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3.	Rights Of Life a Positive Right: Judicial Activism, Charan Kanwal	A Journal of advance Studies	Vol5, 2018, ISSN2394-6245.	Vol5, 2018, ISSN2394-6245.	9-11
4.	Environmental Pollution and Common Law Remedies	Pramna Research Journal	ISSN 2249-2976	Published (International Journal)	12-14
5.	Environment Pollution and International Impreatives, Charan Kanwal	A Journal of advance Studies	Vol5, 2018, ISSN 2394-6245	Published Peer Reviewed (International Journal)	15-16
6.	Organized Crimes: Red Flower Publication Pvt., Ltd.	Online Journal	Vol.5 Number2 [Special Issue]	Published (International Journal)	17
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ललिता खीची

Rights of Children and Judicial Activism

Dr. Monika Sharma *

Children are considered most precious gift of nature but position of children in India is not good as they are forced to do such things which they are not supposed to do. This is a matter of concern for the entire society, therefore our government has passed a number of laws for the protection of children however these laws are not properly implemented. In that eventuality, the court plays a vital role for the proper implementation of those laws so that children may not be exploited.

Introduction:

It is a tradition of law that a judge either allows a case or dismisses it depending upon the merits of the case he does not travel beyond the domain of the case hence, exercises a limited jurisdiction. However, in the recent years the Supreme Court as well as the high courts have adopted a creative approach. Now, judges have traveled beyond the domain of the case, the jurisdiction which they exercise at present is popularly called judicial activism. The Judicial activism has played an important role for the protection of rights and improving the status of children. The courts have been deciding cases in favor of children which includes their property rights, protection of children from domestic violence, right to education, harassment of children at workplace etc.

Article 24 of the Constitution of India prohibits employment of children in factories. According to which "no children below the age of 14 shall be employed to work in any factory or mine or engaged in any hazardous employment". Article 45 of the Constitution provides, free and compulsory education for children. It states that "the state shall endeavor to provide within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of 14 years" further Article 47 states that it is the duty of the state to raise the level of nutrition and standard of living and to improve public health. No doubt for the welfare of children a number of laws have been passed by the legislature. But these are properly implemented through courts only.

* Officiating Principal, Rayat College of Law (Punjab)

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Position of Women Under The Constitution of India

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Abstract

Women were subjected to exploitation, discrimination and prejudice over the centuries. However, with the passage of time her condition is changed and now she is enjoying a number of rights along with her male counterparts and is marching alongside him, almost in every walk of life. Due to this reason now, she is not facing the problems which were faced by her generations centuries ago. With the progress in society the mindset of males has also changed towards women and now they treat her as an equal. The state has also passed a number of legislation for the wellbeing and up-liftment of women. Our constitution provides women equal opportunities along with men

Key-Words : Fundamental Rights.

Introduction

In India, women are considered as a divine force as they run the society with their patience and courage despite facing a number of problems at home and elsewhere. As India is multicultural state, position of women in different cultures is portrayed differently. In some cultures she upholds the highest status while in others she has a fairly weak position. Law is prerequisite for existence of any civilized society; it touches everything which touches human behavior. Laws for the protection of women are one of the significant area of Law. A number of Laws have been made for the protection of Women against exploitation at various levels. These include special provisions for the protection of right in the constitution of India.

According to a report of the United Nations published in 1980- "Women constitute half of the world population, perform nearly two-thirds of works hours, receive one tenth of the world income and own less than one hundred per cent of world's property"¹.

Women form half of the Indian population. Women have always been discriminated against men and have suffered denial and are suffering discrimination in silence. Self sacrifice and self denial are their nobility and fortitude and yet, they have been subjected to all kinds of inequities indignities, incongruities and discrimination.²The Constitution of India, 1950 has certain provisions relating to women. It makes special provisions for the treatment and development of women in every sphere of life. The Constitution of India bestows upon women several civil, political, social, economic and educational rights.

The Preamble

The Preamble is the key to the Constitution. It does not discriminate men and women but it treats them alike. The framers of the Constitution were well aware of unequal treatment meted out to the fair sex, from the time immemorial. In India, the history of suppression of women is very old and long which is responsible for including general and special provisions

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Right to Life a Positive Right: Judicial Activism

Dr. Monika Sharma*

Abstract

Article 21 of the Constitution of India is most important right among all the fundamental rights. It is not only available to citizens but also to non citizens. It will not be wrong to say that this right, though, provides right to life and personal liberty to people, however, this right is often violated by implementing authorities, in that eventuality the sufferer knocks at the doors of court. The court has widened it's scope and has given new dimensions to it. The court is trying to cover every aspect which affects right to life and personal liberty of human beings.

Introduction: It is duty of the legislature to make laws for the welfare of its people. As India is a welfare state, hence, for the upliftment of its subject time to time government makes new laws according to the evolution of the society. It is duty of the government to get the law implemented for the purpose for which it is enacted. However, if some law is not properly implemented, then judiciary has to interpret such law and get it properly implemented. As Constitution of India is supreme it has provided long list of fundamental rights, which are essential in a civilized state for the protection of rights and liberties of people and to ensure good life to them. As it is duty of a welfare state to provide happiness to its masses. International community also recognizes the duty to protect the right to life of individuals. Such as covenant on human rights provides that every human being has inherent right to life. Law shall protect this right.

Meaning of Right to Life: No one shall be arbitrarily deprived of his life. 'Article 21 of the Constitution of India provides that, no person shall be deprived of his life and personal liberty except according to procedure established by law. This Article ensures protection of life and personal liberty of not only citizens but also non citizens. It means that every person has freedom to live his life and while living he has freedom to live according to his own choice, however, it must not be illegal. The ambit of protection given by the American Constitution in relation to personal liberty is wider than Indian law. No doubt, Article 21 of the Constitution is so vital that it has become an inexhaustible source of many rights.² Although, this right is very important, but, it will not be untrue to mention here that this right is often transgressed by the implementing authorities themselves. In that eventuality the sufferer knocks at the doors of the court and court has time to time interpreted the expression right to life very widely.

In *A K Gopalan V. State of Madras*,³ the Apex Court held that, there must be a law justifying interference with the person's life and personal liberty, the law should be valid law and procedure laid down by law should have been strictly followed. However, in *Kharak Singh V. State of*

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Environmental Pollution and Common Law Remedies

Dr. Monika Sharma
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Rayat College of Law, Railmagra

Abstract

Modern environmental law has its roots in the Common Law principles of nuisance. The substantive law for the protection of the citizens right of pollution free environment is basically that of Common Law relating to nuisance. Actions brought under law of torts are amongst the oldest legal remedies available of abating pollution, though at that time the function of Common Law was to protect the interest of landlords and industrialists in land. The development to protect or rectify any damage to environment in reality is an indirect consequence of this primary objective to protect the interest of land. The word Common Law is derived from Latin words *Lex Communis*. It is a body of customary law of England, which is based upon judicial decisions. The Common Law continues to be in force in India under Article 372 Of the Constitution of India [sic] in so far it is not altered, modified or repealed by statutory law. The rules of tort law were introduced into India under British rule. Initially, dispute arising within the Presidency towns of Calcutta, Madras, and Bombay were subjected to Common Law rules. Later Indian courts outside the Presidency towns were required by Acts of British Parliament and Indian laws to reconcile disputes according to justice, equity, good conscience where no statute was applicable.

Key-Words : Environmental Pollution.

Introduction

Modern environmental law has its roots in the Common Law principles of nuisance. The substantive law for the protection of the citizens right of pollution free environment is basically that of Common Law relating to nuisance. Actions brought under law of torts are amongst the oldest legal remedies available of abating pollution, though at that time the function of Common Law was to protect the interest of landlords and industrialists in land. The development to protect or rectify any damage to environment in reality is an indirect consequence of this primary objective to protect the interest of land.¹ The word Common Law is derived from Latin words *Lex Communis*. It is a body of customary law of England, which is based upon judicial decisions. The Common Law continues to be in force in India under Article 372 Of the Constitution of India [sic] in so far it is not altered, modified or repealed by statutory law.² The rules of tort law were introduced into India under British rule. Initially, dispute arising within the Presidency towns of Calcutta, Madras, and Bombay were subjected to Common Law rules.³ Later Indian courts outside the Presidency towns were required by Acts of British Parliament and Indian laws to reconcile disputes according to justice, equity, good conscience where no statute was applicable.⁴ Consequently in suits for damages for torts, courts followed the English

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Environment Pollution and International Imperatives

Dr. Monika Sharma*
Sohnu Saini**

Introduction

Development and better life is the natural instinct of man, but the things and material which help us develop and lead better life come from the nature, the environment. We take things and material from the nature and we dump waste products as garbage in the nature. This taking and dumping in affects our environment in two ways (1) Firstly, it affects composition of the environment. (2) Secondly it enhances the pace of pollution of the environment. Each and every action of ours is taking the toll on our environment, which will sooner or later boom-rang upon us. Therefore, a but natural question arises, should the pursuit and better life be allowed to continue without having regard to our environment? No, sane person would say yes. It is because of this, it is said that the process of development must have regard, must have concern for the environment.

