commissions to prepare the blueprint of the policy. The University Education Commission, the Secondary Education Commission, the Kothari Commission



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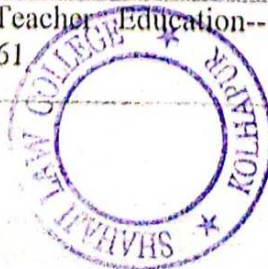

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34	The Menace of Manual Scavenging : A Public Policy Failure in India....Page.No- 274-295 Kshitij Naikade, Garima Pal[Full Text PDF]
35	Mahatma Gandhi: The Pioneer of Ecologism....Page.No- 296-304 Suchita Renuka Prasad Suragihalli[Full Text PDF]
36	An Appraisal of Wilderness....Page.No- 305-311 Mousumi Bhattacharyya[Full Text PDF]
37	Moral Obligation....Page.No- 312-318 Nabanita Deb Ghosh [Full Text PDF]
38	Comparative Study On Motivational Function And Cognitive Function Among Karnataka And Andhra Pradesh South Zone Inter University Level Male Volleyball Players....Page.No- 319-322 Prasad. M[Full Text PDF]
39	Nutritional Status of Tribal Students in Tripura....Page.No-323-327 Kishan Shome, Sudip Das[Full Text PDF]
40	Effect of Aerobic Training and Acute Exercise on Vitamin E Levels Among Sedentary Young Men....Page.No- 328-332 Dhinu M.R[Full Text PDF]
41	Comparative Study On Motivational Function And Cognitive Function Among Karnataka And Kerala South Zone Inter University Level Male Volleyball Players....Page.No- 333-335 Prasad. M[Full Text PDF]
42	Comparative Study On Motivational Function And Cognitive Function Among Karnataka And Tamil Nadu South Zone Inter University Level Male Volleyball Players....Page.No- 336-339 Prasad. M[Full Text PDF]
43	Study of Anorexia Nervosa among Male and Female Adolescents....Page.No- 340-346 Jagdeep Kaur, Seema Bajaj[Full Text PDF]
44	Quality and Education....Page.No- 347-353 Iyer Ganapathi S, Sunita Magre[Full Text PDF]
45	Quality Enhancement in Teacher Education----Role of ICT in Quality Education....Page.No- 354-361 Coordinator

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Mahatma Gandhi: The Pioneer of Ecologism

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Abstract

Mahatma Gandhi has been credited with many contributions to human society. His practice of Satyagraha and non-violence against a formidable opponent in the form of the British Empire is considered to be the most significant. But the advent of the second half of the nineteenth and beginning of twentieth century opened the eyes of the world to many other areas of his philosophy. This paper explores Gandhi's decisive contribution in the form of his environmentalism. Environmentalism and Ecologism are mostly accepted as western ideas. But this paper endeavors to establish that the philosophy of ecologism originated in Gandhian views. His holistic views provide a just the right solution to the woes of man's life.

KEYWORDS: Gandhi, ecologism, originates, decisive

MAHATMA GANDHI: THE PIONEER OF ECOLOGISM

With every passing day, the world is getting convinced of the significance of Gandhian philosophy. Mahatma Gandhi must undoubtedly be the most written about and spoken of person on this planet. In the area of politics, everyone seems to agree with the need to solve issues in a non-violent fashion. Leaders, thus, appeal to those who are involved in conflicts to take up the path of non-violence. Regarding social issues, he spoke of a society which practised upliftment of the last person, *Antodaya*. But it is in connection to environmental issues that Gandhi is being discussed the most. The world has realised the significance of his views regarding developmental policies, use of resources, consumerism etc.

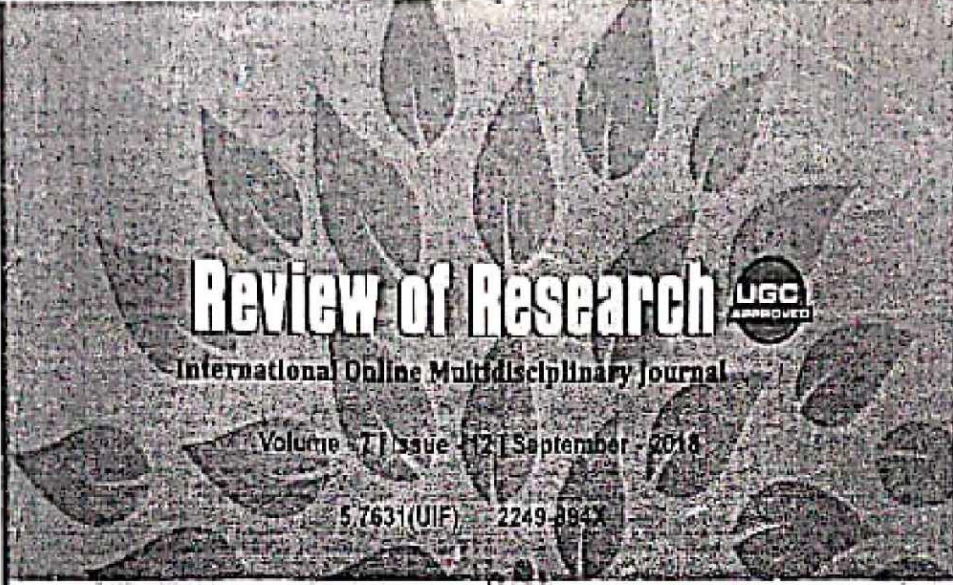
The second half of the nineteenth century saw the rise of several environmental issues and movements, especially in the western countries which are known to be developed economically. Naturally, it also witnessed the rise of various schools of thought regarding environmentalism. Many give the credit of the origin of environmental thought to these movements and schools. But in this paper the author seeks to establish that Environmentalism is of different origin than what the world believes. To establish this fact, Gandhian views have been elaborated on and the western environmentalism has been compared to Gandhian philosophy. It will lead us to the conviction that it is Mahatma Gandhi who is the real pioneer of Ecologism.

GANDHIAN VIEWS REGARDING MODERN CIVILISATION

To be able to understand Gandhian views on environmentalism, we need to understand his views regarding modern civilisation and its various creations.

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'THE PROBLEM OF REHABILITATION AND SOCIAL RE-INTEGRATION OF DRUG ADDICTS'
 (With Special reference to Drug De-addiction and Rehabilitation Centres in Kolhapur district)



Atul Shamrao Jadhav

Atul Shamrao Jadhav

Assistant Professor, D. R. K. College of Commerce, Kolhapur, Affiliated to Shivaji University, Kolhapur.

ABSTRACT: Drug abuse is a very complex phenomenon which has social, economical, cultural, geographical and historical aspects. The

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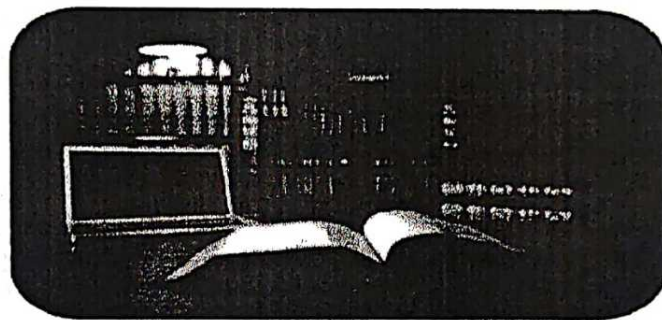
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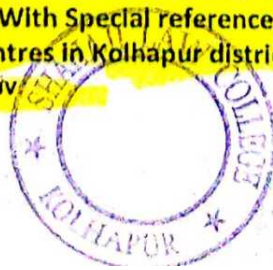
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Sr. No	Title And Name Of The Author (S)	Page No
1	INTROSPECTION PRACTICES FOR MENTAL HEALTH V. S. Vasumathi and Dr. T. K. Sekar	1
2	EFFECT OF YOGIC PRACTICES AND THERAPEUTIC EXERCISES ON SELECTED BIOCHEMICAL VARIABLES AMONG LOW BACKACHE MEN T. Ekambaram and Dr. R. Jayachandran	5
3	GRAMMATICAL KNOWLEDGE AND ACADEMIC ACHIEVEMENT IN TAMIL BY XI STANDARD STUDENTS Prof. M. Soundararajan	8
4	WOMEN CONSUMER ATTITUDE TOWARDS FACE CREAM IN SANKARANKOVIL TALUK N. Prabakaran	11
5	VITAL CAPACITY AND SWIMMING PERFORMANCE AMONG BEGINNERS IN SWIMMING Dr. S. Sivamani and Dr. A. Manoj Kumar	18
6	'THE PROBLEM OF REHABILITATION AND SOCIAL RE-INTEGRATION OF DRUG ADDICTS' (With Special reference to Drug De-addiction and Rehabilitation Centres In Kolhapur district) Atul Shamrao Jadhav	23