As we all are aware, today not only India is facing problem relating to ecological pollution, the whole world is facing the same problem. Earlier, all the countries of the world were running after more and more progress and wanted to become number one on the world map. Therefore, they did not take much care of their resources and were fully negligent towards its protection, due to this carelessness, our environment is ruined to such an extent that no natural source, whether water or air, which is vital for the existence of lively or non-lively organisms is safe. To overcome this difficulty which is a great challenge for the entire universe, all the countries thought to fight against this evil together as the problem cannot be solved individually.

The most forms of pollution do not respect national boundaries. Therefore, this problem requires international solution, hence for developing a worldwide efforts to monitor global pollution in 1969 at the International League Conference on Marine Pollution Damage held under the auspices of International Marine Control (IMCO) Brussels, a resolution was adopted. This resolution intends to take protective measures for the pollution carried by other agents/substances and desired IMCO to gear up measures on all aspects of pollution by agents other than oil. It was only in 1972, when all the nations jointly vowed at Stockholm Conference to fight against the menace of environmental pollution issues more generally and coherently.

The United Nations Conference on Human Environment, 1972

To resolve the problem of pollution, the United Nations (UN) Conference on the Human Environment was held at Stockholm from June 5 to June 16, 1972. It was the maiden ever attempt to solve the global problem of conservation and regulation of human ecology.

Organized Crimes: An Overview

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Abstract

Crime is that action which is prohibited by the criminal law and the criminal is that agent who carries out that action. Crimes are of various types, organized crimes are those type of crimes, where some people engage in crime with the help and aid of others to get substantial gain somewhere else. In these crimes criminals work as a group sometimes permanently and sometimes for a particular time for the purpose of getting done a particular criminal activity. In these kinds of crimes sometimes number of people involved is less, but sometimes it is very large. For the success of these crimes there is hierarchy of criminals in the group, it is consisted of subordinates, specialists in the crime and a number of temporary members. These crimes involve the supply of illegal goods and services to a large number of citizens. It is also seen in legitimate business and in labour unions. It corrupts public officials to get done their work without intervention of government. Traditionally in India these crimes included extortion, contract killing, boot legging, smuggling, real estate frauds and supply of illicit weapons to terrorists and insurgents, but now drug trafficking, money laundering are also included in these crimes. The main motive of these crimes is to monopolize to penetrate legitimate business and in every other activities. In present paper types, characteristics and law relating to control of organized crimes shall be discussed. There is no specific law in India which deals with measures of organized crimes, however, there are provisions in Indian Penal Code, the National Security Act 1980, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1988. Some States have enacted specific laws to deal with these crimes. As this problem has become international, therefore, this issue should be tackled at international level.

Keywords: Crime, Organized Crimes, National Security Act 1980, Narcotic Drugs and Psychotropic Substances Act 1988.

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Introduction

India was earlier considered as land of *rishis* and *munis* and their main teachings were based on tolerance and non-violence, but with the passage of time as we are moving on the path of progress, people have almost forgot their teachings of non-violence and they have become more aggressive and lose their temper on trivial issues due to which crime takes place in society. Crime is that action

which is prohibited by the Criminal Law.¹ The criminal is that agent who carries out the prohibited action for the commission of crime punishment is prescribed. There are numerous factors behind the commission of crime, which varies from case to case and circumstances. In today's world the crimes are committed mainly due to peer pressure, frustration etc. Crimes are of various types, in the present paper types and legal position of Organized Crimes in India shall be discussed.



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Child Labour Issues and Concerns

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Abstract

In a welfare State it is duty of the State to take Care of wellbeing of all the Children without any discrimination on the basis of cast, colour and creed. Since India is a Welfare State and also member of the United Nation Organization, hence, it is her moral and International duty to save her children from any type of distress. Therefore, to line up with the guidelines of the Welfare State and the United Nation Organization, a number of pro Children legislations are enacted by Government of India, but, still the offences against children are rampant here. In the present article the author is trying to trace out the real factors of this evil and consequences through doctrinal research.

Introduction:

Before raking up the child related issues we have to understand who is Child? According to Indian law, a person below the age of 18 years is a Child, however, if somewhere law thinks it otherwise e.g more than eighteen years or below 18 years, then that will be considered the age.

In almost all societies children work in some way, though the type of work they do and the forms of their involvement vary from situation to situation. But millions of children work under abusive and exploitative conditions that are clearly dangerous to them. India has about 472 million population of children. In other words approximately 39 percent population of the country, out of it about 29 percent consists of kids between 0- 6 age Group.¹ In our country due to poverty children face a number of problems of food and lodging, which compel them to indulge in begging and labour related activities. Child labour includes children prematurely leading adult lives working long hours for low wages, under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunities that could open up for them a better future. Child labour is, therefore, all work that places children at risk.

One of the most visible forms of child labour in big cities of many countries is that performed by street children. This applies to countries such as Brazil in South America, Kenya in Africa and India in Asia.² It is always said that children are the future of a country, but by looking at the condition of children of a particular country we can easily judge its future. In India the children who live in slum areas or in rural areas or in poor families one can guess the tragic fate of these children who are working at the age which

¹<https://www.humanium.org> Indian access on 13. 4. 2020.

² See Sandy Hobbs, Jim Mc Kechnie and Michae Lavealette, *Child Labour: A World History Companion*, MPG Books Limited, Bodmin, Cornwall Great Britain 1999.

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Legislation: The Root and Fruit of Social Change [Concerning: Legislation and Social Change]

Dr. Monika Sharma* & Ms. Disha Khullar**

ABSTRACT

Legislation and Sociological issues are personally related to each other, as sociology is the study of man in society and the branch of Law controls and administers actions of human beings in society. As defined by Lundberg and others; "Social Change refers to any modification in established patterns of inter-human relationship and standards of conduct." This results from the essential social necessity which may be natural or due to the planned efforts. By nature, human being fascinates change and change thus becomes necessity. The aim of this paper is to develop a conceptual framework between the relation of Legislation and Social change and highlighting that how legislature measures are viewed both as an independent and dependent variable (cause and effect) in society and remarks the interdependence of the legislation with other social systems. Change is the law of nature what is to-day shall be different from what it would be tomorrow, the social structure is subject to incessant change and the legislature plays a crucial role in the same. It is said that if you want to study 'society', you have to study the laws enacted by that society and you come to know whether the society is developed or wild world. The research paper tries and highlight the impact of the legislation on social transition and also determine that how can it be used to frame a positive path of social change for the generations to come.

Keywords: Legislation, Social Change, Society.

INTRODUCTION

"Laws are a form of social rule emanating from political agencies." Laws become legislations once they are made and put into force by law-making body or authority. Legislations, particularly social legislations have played a crucial role in bringing about social change.

There are two opinions about the functions of law¹.

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1. <http://www.shareyouressays.com/essays/essay-on-social-legislation-and-social-change/86953>



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Impact of Covid-19 on Education

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Abstract

At the inception of 2020 world got hit with a catastrophic pandemic, COVID-19. With 1.52 billion learners out of school and 184 country-wide school closures, education sector has been vigorously affected while impacting 87.6% of the world's total enrolled learners. Drop-out rates across the globe are expected to rise as a result of this massive disruption to education access. While other critical needs health, water and sanitation are responded well to, education cannot be ignored and it has an equal detrimental impact if left unaddressed. To mitigate the loss of education, world has resorted to online education. Online education is conducted in two ways- either through recorded classes or via online conducted lectures vis-à-vis video conferencing apps like Skype, Zoom etc. However the online education is not a facile task to perform as speaking into the microphone at one end and listening it from the other may involve various disruptions. The purpose of this paper is intended towards exploring the impact of COVID-19 on education and what steps are being taken to deal with the same across the globe.

KEYWORDS: Covid-19, Education, Dandemic

INTRODUCTION

The petrifying impact of COVID-19 has shaken the world to its core. When it comes to sectors which have been badly impacted by this pandemic, education system tops the chart. The protection of children and educational facilities is particularly essential. Preventive measures are necessary to prevent the potential spread of COVID-19 in school settings. Leading to near total closure of schools, universities and colleges, education has been struck hard worldwide. The UNESCO report estimates that the ongoing pandemic is likely to impact over 290 million students across 22 countries. The closure of educational institutions has affected the structure of learning, including teaching and assessment methodologies.

Well, uncertain times calls for powerful measures and education system has been stepping forward. Nevertheless, the pandemic has prompted the experts to reconsider the conventional modes of education. The pandemic is functioning as a catalyst for the educational institutions to grow and opt for online educational techniques and platforms which they haven't used before. The pandemic has altered the entire scenario of the education system and changing times have also called for the survival of the fittest. Digital education is the only viable solution keeping in view the spread of COVID-19 to fill the void for classroom education until classes resume.