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THE PROBLEM OF REHABILITATION AND SOCIAL RE-INTEGRATION OF DRUG ADDICTS' (With Special reference to Drug De-addiction and Rehabilitation Centres in Kolhapur district)

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ABSTRACT:

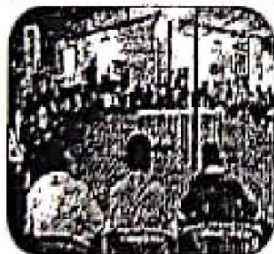
Drug abuse is very complex phenomenon which has social, economical, cultural, geographical and historical aspects. The disintegration of the old joint family system, industrial development and rise in the bourgeois class, absence of parental love and care in modern families, decline of old religious and moral values etc led towards the rise in the number of drug addicts who take drug to escape the hard realities of life but leading to detrimental impact on society as well as increase in crime rate. Adolescent drug abuse is one of the major areas of concern. Women face greater from drug abuse such as domestic violence, financial burden and infection of HIV etc.

That is why India braced itself to face the menace of the drug abuse, its trafficking and devastation of the culture and ethical values. Several measures involving judicial and legal provisions, enacted laws besides comprehensive strategies involving specific programmes to bring about an overall reduction in use of drugs have been taken and further supported by measures of education, counselling treatment and rehabilitation programmes. That is why an Act named 'Narcotics Drug and Psychotropic Substances Act 1985' was passed. Section 7-A-2 and 71-1 provides respectively for setting of a fund to support interalia rehabilitation while latter proposes for establishing centres for drug dependent persons. However there is no specific commitment towards employment or provides economic opportunities for recovering drug addicts through the vocational education.

KEYWORDS: Alcohol/drug addiction, Social problem, Vocational education and Training, Problem of Rehabilitation, Social Reintegration, NDPS Act.

INTRODUCTION:

It is now a commonly accepted fact that education is a crucial factor in the achievement of development goals. We all know that education is a highly effective, contributing factor for social inclusion and creation of sustainable livelihood. There are many people still in India who are illiterate and because of this, they are far from the concept of development whether it is personal development or socio-economic development. Besides these vulnerable class people, there are drug addicts who also need basic education, vocational education and complete rehabilitation through drug treatment and rehabilitation centres for their personal and socio-economic development.



Drug abuse is very complex phenomenon which has social, economical, cultural, geographical and historical aspects. The disintegration of the old joint family system, industrial development and

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DRUG ABUSE AND YOUTHS IN INDIA: A SOCIO-LEGAL STUDY



Atul Shamrao Jadhav

Atul Shamrao Jadhav

Assistant Professor, D. P. K. College of Commerce, Kolhapur
Affiliated to Shivaji University, Kolhapur.