IMPACT OF COVID-19 ON EDUCATION

In an effort to contain the havoc caused by the pandemic, there has been a county wide closure of public places including schools, universities and colleges. This is





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Challenges and Opportunities for Women through Higher Education

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Abstract

Education has evolved from a luxury to more of a necessity over the past couple of centuries. In the 18th century, it was limited to the financially well off and royalty. However, in 1880 it became compulsory for children aged 5-10 in England. Ever since, education has become compulsory for all children up to the age of 18 almost all over the world. This signifies the rising awareness about the importance of education around the world. As this awareness spread, people in India also understood the importance of education however they considered women more appropriate for household chores while men were supposed to work. This led to the formation of various inappropriate gender roles. In other areas, guardians simply could not afford to educate all their children and hence preference was given to boys. This being the prime reason why women did not get equal opportunities and were lagging behind men. It was not until recently when education became compulsory for every child in India as enacted by law. While this significantly improved literacy rates all over India there still were various issues with the education institutes put forward by the government. What further worsens these issues is the state of higher education. While high school education for women has made significant improvements, the percentage of women pursuing higher education is still quite low when compared to the percentage of men in higher education. This goes back to the same issue of guardians not recognizing the importance of this education in various rural areas of India. They believe that providing their daughters with high school levels of education is enough failing to understand the opportunities forgone by not pursuing higher education. Education is one of the stepping stones to success, without proper education an individual is unable to make well informed decisions. The education of these girls/women is important for the overall advancement of our nation.

Introduction:

Education is considered the basic right for the development of human beings, without it a person is comparable to a wild animal which lacks a purpose. A literate person can aid in bringing transformation not only within themselves, but also amongst their families and thus bringing evolution into society as a whole. It is of great instrumental significance in the course of economic intensification. Edification plays a critical role in demographic change, female education in particular and enhances their economic and social status. There is a co-relation between literacy and life expectancy. Furthermore, the benefits of education far outweigh its costs. It empowers and empowerment affects larger social processes (Swaminathan and Rawal, 2000).

Literacy levels can be seen as an indicator of a country's development. It is important to look at literacy levels of both men and women (Pavlova, 2009). That is the reason "Sarva



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Impact of Digital Economy in India

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Abstract

In the past decade, the use of Digital Currencies has surged and millions of active users can be identified. Any currency which does not have a tangible form and can only be found electronically can be categorized as a digital currency. These currencies while primarily were used in financial markets, have now become popular even for day to day shopping. The use of this currency however, can be limited to a single community in some cases. It is important to differentiate between Digital Currencies and digital exchanges as the two are often thought of as being the same. For example, digital currency would be bitcoin, whereas a digital exchange is Pay Tm. The latter transfers the fiat currency of the economy while bitcoin is a currency itself. Other instances of digital currencies include Ethereum, ripple, Litecoin, peercoin and so on. The trend is so popular that even Facebook is coming up with a digital currency of its own. Bitcoins are a comparative recent phenomena on the Internet online landscape and an rising force in the financial sector. The advent of digital currencies has opened up a new range of opportunities that have a potential to open up a economic growth. This paper shall discuss the potential impacts of digital currencies with reference to India.

KEYWORDS—Digital currencies, Bitcoin, Economic Growth, Blockchain

INTRODUCTION

While its mass adoption is only seen in the past decade, the concept was first put forward in 1983 by David Chau. Who later went on to form Digicash, an e-money business which declared bankruptcy in 10 years. Amongst other legal reasons, the concept of Digicash was simply ahead of its time leading to its early demise. The first widely adopted use of digital currencies was E-gold. A platform which allowed users to convert their money and store it as denomination of gold grams. Users of e-gold enjoyed instant cross-border transfers, complete anonymity and without going through long process or paying high transfer fees. Rather e-gold was so successful that they were handling more than billion dollars of transfer in a year. However, eventually due to multiple legal reasons e-gold too had to shut down in 2007.

It was finally in 2009 when the world's most successful digital currency was introduced known as Bitcoin. It was an open source software developed by Satoshi Nakamoto, the name is a pseudonym on the development team that created bitcoin. The currency was based on blockchain technology which made it more secure and rigid than any digital currency before it. In 2017, bitcoin even peaked to nineteen thousand nine hundred and nine dollars per BTC with a maximum supply of twenty-

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IMPACT OF LAW IN SOCIAL EVOLUTION

Dr. Monika Sharma

INTRODUCTION

Change is a part of both the individual and social life and when changes occur in the modes of living of individuals which influence social relations; such changes are called social changes. Change in social values, institutions, property relations, economic pursuits, personal and role distributions may be cited as examples of social change in modern society. In fact social change is always relative in terms of time, space and context. Social change means large number of people are engaging in group activities and relationship that are different from those in which they or their parents engaged in previously. Therefore, social change means modifications in the way people work, rear a family and work for the upliftment of their family. The social change can be brought through legislation, technology, competition and conflicting interests.

SOCIAL EVOLUTION AND LAW

It is true that centuries ago social change was slow enough to make custom the principal source of law. A law could develop its response to social change over decades or even centuries. Even in the earlier stages of the industrial revolution, a major change, such as the invention of steam engine, or advent of electricity as a source of light and power, would be gradual enough to make legal responses valid for a generation. But today the tempo of social change has accelerated to a point where today assumptions may not be valid even a few years from now. The law is one of many responses to such changes. In certain respects it is the most important, since it represents the authority of the state, and its sanctioning power. The law can do much to ensure a fair balance between the conflicting demands and pressures. It can us we have seen devise safeguards for the protection of individual both against arbitrary, executive power and against the unchecked power of private groups so that it can help to ensure a fair balance between conflicting groups within the state. It can help or hinder a particular trend. But in the strong battle of social forces on which our future depends, the law is but one of molding elements. The law is today a much more active agent in social evolution, and then in former times, it is still an instrument of order, bearing the imprint of the forces that shape our society. The law has to grow in order to satisfy the needs of the fast changing society and keep abreast with socio-economic development. As new situations arise the law has to be evolved in order to meet the challenge of such new situations. Justice Holmes has rightly remarked that life of the law has not been logic, it has been experience. Law has brought changes in a number of subjects, due to which society has witnessed great change in following matters:

FAMILY AND LAW

The law is often used as an instrument of social reforms. In the olden period society was very orthodox and a number of evils were prevailing in the society, which were affecting families also, as at that time families did not approach to outside agencies if any problem occurred to them. It is pertinent to mention here that at that time women did not have any say in the affairs of family and all the decisions were taken by males due to which the position of women was very degraded in the family.. but with the dawn of industrialization society became more open and a number of laws were passed, which were related to family of an individual, for example, the Hindu Widows Remarriage Act 1856, it provides right of remarriage to a widow, the Hindu Married Women's Right to Separate Residence Act 1946, which provided women a right to reside separately from the husband under certain circumstances, the Hindu Marriage Act 1955, it has determined the age of marriage, hence, put a bar on child marriage, also prohibits polygamy and permitted special grounds of divorce to women, the Hindu Succession Act 1956 which was amended in the year 2005 provides that daughters have right to inherit property of their father, the Hindu Adoption and Maintenance Act, 1956, permitted Hindu women to adopt a son or daughter and to claim maintenance from the husband under certain circumstances, the Hindu Minority and Guardianship Act, 1956, provides for the guardianship of the mother over minor children, if living separately from her husband. In the year 1987 Commission of Sati (Prevention) Act was enacted by the Parliament, which provides for the more effective prevention of the commission of sati and its glorification. In spite of modernization and the increasing role of women in all walks of life, the practice of dowry in India had become social evil due to dowry there was phenomenon of bride burning, therefore, the Dowry Prohibition Act, 1961 was enacted, the Domestic Violence Act 2005 was passed with an objective to protect women from violence which take place at their home It is the first significant attempt by the Parliament to recognize domestic abuse as a punishable offence and provides emergency relief for the victims even without any legal recourse.

The above discussed measures have changed shape of family and led to an all-round improvement in the position of women in Hindu society, which have brought change in the mind set of society that women have equal right at par with men to take decisions in the affairs of their families.

Brain Drain Problem in India

Dr. Monika Sharma*

Abstract

Every person wants to stay in the country of his / her birth, because it is not easy to adjust oneself in new country, where everything is different, for example, habits of people in another country are different, their social set up, culture is different. At present we can witness large number of people are migrating abroad from India in most of the cases in search of work as in India they find it difficult to earn their livelihood and live a dignified life as without work it is impossible to take care of oneself and one's family. Talent must be utilized in the nation of birth, to achieve this in India such policies should be made that sharp minds may not migrate to abroad.

Key Words: Brain Drain, Phenomenon, Dignified, Talent.

Introduction

The term Brain Drain means flight of talent from one country to another. It means migration of literate people from the place of their birth as they do not get job in their native country due to depletion of resources in their country. This menace was prevailing in India during medieval age. When great conquerors carried away not only hoards of gold, silver and other precious metals from the country after its invasion but also took away their human resources of genius. This problem also arose during second world war as during the war years the industrially advanced nations of the world, e.g, the United States of America,, Britain, the Soviet Union[before partition of it] and Germany took great strides and registered phenomenal progress in the field of scientific research in pursuance

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Issue of Land Acquisition in India

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ABSTRACT

Widespread agitations have been witnessed across the country against the process of acquiring land for establishing SEZs. In the absence of concrete measures for rehabilitation of displaced people, the future of most of the affected, especially of small farmers and dependents, remained uncertain. SEZs in this context had been seen as symbol of growth ridden with social and economic exclusion. It was promised by the government that 'humane' displacement for development of SEZs will be accompanied by the measures of relief and rehabilitations for the affected people. However, the historical evidences were contrary in this regard. Feasibility of the new law to address the concerns is still to be ascertained.

Implementation of the policy of establishing special economic zones has roused a nation-wide debate as the economic changes are necessarily followed by some social ramifications. Resultantly in several states there existed a widespread attitude of pessimism about the process of establishment of special economic zones. Since the independence very few policies were subject to such political opposition from the affected public and faced such fierce intellectual criticism from across the spectrum of commentators including those in international multilateral organisation. The Parliamentary Standing Committee on Commerce went to the extent of suggesting that no further approval should be given to new SEZs (Seminar 2008, 12, 22).

It was resented that through the policy of special economic zones, the country was going to set up 'inequalities enclaves' of development which would result in exclusive growth. Some critics were of the view that the SEZ policy could lead to a dehumanised progress 'where wealth accumulates and men decay' (Vombatkere 2006). On some quarters they went as far as declaring the SEZ policy unconstitutional (Citizen Research Collective 2008). Special economic zones faced resistance across the country. From Amritsar in Punjab and Jhajar in Haryana in the north to Kakinada in Andhra Pradesh and Nandagudi in Karnataka in the south; from Nandigram in West Bengal and Jagatsinghpur in Orissa in the East to Raigadh, Mangalore and Goa in the west coast of India. Farmers, landless workers, fishermen, and artisans had expressed their anger against the loss of source of earning and habitat due to establishment of SEZs (Seminar 2008, 14). These zones were described as an official tool used by big industrialists and real estate developers to grab land from farmers for making money (Levien 2011; Palit and Bhattacharjee 2007). A Report of Expert Group of Planning Commission expressed its doubt regarding positive outcome of SEZs (Government of India 2008). It lamented that the process of acquiring land for SEZs has stirred agitations in different parts of the country. In many states huge landholdings have been acquired for this purpose. It further rued that this process has caused loss of revenue to the state exchequer in terms of tax revenue. On the other side agriculture sector would be affected negatively.

The Committee on State Agrarian Relations and Unfinished Task in Land Reforms set up in 2008 strongly recommend that the SEZs Act, 2005 should be reassessed and to impose a restriction on acquisition of common land as well as agricultural land in this regard (Government of India 2009). The New York Times (2006) expressed its concerns about Shenzhen, a role model for SEZs all over the world. The phenomenal growth of Shenzhen has been accompanied by problems to local environment, rise in crimes and substandard living for thousands of migrant workers.

The main issue that unnerved the process of establishing SEZs in India was displacement and loss of livelihood of the people due to land acquisition. The process of acquiring land for SEZs became a serious problem. Earlier, the state governments were legally acquiring land for private zones neglecting the consent of people under Land Acquisition Act, 1894. The Act allowed the government to acquire land for 'public purpose' that was defined for an age when the government used to carry out many development activities which are now in hands of private sector (Mukhergi 2008). This triggered off protest in a number of SEZs located in India, where people refused to give up their residence and traditional sources of livelihood easily. People of Nandigram in West Bengal fought at great personal cost to retain their land (Kasturi 2008).

In the absence of concrete measures for rehabilitation and displaced people, the future of most of the affected, especially of small farmers and dependents, remained uncertain. Sensing the potential of more resentment, the Union Government put on hold the all remaining proposals to develop special economic zone (Dohmann 2008). It was promised by the government that 'humane' displacement for development of SEZs will be accompanied by the measures of relief and rehabilitations for the affected people.

It was promised by the government that 'humane' displacement for the establishment of special economic zones would be followed by relief and rehabilitation. However, the historical evidences were contrary in that regard. According to an estimate, since 1950 nearly 40 million people (of which about 40 per cent are tribal and 25 per cent are dalits) lost their

Environmental Governance in India: A Good Governance Perspective

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Abstract

At the outset good governance aims at providing responsive, transparent, clean and people-friendly administration. Implicitly accountability, both political and administrative, is one of essential elements of multi-faceted concept of good governance. This paper attempts to approach and visa realization of good governance in environmental governance in India.

Keywords: *good governance, environmental governance, environmental degradation*

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Introduction

It has been established by several research studies that the governance is a critical factor for protection and conservation of environment (Ostrom, 1999; Lockwood et al, 2010; Armitage et al, 2012). Contextually governance refer to an effective utilization of resources for development, thus it transcends the ambit of government to embrace informal and non-government institutions.

Environmental Governance, in particular, pertains to the practices aim at managing natural resources. Any discourse on environmental governance essentially involves efficiency of these practices in terms of sustainability (Bennett and Satterfield, 2018). United Nations Environment Programme, more particularly, points up the rules, practices and institutions as environmental governance which fashion the relation between human and environment. Resultantly, environmental governance while shaping the human actions vis-à-vis environment, becomes critical in sustainable utilization of environment resources (Armitage et al, 2012; Tonneur and Lieboet, 2010).

Environmental Governance in India

As far as the pre-independence period is concerned, India has moderate legacy of environment protection laws. Even after the independence in 1947, the steps towards giving a concrete shape to environmental governance were taken after the year of 1972. The first legislation in this direction, passed in 1974, was *Water (Prevention and Control of Pollution) Act, 1974*. An amendment was made in 1976 in the Constitution to incorporate Art 48A in part IV i.e. *the Directive Principle of State Policy* to mandate the state to act upon "protection and improvement of environment, conservation of forests and safety of wildlife".

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Sr. No	Title of Paper/ Book /Journal	Name of Journal (International/ National)	ISSN No. for Book/Journal Published	Remarks	Page No.
1.	'Social Change and the Women: A Case Study of the South-Eastern Punjab of Colonial India' pp. 24-35	International Journal of Academic Research, Vol.-VII, Issue-12(1)	ISSN 2348-7666	Published	38
2.	'Balancing the Eco System: Flora and Fauna in Pre-Colonial and Post-Colonial Haryana Region', 44-51.	IOSR Journal of Humanities and Social Science (IOSR-JHSS) Volume 25, Issue 10, Series 11 (October. 2020)	ISSN 2279-0845	Published	39
3.	Analyzing the Water Resources and Water Management System of Colonial Punjab in British India'	International Journal of Academic Research, Vol.-8, Issue-2(1), February, Kakinada, Andhra Pradesh, 2021,	ISSN No 2348-7666	Published	40
4.	Agricultural Education, Technology and the Development: A Case Study of the Colonial Punjab'	Journal of Academic Research, Vol.-8, Issue-3(1), March, Kakinada, Andhra Pradesh, 2021 International	ISSN No 2348-7666	Published	41



Social Change and the Women: A Case Study of the South-Eastern Punjab of Colonial India

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Abstract

The subject of social change in modern India is a vast and complex and an adequate understanding of it will require the collaboration, for many years, a number of scholars in such sundry fields as economic, socio-cultural history, law, politics, education, religion, demography and sociology. It will have to take account of regional, linguistic differences. My aim, however, is much more limited, only related to region and women of south-eastern Punjab. In this paper, I shall try to assess the social change as a whole and the position of women in late nineteenth century and early twentieth century. Was there any change during this period and lastly, which of the factors responsible for any change and the factors responsible for not much change? Hypothetically, I assume that no concrete steps have been taken in terms of their social status and empowerment from both government and patriarchal system. This assumption would also be tested in the present paper.

Keywords: Choudhar, Panchayat, Havelis, Kachcha, Pucca, Ghoongat.