ABSTRACT: Use of drugs dates back to human existence. Drugs as medicine are used for sick people; but in drug abuse, people use drugs to alter

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6	Types Conservation And Importance Method Of Biodiversity Shyam S. Khinchi and Sneha Lata	26
7	Comparative Study Of Reported Speech With The Help Of Teacher's And Learner's Grammar Books Gaikwad Ravindra Vilas	32
8	Possibilities Of Improving English Speaking Skills In A Self-Organized Learning Environment Dr. Gautami Pawar and Puthiyedath Anjali Rajan	35
9	Drug Abuse And Youths In India: A Socio-Legal Study Atul Shamrao Jadhav	41
10	Cashless System In Modern Business-Evolution Of Electronic Transactions S. Nandhinipriya	50
11	Information Literacy Training Initiatives At University Of Mumbai Affiliated Colleges Mahesh M. Dalvi and Dr. Daya B. Dalve	55

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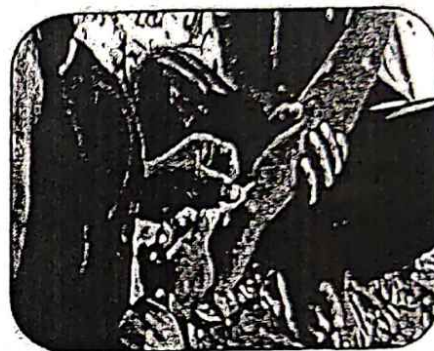
Atul Shamrao Jadhav

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ABSTRACT :

Use of drugs dates back to human existence. Drugs as medicine are used for sick people, but in drug abuse, people use drugs to alter their brain function in harmful and dangerous ways. Drug abuse is now become an emerging health hazard for the common man for especially for adolescents who are due to low socio-economic status of family, family bonding, family relationship and parental guidance and care and more reasons are attracted towards drugs or alcohol uses. India has a long dated history of cultivation, production and use of drugs, particularly traditional and age old use of locally produced plant based natural drugs like tobacco, opium and cannabis. This paper concludes with preventive strategies in case of drug abuse and trafficking along with proper treatment of addicts as well as de-addiction and rehabilitative strategies or means that are required to be planned and suggested for drug addicts. More studies on drug abuse are required to be done as well as proper centres and more funds are necessary to be rendered to the drug de-addiction and rehabilitation centres established under NDPS Act 1985 in India.



KEYWORDS : Drug abuse, Addiction of youths, Treatment of addicts, Preventive strategies, Substance Trafficking, Rehabilitation.

INTRODUCTION

Drug use and its abuse dates back to an existence of human being. Drugs have been used for many reasons in diverse culture and Society; for religious purposes, for entertaining purposes, for changing the states of consciousness, as a matter of pride and for obtaining relief from pain, as sedatives and stimulants. Drugs as medicine are meant to help sick people, but in drug abuse, people use drugs to alter their brain function in harmful and dangerous ways. In India, drug use, illicit drug trafficking, and associated problems are of major interest and concern as they are increasing day by day, but the research and genuine data on the awareness, interest and concern with respect to drug use has received less attention. Drug abuse is now become an emerging health hazard for the common man who is living in the country with population blast. Nowadays in developing countries like India, drug abuse and illicit drug trafficking are real threats to Indian society.

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INDEX

No.	Title of the Paper	Author's Name	Page No.
1	Marriage Vis-A-Vis Live in Relations; Legal Ramifications and Responses	Prof. Sanjay Jayram Aher	08
2	Women Empowerment?-"They Already Are Empowered!!!"	Mrs. Shailaja Changundi	13
3	Legal Reforms and Women Empowerment	Mr. Samir Chavan	19
4	The Emergence of New Women in Indian Novels	Dalvi S.	23
5	Role of Hindi Daily Soaps in Women Empowerment	Pallavi Ilkal	28
6	Awareness of Health in College Girls	Alka Inamdar	31
7	Woman Empowerment in India; Issues and Challenges	Meenakshi Jadhav	35
8	Contribution of Indian English Women Novelists In Indian Writings in English	Dr. Vaishali Joshi	38
9	Women Empowerment & Financial Inclusion of Rural Poor Women in Satara District	Rohini Kale	41
10	Women Empowerment Holistic Need	Dr. Sunil Kamble	44
11	Still I Rise: A Representation of Suppression	Dr. Utkarsh Kittekar	47
12	Economic Growth and Gender Equality in India	Prakash Kumar	48
13	Tracing Patriarchy - Through the Ages and Its Place in the Modern Society	Dhara H. Moray	54
14	Education and Women Empowerment: A Study with Reference to Legislative and Judicial Efforts	Dr. Pooja Narwadkar & Mr. Vikram Irale	59
15	Women's Empowerment and Sustainable Development in India	Miss. Nilakhe Amruta Shital	65
16	Recent Judgement: A Boon for Changing Gender Stereotypes	Mrs. Komal R. Oswal & Mr. Ashish A. Bhasme	70
17	Women Workforce In BPO: A Sociological Analysis	Dr. Amol Patil	74
18	The Role of ICT in Gender Equality and Development	Dr. Pushpa Patil	79
19	Role of Women in Indian Politics	Swapnil D. Pawar	83
20	Participation of Women in Panchayat Raj System: Status and Challenges	Mr. Arun Pentawar	89
21	The Role of Women in Sustainable Development and Management of Water	Mrs. Asha V. Potalwad	93
22	Empowering Rural Women's Through Agrobased Industrial Development For Sustainable Life	S. S. Sathe, P. B. Kale, A. T. Birajdar & N. M. Kumbhare	97
23	Role of Dairy Farming In Empowerment of Rural Women: A Case Study of Sangavi Village of Phaltan Tehsil in Satara District (Mh)	Mr. Popat Shende & Mr. Rajaram Kadam & Dr. Ashish Jadhav	102
24	Role of Government Schemes in Empowerment of Women in India	Mrs. Geeta Shete	110
25	The Depiction of Women Characters in Sudhir Kakar's Novel the Ascetic of Desire	Mr. Amol D. Shinde	114
26	Empowerment of Woman Through Legislation	Adv. Kirti Shinde	118
	Empowerment A Myth for Women And Adolescent Girls with Disabilities	Poorva Shinde	124

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Education and Women Empowerment: A Study with Reference to Legislative And Judicial Efforts.

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Abstract:

This research article attempts to study the role played by education in empowerment of Indian women, along with efforts which have been made by legislative and judicial organs of the state. We examine in our day to day life how women become offended by various social malpractices, and reason behind this is the lack of awareness of her regarding her rights. Education is a good solution to solve problems relating to women and improve her political, social and economical condition. Basically women are considered as indigent section of society who requires special efforts by state machinery for development. In this regard central and state legislatures also judiciary is making honest and wise efforts but due to lack of social awareness and willingness this efforts are falling shorts.

In spite of the reformative movements, legislative provisions, reservations, protective discrimination, constitutional guarantees, policies, plans, programme for her empowerment on one hand has not made expected desirable changes, even after the seven decades of our freedom. The researcher in this article would reflect on, how education is plays a vital role in the empowerment of women and would also review the efforts made by legislative and judicial personnel to fulfil the Constitutional mandates.

Keywords: Constitution, Education, Empowerment, Right, Women etc

Introduction:

"To educate your women first and leave themselves, they will tell you what reforms are necessary"- Swami Vivekanand

Empowerment of women is basically the method of up-liftment of economic, social and political position of women, the conventionally underprivileged ones, in the civilization. It is the course of guarding them against all forms of evils. Women empowerment involves the building up of a society, a political environment, wherein women can breathe without the fear of oppression, exploitation, apprehension, discrimination and the general feeling of persecution which goes with being a woman in a traditionally male dominated structure.

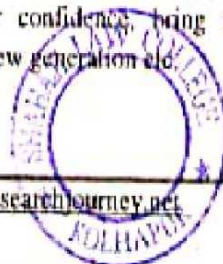
Education is milestone of women empowerment because it enables them to respond challenges, to confront their traditional role and change their life. Education can bring phenomenal change in her life which can enhance her confidence, bring awareness about their rights, reduce dependency, better upbringing of new generation etc.