I
There has been no much literature on women studies on the region under reference. Nevertheless some books are found, which related to colonial times and of contemporary times as well. In addition to, some short studies, in forms of thesis, dissertation, and articles, can be referred in a way of review of literature. In this way, I would love to prefer some famous British administrators who devoted a lot of energy by describing the position and status of the women of the area under reference. M.L.Darling, in his books namely, 'The Punjab Peasant and Prosperity and Debt' (1925), 'Wisdom and Waste in the Punjab Villages' (1934), 'Rusticus Loquitor' (1935) referred about the position of women, their status in society, their education, *pardah* system and some change in colonial period. Another

famous administrator, F.L.Brayne, described the similar aspects, however, main emphasis has been given to education of women but not so much description about the women of South-Eastern Punjab. The secondary sources like K.C. Yadav's 'Modern Haryana', Chattar Singh's 'Social and Economic Change in Haryana' do not provide so much detail about the topic under reference. Short studies like, 'Customs in a Peasant Economy: Women in Colonial Haryana' by Prem Chowdhry provides some information about the women of this area but not so much discussion about the change in early twentieth century. In Daljit's dissertation, 'Social Life and Social Change in the Colonial Punjab', there is a some discussion about the women of the Punjab but some

Balancing the Eco-System: Flora and Fauna in Pre-Colonial and Post-Colonial Haryana Region

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Abstract:

Flora and fauna played a vital role in balancing eco system of any geographical region. Present paper brings out the changes in pre-colonial and post-colonial Haryana. This paper is based on the assumption that the Colonial State had the dawdling approach in the preservation and maintaining of eco-system because they focused on to retain its basic geographical features and confined only on clearing the forest land converted into cultivated land in terms of collecting the land revenue from this area, on the contrary, the state government made a several steps in terms of preservation and in balancing the eco-system in the contemporary times. Both assumptions would be tested in the present paper. One of the interesting things in choosing this title is that hardly any secondary literature historically found on the topic under reference.

Keywords: Eco-System, Colonial State, Nardak, Biodiversity, Habitat, Gazetteer, Aravalli.

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I. ETYMOLOGY:

Flora and fauna are words originating from Latin. Flora in Latin means the goddess of the flower. Flora is also derived from the word floral, which means relating to flowers. Therefore flora is a group of indigenous plants in an ecosystem of a geographical region. All species of plants that are found in a particular region, period, or special environment called flora (Encyclopedia, Britannica). So, the term flora and fauna was coined by biologists to refer to a collection of plant and animal species in a given geographic location. This is why you hear phrases like flora and fauna of India, flora, and fauna of Indonesia and so on. The origin of the word fauna is a bit shrouded in mystery. According to Roman mythology, Fauna refers to the goddess of fertility. Fauna is sometimes referred to as Fauns, meaning forest spirits. By definition, fauna is a group of indigenous animals of any geographical region.

Relevance:

Human life needs flora and fauna to survive on this planet. Flora helps in the generation of oxygen into the environment. Whereas fauna that is animal species, they produce carbon dioxide in large amounts. Plants absorb carbon dioxide. In the same way, humans also take oxygen from plants and exhale carbon dioxide, thus, ecological balance is maintained by flora and fauna, therefore, the nature is the greatest teacher of all times, it teaches us the meaning of this life, love, survival and lot more things, as rightly said by William Wordsworth 'Come forth into the light of things let nature be your teacher'. It sounds philosophical and but true about nature. Let's come back to Science and History again and discover more interesting facts about the two terms mentioned above.

II. COLONIAL POLICY:

The British colonial empire throughout the world had varying forms of administrative and exploitative tools based upon the prevailing local conditions. Among the various forms and methods of colonization, one of the forms was to put the biodiversity and green resources for their commercial and greedy ends. Thus the green imperialism by the British exploiters, having a universal character, witnessed the similar course and impact in the case of Indian situation. The various justifications given by the British for exploitation of such resources have found in our primary and secondary literature. However, the exploitation of flora and manipulation of certain plant species disturbed the biodiversity of the forest and it brought tremendous climate change due to deforestation, extinction of variety of flora and fauna, etc., however we may find the obstinate picture in the post-colonial era. The colonial state main aim was to convert the cultivable land into cultivated land for the collection of land revenue, therefore, the cultivated area of the region under reference had increased by 11.8



Analyzing the Water Resources and Water Management System of Colonial Punjab in British India

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Abstract

The water resources remained a popular subject among the Researchers, Economists, Historians and the British administrators in Colonial and Post-Colonial period. The Colonial State ingeniously managed the water for their economic and financial support for their country for boosting the agricultural production as may be used for raw material for their newly started industry in the mid nineteenth century. The present paper aims at to analyze the water resources and how the Colonial State utilized the natural resources for their benefits and how canalization and colonization started in the Punjab. These assumptions would be tested in this paper.

Keywords: Colonial State, Persian Wheel, Submontane, Dhenkli, Charasa, Abiana, Canalization.

INTRODUCTION

In the colonial period, the irrigated area in India increased from about less than a million hectares in 1800 to about 5 million hectares in 1900 and 17 million hectares in 1925. At the beginning of the Five Year Plan period (1951), the area under irrigation was 22.6 million hectares.¹ Consequently, the yield of major crops increased 49.8 million tons in 1913-14 to 52.3 million tons in 1927-28.² The area under irrigation in modern India is larger than the area irrigated in any other country of the world, two and a half times the area irrigated in U.S.A.; and it exceeds the combined acreage under irrigation in U.S.A.; U.S.S.R.; Japan; Italy; Egypt; and Mexico. These five countries occupied roughly ten times the area of the Indian Union. Even then in India the acreage under irrigation was very inadequate before 1950. Only 17 percent of the land was under

irrigation as against 55 percent in Japan, 48 percent in Pakistan, 46 percent in China, 30 percent each in Indonesia and Malaya.³

The Punjab has been referred as the Province of Five Rivers in almost all the accounts in history of India. Being situated of the foothills of the Himalyan ranges and the Shiwalik uphills, Punjab had the privilege of perennial rivers as well as seasonal monsoon rivers and streams. The following water was used in agriculture also, although rainfall remained the major source of irrigation of agricultural land.⁴ Rains played an important role as a source of natural irrigation. Timely rains were very helpful for good yield. Fields were irrigated by river channels, canals, water tanks and wells etc. may be combinedly called the water resources.⁵

¹ C.B. Marmora, *Agricultural Problems of India*, 189.

² Brij Narayan, *Indian Economic Life, Past and Present*, Low Price Publication, New Delhi, 1990, 254. (Reprint, originally published in 1929.)

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³ United Asia Food Supplement, 1950, 158; Cited in C.B. Marmora, *Agricultural Problems of India*, 1976.

⁴ Ganda Singh, *Early European Accounts of the Sikhs*, Calcutta, 1962, pp.17,93,101-02.

⁵ Water resources may be defined as different means, which provide water for



Agricultural Education, Technology and the Development: A Case Study of the Colonial Punjab

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Abstract

The present paper attempts to focus on the agricultural education which played a vital role in agricultural development and ultimately shaped the policy by the Colonial State in India, especially in British Punjab. The Britisher started improving the agricultural technology for peasant proprietors initially then widened its scope to remaining agriculturalists later to boost up the agricultural production for their industries, which inception in middle of the nineteenth century in England. How many institutions like agri-horticultural, agricultural department, experimental farms, model farms, veterinary hospitals, taccavi loans agencies, agricultural exhibitions, agricultural education and agricultural conferences worked to achieve this target, which have been set by the Colonial State and how much cultivated area amplified during the period under reference?

Keywords: National Archives of India, Taccavi, Ataliq Zamidarian, Kuchha-Pucca, Riverian.

I

The process of interaction between the European technology and the traditional system of cultivation in the Punjab started with the appointment of the British Resident at Lahore in 1846. Under the guidance of the Lawrences, the early British officers examined the resources of the Punjab and studied their prospects for development. They formulated schemes for the construction of new canals, the repair of old canals, the re-opening of ruined wells and rehabilitation of deserted villages. An experienced British engineer was appointed and three lakh rupees were set apart by the Council of Regency for public improvements.¹

The introduction of European knowledge in India was very slow. Robert Edgerton, the Lieutenant Governor of the Punjab (1877-82), was of the view that before 'We can hope to impart to the agricultural community generally any useful lesson in regard to their system of agriculture and staples, a great deal more had to be learnt regarding the existing system of cultivation and the suitability of innovations to climatic conditions of the country, nature of the soil and economic resources of the people.² Consequently, changes in technology in the initial stage remained confined to a small section of the agriculturists. The Government of India expressed its

¹ Punjab Agricultural Report, 1849-51, p. 13. (Henceforth PAR.)

² National Archives of India Proceedings of the Revenue and Agriculture Department (Agriculture and Horticulture), No. 46, August 1880. (Henceforth N.A.I.)