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CONTENTS OF ENGLISH

S.No.	Title & Auth	
1	Judicial Review of Economic Legislation & E Analysis of Sarfaesi Act 2002 and Demonetisation Amit M. Savadi	
2	Demonetization in India and its Legality Adv. Arun Ramchandra Gaikwad	17-18
3	Impact of Demonetization in India Ms. Shivanjali Bhoite	14-21
4	Demonetization: Effect on Black Money Mrs. Pratima Rajendra Kumbhare	22-25
5	Demonetization and its Impact on Trade and Commerce Nidhi Ranka Radha Naik	26-35
6	Demonetisation and Indian Economy Prof. Ghute B. T.	36-45
7	Demonetisation: A Corporate Assault on People Ravi Janardan Bhovate	46-53
8	Demonetization-"Advantages and Disadvantages" Prashant Prabhakar Jarandikar	54-59
9	Demonetization and Effects on Agriculture Sector Mr. Vikram Vitthal Irale Mr. Sanjeevkumar G. Sable	60-64
10	Demonetization and Indian Economy Vaishnavi Lokhande	65-68
11	Demonetization and Law in India Dr. Trupti Subhash Jadhav	69-73
12	Demonetization in India : Impact on Banking Sector Prakash Kumar	74-80

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9. Demonetization and Effects on Agriculture Sector

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Mr. Sanjeevkumar G. Sable

Research Student, Shivaji University, Kolhapur.

Abstract

Demonetization has affected every Indian, but it has hit the agricultural segment to the core. Demonetization affected farming directly in four ways, these includes area of land cultivated, crop pattern, productivity and market. The impact is visible in different sub-segments. Farmers normally deal in ready money and India is also mainly a cash economy. Cash is the primary mode of transaction in agriculture sector which contributes 15% to India's total output. The cash dealings in this economy are far extra than the total number of electronic transactions done on a every day basis. Farmers could not purchase seeds, manures and other things required for farming. It was like financial problem to farmer and took long time to come out of it.

Introduction

Demonetization is the process of devaluing a piece of currency to zero. The Indian Government has demonetized Rs.500 and Rs.1, 000 denomination notes in circulation and it directly affected the common man, business and Indian economy. It is important to study actual impact of demonetization on farmers and other people and their response about achievements of demonetization. The Indian government decided to demonetize the 500 and 1000 rupee notes, the two biggest denomination notes. These notes accounted for 86% of eradicate counterfeit currency, fight tax evasion, eliminate black money gotten from money laundering and terrorist financing activities, and promote a cashless economy. Demonetization has affected every Indian, but it has hit the agricultural sector the hardest. Agriculture in India accounts for 50% of the workforce. Farmers, who are the backbone of our national economy, were severely affected by the note demonetization. Farmers could not buy seeds, fertilizers and other things required for farming.

People sensitivity concerning demonetization was changed, for the period of demonetization they were more hopeful for fine results but after 1 year they are disappointed about achievement of their anticipation from demonetization. People admitted that

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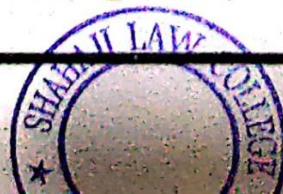
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❧ CONTENTS OF ENGLISH PART - I ❧

S. No.	Title & Author	Page No.
1	Search for National Identity in Andrea Levy's Essay "Back to My own Country" Dr. Balkrishna Dada Waghmare	1-5
2	A Detailed Study of Public Relations (Concerns to Marketing-Study in Brief) Prof. Mrs. Patil Savita M.	6-9
3	A Study of Diagnosis of Autism Spectrum Disorder Disease by Machine Learning Mrs. Smitadevi Nandkumar Mole Dr. Nandkumar Sambhaji Mole	10-23
4	A Study of Foreign Tourist Arrivals in India with Special Reference to Goa State Mr. Rohit Dinkar Barsing Miss. Madhuri Eknath Desai	24-30
5	Gender Differences in Resilience among Orphan and Non-Orphan Students Amol Appaso Kamble	31-40
6	Anita Desai's Fasting, Feasting: A Fine Reflection of Two Cultures Dr. Manisha M. Mujumdar	41-45
7	Multiculturalism in English Language and Literature Classrooms Ms. Archana P. Pandit Dr. Adwait D. Joshi	46-49
8	Legal Perspective of Multiculturalism- National and Global Atul D. Kurane	50-53
9	9th Standard English Text Book: A Reflection of Diversity Mrs. Asmita Tanaji Patil	54-59
10	Cultural Plurality in 'Train to Pakistan' Mr. Rajiv Bhimrao Kamble	60-63
11	The Information Technology Act, 2000 and Cyber Offences Affecting Social, Economic and Cultural Life of the Mankind Mr. Vikram Vitthal Irale Mr. Sambhaji Mahadev Nikam	64-67
12	Wideman's Damballah: Voicing of the Essence of Black Cultural Tradition Dr. Divekar Bhupal R.	68-74