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Sr. No	Title of Paper	Name of Journal (International/ National)	ISSN No. for Book/Journal Published	Remarks	Page No.
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2.	Copyright Infringement in Cyber Space: New Threat to Intellectual Property Rights, 437-440, 2018	Law Herald	2456-2505	Published	47
3.	Importance of Developing Research Orientations in Colleges, 989-991, 2018	International Journal of Research and Analytical Reviews	2349-5138	Published	48
4.	Role of Information and Communication Technology in Transforming Legal Education, 971-974, 2018	International Journal of Research and Analytical Reviews	2349-5138	Published	49
5.	ICT: A Powerful Tool to Facilitate e-Governance, 215-218, 2018.	Research Review International Journal of Multidisciplinary	2455-3085	Published	50
6.	Article 370: A Permanently Temporary Provision, 427-430, 2019	International Journal of Research and Analytical Reviews	2349-5138	Published	51
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13.	Role of Subordinate Judiciary in India in Reducing Back Log of Cases: A Case Study of District Courts, Rupnagar, Punjab, 16-26, 2022	CPJ Law Journal	0976-3562	Published	62-64

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Efficacy of e-Court Projects under National e-Governance Plan with Special Reference to Punjab and Haryana High Court

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Abstract:

National e-Governance Plan (NeGP) has been formulated by the Department of Information Technology (DIT) and Department of Administrative Reforms & Public Grievances (DAR&PG). The Union Government approved the National e-Governance Plan (NeGP), comprising of 27 Mission Mode Projects (MMPs) and 10 components on May 18, 2006. One of the Mission Mode Project is 'e-Courts' under the category of 'Integrated Services Category'. It was conceptualised with a vision to transform the Indian judiciary by making use of technology. The scope of the project is to develop, deliver, install and implement automated decision making and decision support system in courts all over the country. The e-courts project entails ensuring of digital interconnectivity between all courts from the taluka level to the apex court. It enhances judicial productivity both qualitatively and quantitatively by making the justice delivery system affordable, accessible, cost effective, transparent and accountable. In this paper an attempt has been made to know the efficacy of this project at various levels of judiciary.

Key Words: e-Courts, National e-Governance Plan (NeGP), ICT, Digital Courts, e-Judiciary.

Introduction:

The rapid growth & slow disposal rate of pending cases has increased burden on our judicial system tremendously. Courts had to maintain all the records in physical manner i.e. either in files or registers and to keep such large data in paper form is not easy to retrieve and also not even safe and is prone to physical tempering & environmental degradation. The case takes long time to solve and apart from this Cases/Judges/Courts keeps on changing during the course of judgment. Even the witnesses and accused keep on changing their statements and turn hostile. It is sometime difficult for the new Judges to retrieve the case information & status, so far the available source is the written information in the case files only. As far as police & jails are concern, they already strangled for resources in dealing and bringing accused and undertrials to the courts. Similarly experts from Hospitals and forensic labs faced severe difficulties

in presenting their investigating reports in front of courts. Therefore, there is a definite scope of bringing ICT to help and develop Case Record Management System for courtroom and to conserve the case file & multimedial record for future references.¹

Following that trend, the judicial system is going to be 'hi-tech' and 'e' oriented to assure 'good governance' through more transparency, accountability, participation and better management. During the last few years, ICT interventions have been both directed at the Supreme Court and lower court levels in judicial and administrative areas. Most of the nations, all over the world, have taken steps towards the modernisation of the judicial administration system in order to improve the quality, efficiency and effectiveness of the management of judicial processes. The use of 'eTools' have already proved to be an effective mechanism to improve the quality, efficiency and effectiveness of the management of judicial processes and, at the same time, to provide support to good governance. Many areas of operation in the Judiciary are already computerised in the developing countries.²

In India judiciary comprises the Supreme Court at New Delhi, The High Courts, Districts Courts in all districts and the Sub-Districts/Session Courts at the sub-district level, and the lower judiciary. e-Judiciary is a term used to indicate IT applications in judiciary. This comprises several IT projects implemented and still being implemented in various levels of judiciary.³ The National e-Governance Plan (NeGP) has been formulated by the Department of Information Technology (DIT) and Department of Administrative Reforms & Public Grievances (DAR&PG). The Union Government approved the National e-Governance Plan (NeGP), comprising of 27 Mission Mode Projects (MMPs) and 10 components on May 18,

¹ Rishi Prakash et al., "ICT in Indian Court: Challenges & Solutions", *International Journal of Internet Computing (IJIC)*, Vol. 1, No. 2, 2011, p. 21.

² <http://nag.org/files/documents/D08010912.pdf>

³ C.R.S. Prabhu, *E-Governance: Concept and Case Studies*, 127 (2012).



Copyright Infringements in Cyber Space: New Threat to Intellectual Property Rights

Dr. Akashdeep Singh*

Abstract

Intellectual Property Rights are intended to protect the interest of the authors by providing them property rights over intellectual creations. Information and Communication Technology (ICT) poses various challenges in the field of Copyright and other branches of Intellectual Property. These challenges and problems have to be tackled according to the prevailing situation. This paper discusses the various issues of infringements in cyber space by using internet and other new means of information technology and also suggested some measure to effectively deal with these issues.

Introduction:

The advent and growth of Internet has resulted in the creation of a virtual and dynamic space called the cyberspace, which poses extremely serious threats to copyrights. Threats to copyrights existed even before Internet, however, they have manifested at alarming levels since the advent of World Wide Web (WWW). The increased levels of copyright threats in cyberspace could be attributed to some of the unique characteristics of the Internet, the new possibilities it creates and its unprecedented growth worldwide. For example, the dynamic nature of Internet often makes it difficult to trace or attribute copyright violations to a particular jurisdiction.¹

Cyberspace is a virtual space in which online communications takes place. As a social experience one can meet and talk to new people, read, publish, research, hear music, see video, look at art, purchase and sell things, access government document, send e-mail, download software, and receive technical support.² In the early 1980's the science fiction author William Gibson coin the word *cyberspace* in one of his books. Even though this happened in a fictional setting, the word has become widely used in professional and academic circles. In his book, he described cyberspace as a consensual hallucination experienced daily by billions of legitimate operators, in every nation, by children being taught mathematical concepts... A graphic representation of data abstracted from banks of every computer in the human system.³ It is a huge expansion in the use of the internet and its various modes of computer-mediated communication. It is not only the computer and internet that create cyberspace it is the interconnection of pc's, internet, sensors, super computers, wires, grids and human beings.⁴

Meaning of Copyright:

Copyright law is a part of the wider body of law known as intellectual property. The term intellectual property refers broadly to the creation of the human mind. Intellectual property rights protect the interest of creators by giving them property rights over their creations.⁵ It is exclusive right to in the case of literary, dramatic, or musical work to reproduce the work in any material form including the storing of it in any medium by electronic means.⁶ Here, "literary work" includes computer programmes, tables and compilations including computer literary database.⁷ Copyright subsist in Original literary, dramatic, musical and artistic works, Cinematograph films and Sound recording.⁸ It includes artistic creations, such as books, music, painting and sculptures, films and technology-based works such as computer programmes and electronic database. The expression copyright refers to the main act which, in respect of literary and artistic creations, may be made only by the author or with authorisation. The expression author's right refer to the creator of the artistic work, its author. It thus underlines the fact, recognised in most laws, that the author has certain specific rights in his creation which only he can exercise (such as right to prevent distorted productions). Other rights (such as the right to make copies) can be exercised by other

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Importance of Developing Research Orientations in Colleges

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ABSTRACT

Developing and maintaining research work in colleges benefits the students, faculty members and the institutions. Inclusion of research component in the curriculum enables the students to develop their own critical thinking. Every college and university course includes an element of research that students must carry out independently, in the form of projects, dissertations and theses. However in colleges making project files, assignment or dissertations become only a formality and students many a times just copy the content from earlier projects. This paper endeavours to analyse the importance of research oriented teaching in colleges and its impact on student's life.

Keywords: Research Orientations, Students Engagement, Educational Institutions, Colleges, Scientific Research.

Introduction:

Research is at times mistaken for gathering information, documenting facts, and searching for information. Research is the process of collecting, analyzing, and interpreting data in order to understand a phenomenon. The systematic programme of research is used in defining the objective, managing the data, and communicating the findings occur within established frameworks and in accordance with existing guidelines. The frameworks and guidelines provide researchers an understanding of what to include in the research, how to perform the research, and what types of inferences are probable based on the data collected.⁷ It is scientific activity undertaken to establish something a fact, theory, principal or an application. It is an academic activity. It is the pursuit of truth with the help of study, observation, comparison and experiment.⁸ Research can be used for any kind of investigation that is intended to reveal interesting or new facts. As with all activities, the precision with which the research is carried out will be reflected in the quality of the results. In India, especially professional colleges, every college and university course includes an element of research that students must carry out independently, in the form of projects, dissertations and theses, and the more advanced the degree, the greater the research content. Teachers also in colleges or universities are frequently required to do research in order to develop or improve their subject knowledge or to help students in doing research projects.⁹

Functions of Research in Educational Institutions:

The main function of research in colleges is to expand the educational procedures through the purification and extension of knowledge. Promotion of research in colleges and universities provide platform to the students as well as teachers to contribute in the society by establishing new facts to the existing set of knowledge. The main functions of research in colleges are:

- (a) "To improve the student learning and classroom problem with which teacher is encountering with problems. The more effective techniques for teaching can be developed.
- (b) To aid educational administrators to improve the educational system.
- (c) To contribute to the theory and practice of education simultaneously."¹⁰

Importance of research in colleges:

The Indian education system mainly promotes learning by memorization technique based on repetition. Unfortunately! Students get confined to the prescribed syllabus, books and notes study materials alone. Having fallen in this habit, they continue to limit themselves even when pursuing higher education. They just attend lectures and study prescribed books; and never tried to explore further. And when it comes to post graduation courses, where presenting research papers and submitting thesis forms a vital part of academics, the result is low and disappointing as there is no new information to offer.¹¹ Research can instil in the student the confidence to form one's own conclusion based on available evidence. Thus, the research

⁷ Carrie Williams, "Research Methods", *Journal of Business & Economic Research*, Vol. 5, No. 3, March 2007, p. 65.