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11. The Information Technology Act, 2000 and Cyber Offences Affecting Social, Economic and Cultural Life of the Mankind

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Abstract

The term Cyber signifies everything which is related to computers. Society as on today is more and more dependent upon computer, but at a same time society is not aware about the offences or crimes which are related to the computer. Crimes those are committed with the help computer and internet is increasing day by day and they are called as cyber crimes. Attempt of law makers is to minimise the incidence of cyber crimes by punishing criminals and to keep the crimes least probable. Cyber crimes are a latest class of crimes which are growing due to extensive use of internet and technology. People are now habitual to internet because of professional requirement or for the entertainment but they are becoming more and more dependent. This is the one of the reasons behind increasing trend in cyber crimes.

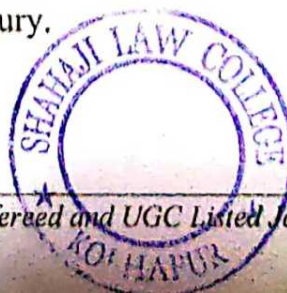
Key Words: Computer, Crime, Cyber, Imprisonment, Offence, Punishment etc

1. Introduction

Offence is a thing which is made punishable by law.¹ And cyber crimes are those categories of crimes which are committed by use of computer and technology. Cyber law is a term used to describe the legal provisions which have been made to control the cyber crime and to protect society. It is separate field of criminal law which touches many other aspects of law like- contracts, intellectual property, privacy, freedom of expression etc. In India, The Information Technology Act, 2000 is specifically known as the Cyber law which deals with cyber related matters. It has a total XIII divided in to 90 sections which covers many issues relating to the cyber law. Along with human civilization nature of the crime is changing, crime is dynamic concept and no doubt cyber crimes affects the every aspect of the human life resulting in mental and financial injury.


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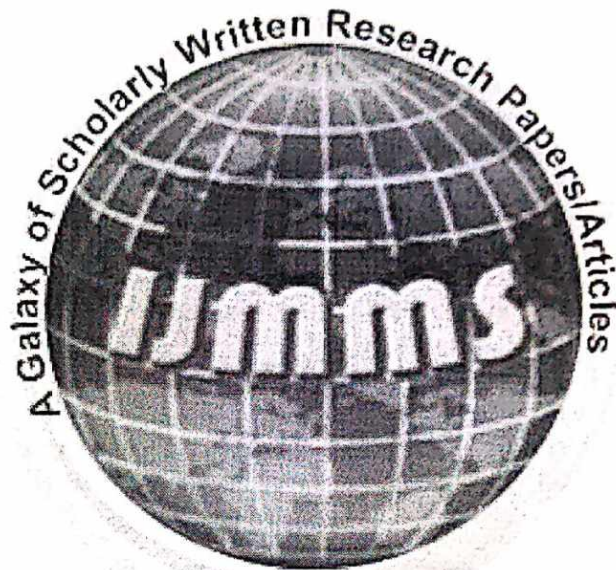
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KOLHAPUR