⁸ Rajinder Kumar, *Research Methodology*, 1-2, (2008).

⁹ Nicholas Walliman, *Research Methods: The Basics*, 1, (2011).

¹⁰ R.A. Sharma, *Educational Research*, 9, (2008).

¹¹ <http://www.thehindu.com/news-nation/3t-features/3t-opportunities/importance-of-research/article3600153.ece>

Role of Information and Communication Technologies in Transforming Legal Education

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ABSTRACT

Information and Communication Technologies (ICT) has influenced all the field of knowledge in the world. The influences are felt more and more in education. Because ICTs provide both students and teachers with more opportunities in adapting learning and teaching to individual needs. ICTs have revolutionized the way people work today and are now transforming education systems. Legal education cannot exist in vacuum, therefore development in legal education is necessary in accordance with new means of ICTs. This paper discussed the importance of Information and Communication Technologies in legal Education and the changes it brought in traditional teaching of law.

Keywords: Information and Communication Technologies, ICTs, Legal Education, Computers, Legal Research, Internet.

Introduction

Computers made their entry into education sector in the late 1970s. With computers, other devices like printers, floppy disk drives, scanners and the first digital cameras also made their way in education sector. At that time the term Information Technology (IT) was used to describe computers and these various peripheral devices. Then with arrival of internet and World Wide Web, emails and search engines a complete transformation occurred in almost every field including education. A new term ICT emerged in the language which is short for Information and Communication Technologies. It embraces the many technologies that enable us to receive information and communicate or exchange information with others.¹ According to UNESCO the term "Information and Communication Technologies (ICT) refers to forms of technology that are used to transmit, process, store, create, display, share or exchange information by electronic means."² This broad definition of ICT includes any communication device or application, encompassing: radio, television, cellular phones, computers, satellite systems as well as various services and applications associated with them, such as video conferencing and distance learning.³ ICT can be used to support the educational content, the educational process as well as the organization and Administration of education.⁴

Importance of ICT in Education:

Due to its various characteristics, ICTs are making dynamic changes in society. They are influencing all aspects of life. The influences are felt more and more at schools, colleges and universities. Students and teachers have got more opportunities in adapting learning and teaching to individual needs. ICTs have revolutionized the way people work today and are now transforming education systems.⁵ Education policy-makers are attracted to the prospect that ICT can improve student achievement, improve access to schooling, increase efficiencies and reduce costs, enhance students' ability to learn and promote their lifelong learning, and prepare them for a globally competitive workforce.⁶ Effective ICT integration into the learning process has the potential to engage learners. For instance, using multimedia to present authentic and ill-structured problems in problem-based learning can motivate and challenge students and

¹ Jonathan Anderson, *ICT Transforming Education: A Regional Guide*, UNESCO, Bangkok, 2010, p.3.

² The UNESCO ICT in Education Programme (2007). Available at <http://unesdoc.unesco.org/images/0015/001567/156769e.pdf>

³ T. Manichander, *ICT And Education*, Lulu Publication, United States, 2016, p. 2.

⁴ Antoinette Muntjewerff, "ICT in Legal Education", *Comparative Research in Law and Political Economy*, Vol. 5, No.4, 2009, pp. 669-670.

⁵ Fisseha Mikre, "The Roles of Information Communication Technologies in Education", *Ethiopian Journal of Education and Science*, Vol. 6, No. 2, 2011, p.1-2.

⁶ *Transforming Education: The Power of ICT Policies*, UNESCO 2011, p. 4. Available at <http://unesdoc.unesco.org/images/0021/002118/211842e.pdf>

Research Paper

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ICT: A Powerful Tool to Facilitate e-Governance

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ABSTRACT

Electronic Governance (e-governance) aims at providing simple, moral, accountable, responsive and transparent government services to the citizen. Over the past decade or so the government of India has been implementing various e-governance initiative in the country. The success of these initiatives, inter alia, depends on the well organised use of information and communication technologies (ICTs) in these initiatives. ICT is a powerful media to transmit information and knowledge to the citizens. This paper identifies the pivotal role of ICTs for successful implementation of e-governance projects in India.

1. Introduction

e-Governance is the realization of good governance through the effective use of information and communication technology (ICT) to improve governance and government Service delivery.¹ The World Bank defines e-Governance "as the use of information and communication technologies by government agencies to transform relation between citizen, business, and other arms of the government. It involves information technology enabled initiatives that are used for improving (i) The interaction between government and citizens or government and business i.e. e-Services, (ii) The internal governmental operations i.e. e-Administration, (iii) External interactions i.e. e-Society."² In the 1990s, there was an attempt throughout the world to reinvent government through intensive application of Information Technology and New Public Management. Information Technology is a result of the combination of a number of technologies of computer, communication, control and instrumentation. Information Technology deals with the use of computers and computer software to convert, protect, store, process, transmit and retrieve information securely. Recently it has become popular to broaden the term to plainly include the field of electronic communication so that people tend to use the abbreviation ICTs.³

Over recent years there has been an enormous development of Information and Communication Technology (ICT) systems towards e-governance applications. Similarly, governments have also considered ICT as a powerful tool that can change the ways to conduct and deliver services to citizens and how citizens can interact with the government.⁴ According to World Bank, "ICT consist of the whole range of

technologies designed to access, process and transmit information; hardware, network, and media for collection, storage, processing transmission, and presentation of information in the form of voice, sound, data, text, and images."⁵ The Organisation for Economic Co-operation and development (OECD) defines ICT as a tool used by governments to facilitate the full range of government functions.⁶

The Government of India too has over the years acknowledged the pivotal role that ICT has played in bringing government services to the doorstep of the people. It is apparent that that the last decade has seen e-governance drop roots in India. ICT has enabled the delivery of government services as it caters to a large base of people across different segments and geographical locations.⁷ The integration of ICTs in these processes can greatly enhance the delivery of public services to all citizens and thus, the overall objective of improving the performance of governance systems at all levels, as well as increase the citizen's participation in the society at large.⁸

It may help to government in such a way that new innovative arrangements can increase instead of traditional institutional arrangements. Such successful initiatives will deliver benefits to citizens and improve the efficiency of government and governmental agencies.⁹ The purpose to adopt ICTs is to give an opportunity to citizens, so they can get involve in decision making process as well as to provide better access, accountability and efficiency in the delivery of government information and services¹⁰ and it become as the

¹ Arunoday Bajpai, 'Significance of e-Governance in Public Administration', *Pratyogita Dagar*, Vol 1, No. 9, (March, 2007), p. 1537.

² <http://documents.worldbank.org/curated/en/527051468768894044/p0226820000001GovigendraFinalReport.pdf>, p. 7.

³ T. Balasubramanian, 'E-Governance: A Changing Role of Governance Towards Good Governance', in 'Good Governance and Politics: An Indian Perspective', (ed.) by G. Gopal Reddy, Research India Press, New Delhi, 2012, pp. 277, 278.

⁴ Geoffrey Katikola and Louise Yngström, 'Discussing e-Government: Maturity Model For Developing World - Security View', *Information Security for South Africa: Proceedings of the ISSA 2009 Conference*, p. 82. Also Available at <http://www.issa.org.za/ISSA2009/Proceedings/ISSA2009Proceedings.pdf>

⁵ Shellen Detachew, 'Impact of ICT in the Developing Countries on the Economic Growth', pp. 28,29, 2008.

⁶ N. Vijay Kumar, 'Role of ICT in e-Governance Impact of Cloud Computing in driving new initiatives', *Satish Bindings*, Vol. 9, No. 2, p. 40, 2011.

⁷ Anil Kumar Jha, *Right to Public Service*, Anil Bank Pvt. Ltd., New Delhi, 2013, p.28.

⁸ Gloriosa C. Misuraca, *e-Governance in Africa: From Theory to Action*, Africa World Press, New Jersey, 2007, p. 3.

⁹ V.S. Rana, 'An Innovative Use of Information & Communication Technology (ICT) in Trade Facilitation in India', *SRICAM's International Journal of Information Technology (SRIT)*, Vol. 4 No. 2, p.1, 2012.

¹⁰ Ganesh Tejaswini et. al., 'A Model to ICT and E-Governance for Intermediate Organizations in India', *Indian Journal of Computer Science and Engineering*, Vol 1, No. 2, p. 118, (119-124).

ARTICLE 370: A PERMANENTLY TEMPORARY PROVISION

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ABSTRACT: Article 370 of the Constitution of India confers a special status to the state of Jammu and Kashmir. It came into existence on 26 January 1950. Article 370 is enacted, in Part XXI, under Temporary and Transitional Provisions of the Constitution. Since the date of its inception to the Indian Constitution it has been in controversy among the political thinkers. Dr. B.R. Ambedkar had refused to sketch the article due to its bias and exceptions within the Constitution of a free India. In recent year there is a great demand from particular strata of society for amending the Indian Constitution with regard to abrogation of Article 370. This paper highlights the practical difficulties in wiping out Article 370 from Indian Constitution and also through some light about the true status of Article 370 under judicial guidance in this regard.