48	The Study of Sustainable Development Goals and Women's Empowerment and Gender Equality in India for Vision 2030	Smt. Chavan Rani Hanmant (India)	291-297
49	Sustainable Development in Urban Areas of India: Challenges, Approaches and Opportunities	Dr. Rupesh Dhumaji Bansode (India)	298-312
50	A Comparative Study of Women Entrepreneurs of Maharashtrian Community and Gujrati Community in Solapur City	Sabiha M. Shaikh (India) Dr. Deepali Moghe (India)	313-321
51	Trade Fair- Start Up: A Sustainable Development	A. M. Gurav (India)	322-334
52	An Analytical Study on Revenue Receipts of Grampanchayat Dhumalwadi	D Dattatraya T. Chavare (India)	335-346
53	Roll of Agro Tourism in Economic Growth	Sandip P. Kadam (India)	347-351
54	Theming Cities and Making it Sustainable: The Case of Clark Green City at Capas, Tarlac, Philippines	Dr. Ethelbert Dapiton (Philippines)	352-355
55	Relationship Between Health Related Fitness Awareness, Concentration and Employees Productivity in Educational Institute of Iran and India	Ebrahim Pishdar (Iran)	356-360
56	Sustainable Development of Herbal Formulations Significant in Human Health Care	Dr. Jaya V. Kurhekar (India)	361-368
57	Role of Agro Tourism in Economic Growth	Sandip P. Kadam (India)	369-373
58	An Account of Diversity of Flora and Fauna in Chauranginath-Dongrai Hill of South Western Maharashtra	Dr. V. S. Salunkhe (India) U. A. Yadav (India) H. S. Joshi (India)	374-389
59	A Critical Study on 'Rights of the Dance Bar Girls and Owners', with Reference to 'Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016 (Abstract)	Vikram Vitthal Irale (India)	390-394
60	Actinomycetes: Source, Identification Tool and Applications (Abstract)	Vinay V. Chougule (India) A. M. Deshmukh (India)	395
61	Screening of Antibiotic Producer from Soil	Chougule Shubham Subhash Gavane Sourabh Parashram Katkole Koutuk Krishnat Patil Vinayak Popat	396

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A Critical Study on 'Rights of the Dance Bar Girls and Owners', with Reference to 'Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016'

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Abstract: In 2016 legislative assembly passed unanimously 'Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016' which imposed some restrictions for getting dance bar license. It also provides stringent punishment for its violation. The object of Act was to prevent immoral activities, trafficking of women and to ensure the safety of women in general. This act was challenged by dance bar owners and girls by saying it as unconstitutional. Only in Mumbai had 700 dance bars, in all they employed 150,000 people, including 75,000 bar girls, all those got affected by present law. Present Law not only represents intent of state legislators but also will of the majority of people who are living in the State. By considering arguments of both parties Supreme Court rights have maintained balance between social interest and Public interest. Courts have struck down certain provisions by saying it as unconstitutional and unreasonable but maintained the validity of Act as it provides benefit to women and society. While protecting of rights of individual safety of the society needs to be considered. This act will serve as effective remedy to avoid exploitation of women, women trafficking and prostitution.

Key Words: Bar Girl, Constitution, Law, Work etc

1. Introduction:

Indian Hotel and Restaurant Association & anr Vs. the state of Maharashtra & ors is famous case finally decide by Supreme Court and relaxed certain restrictions imposed by government of Maharashtra on Dance bar owners and girls. This battle between government and bar owners was started in 2005 when government banned the dance bar all over the Maharashtra. After which, the bar owners approached the High Court and demanded the decision taken by the state government to be cancelled. In 2013, the Supreme Court struck down the government's petition to ban the dance bars and said that the women in the bar too have the right to earn income.

But in 2016 legislative assembly passed unanimously Act which imposed some restrictions for getting dance bar license. It also provides stringent punishment for its violation. The object of Act was to prevent immoral activities, trafficking of women and to ensure the safety of women in general. Dance bars promotes antisocial elements in society, also it is the reason for growth of trafficking in women also some criminal activity. Government of Maharashtra is totally firm on its decision as they want to reduce such harmful activities.

But to dance bar owners opposed this law by saying it is an example of 'Moral policing' which is nothing but the 'fraud to our Constitution.' In March 2019 court granting relief to dance bar owners and girls, the ruled that there could be 'regulations' but not 'entire prohibition'. Court emphasized its view that right to livelihood is precious one and it cannot be taken away without due process.

2. Reasons for control over dance bar:

While putting total ban in 2005 and enacting legislation in 2016 government of Maharashtra has considered following factors while enacting the present law.