Key Words: Article 370, Article 35A, Jammu and Kashmir, Constitution, Special Status

Introduction:

The Kashmir (Jammu and Kashmir) State was part of the British Indian Empire before 1947.

It was under the regime of Maharaja Hari Singh who belonged to Hindu religion. The large of the population of the Kashmir valley comprised of Muslims and the meagre Hindu population there comprised mostly of the Kashmir Brahmins and some others who were closed to the Hari Singh government.¹ British rule in India came to an end on and from 15th August 1947 by Indian Independence Act 1947 which divided India into two parts i.e. India and Pakistan. Whereas British India was simply included into India or Pakistan, the kings of the 565 princely states, who were under the autonomy of British suzerainty, were given with three options: accession to India or Pakistan, or independence. The last option existed only in theory, as probably none of the princely states were in a position to survive politically autonomy in the World and economically in the face of the two big neighbouring countries.²

In spite of this, Maharaja Hari Singh, refused to join either India or Pakistan after partition and chooses third option i.e. the idea of being an independent State. But in October 1947, Pakistan through their kabayali rebels attacked on Jammu and Kashmir. Maharaja being not in a situation to resist the attack make conditional negotiated the accession of the State of Jammu and Kashmir with the Dominion of India. This unbalanced situation of the State of Jammu and Kashmir leads to the inclusion of Article 370 in the Indian Constitution.³ The Indian government made him sign the Instrument of Accession, on 27 October 1947. The Instrument of Accession was the legal document intended for the accession of princely states and either of the two newly-formed nations, India and Pakistan. It was executed by the Indian government on one side and by the rulers of each of the princely states on other side.⁴ However, the Instrument of Accession executed with the state of Jammu and Kashmir has been limited the power of making law by the Dominion of India with respect to State of Jammu and Kashmir only to four areas namely, a) Defence b) External affairs c) Communication and d) Ancillary matters.⁵ However, due to the controversy covering Government of India's legal position with the state of Jammu and Kashmir, the Instrument of Accession signed with the state of Jammu and Kashmir has been broadly debated about the nature of either the signing of the

¹ Daya Sagar, *Jammu & Kashmir: A Victim*, Ocean book Pvt. Ltd., New Delhi, 2015, pp. 20, 21.

² Sergia Constantin and Karl Kössler, "Jammu and Kashmir", *Online Compendium Autonomy Arrangements in the World*, January 2016, at www.world-autonomies.info.

³ Pradeep Kulshrestha, "Article 370: Constitutional Obligation and Compulsion", *International Journal of English Language, Literature and Humanities*, Vol. 4, Issue 1, January 2016, p. 95. (94-112)

⁴ Suryakant Nath, "The myth of the instrument of accession: A Reappraisal", *International Journal of Applied Research*, Vol. 2, No. 3, pp. 17-18 2016 (17-21)

⁵ [http://ilaw.nic.in/instrument of accession of jammu and kashmir state.pdf](http://ilaw.nic.in/instrument%20of%20accession%20of%20jammu%20and%20kashmir%20state.pdf)

RTI: A POWERFUL TOOL TO STRENGTHEN GOOD GOVERNANCE**Dr. Akashdeep Singh**Assistant Professor in Law, Rayat College of Law, Railmaja, S.B.S. Nagar, Punjab
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ABSTRACT: Right to information (RTI) Act 2005 have been implemented for subtle change in the administration of the governmental process. Across the world, there are many initiatives are implemented for realizing the need of Good Governance. Right to information (RTI) is being recognised as potential tool of empowerment. Right to information Act 2005 has been enacted with a view to promote openness, transparency and accountability in public administration. To achieve these objectives it is very important that the RTI Act should provide right to citizens to ask for matters pertaining to governmental functioning through an line. Hence, this paper highlights the importance of right to information as a tool to achieve good governance. It also discusses that a government which operates in greater secrecy is more prone to corruption as compared to a government which operates in greater openness.

Key Words: : RTI, Good Governance, Transparency, Accountability, Public Information Offices

Introduction

The Right to Information Act which gives the citizens of India right to access to records of the Government was thought to be one of the most radical pieces of legislation in modern India which can make India one of the most advanced democracies. This Act has given people the right to actually participate in governance, which is the basis of what we call inclusive growth. With Right To Information, common citizens were empowered to know whatever they deemed worth knowing.¹

Right to Information and Good Governance are very closely related to each other. Right to Information is the means to achieve the goals of good governance. The essentials of good governance are transparency, accountability, responsiveness and consequently these all are promoted or facilitated by the right to information.² Thus the citizen's right to information is being increasingly recognised as an important instrument to promote openness, transparency and accountability in public administration. In fact, imperceptible government has become thing of past in this age of liberalization and globalization. It has been observed that a government which operates in greater secrecy is more prone to corruption as compared to a government which operates in greater openness³.

Good Governance

Good governance is associated with efficient and effective administration in a democracy. It is equivalent to development oriented administration which aimed at improvement in quality of life of the people. It implies high level of organisational effectiveness. It also associated to the capacity of the centre of power of political and administrative system to deal with the new challenges of the society. It refers to adoption of new values of governance to establish greater efficiency, legitimacy and credibility of the system⁴. It is a term used with great flexibility.⁵ Good governance has many characteristics. It is participatory, oriented, accountable, responsive, transparent, effective and inclusive which follows the rule of law. It ensures that corruption

¹ Shalini Singh, "Right to information: A Case Study of India", *International Journal of Scientific & Engineering Research*, Vol. 1, No. 2, 2010, p.1.

² Satyam Kumar Pandey and Abhinav Mishra, "International Journal of Law and Legal Jurisprudence Studies", Vol. 3 Issue 2, 2016, p. 362.

³ Jaytilak Guha Roy, "Transparency and Right to Information Governance Perspective", *Bihar Journal of Public Administration*, Vol. 10, No. 1, 2013, p. 36.

⁴ Meetika Srivastava, "Good Governance - Concept, Meaning and Features: A Detailed Study (December 26, 2009). Available at SSRN: <https://ssrn.com/abstract=1528449> or <http://dx.doi.org/10.2139/ssrn.1528449>

⁵ Swati Kedia, "International Journal of Commerce and Management Research", Vol. 2, Issue 3, 2016, p. 158-162



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Women Empowerment in India: Concept and Role of Law

By Dr. Akashdeep Singh

Abstract- During the early Vedic period Indian women enjoyed equal status with men in all field of life. They enjoyed freedom in selecting their life partners. They had the right to get education. Remarriage of widows were permitted. Men did not have the right to divorce their wives. They were given the complete freedom in all aspect of family matters. There was no pardha system in hindu society. However their position got deteriorated during Mughal rule in India as they had not been paid sufficient attention which they deserved. Thereafter, the status of women in the beginning of the British rule reached at the worst level. However in mid nineteenth century some socio-religious reforms movements started by Raja Ram Mohan Rai, Swami Dayanand, and Swamy Vivekanand. Due to their efforts the position and status of women started improving in some instances. Thus, when the Constitution of India was being framed the constitution makers took inspiration from these eminent personalities and expressly provided special provisions in the various parts of the constitution which provides equality for women in all aspects of their life. This paper depicts the issues and challenges in empowering the women and suggests some ways of empowering women. This paper also highlights the role of law in empowering women.

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Analysis of lie detector tests in criminal law

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Abstract

Society owes a commitment to its people and citizens that the strength of the states is not abused during the dispensation of justice and human rights are upheld at all times. To preserve rights, the most basic tool used by humans is the police set-up. More often than not, third degree methods are used to extract information to get further in the investigation. However, this completely defeats the purpose of human rights that we so greatly pride ourselves on. In order to overcome this problem, in the criminal justice system, there are lie detector tests that can be used. These tests are of three types- Polygraph, Narcoanalysis, Brain-Mapping (BEAP). Each of these tests uses a different mechanism to evaluate different aspects of the human body to tell dishonesty from honesty. Lie detector tests have been particularly helpful as they help in limiting or eradicating third degree methods in investigations and protecting the human rights of all citizens. Unfortunately, these tests have not managed to garner too much support due to certain technical issues and admissibility problems but researchers and scholars have ascertained a 95-98% success rate of these tests. This paper seeks to analyse the use of lie detectors in criminal law.

Keywords: polygraph, narcoanalysis, brain-mapping (BEAP), human rights, third degree methods, extract, lie detector

Introduction

Lie detector tests, as we know them today, have become an extremely popular cultural icon inasmuch that we see them everywhere- from crime dramas to advertisements. Psychologist Leonard Saxe, PhD (1991) has pointed out that the idea that we can detect a person's conformity to facts by assessing their psychophysiological changes is more of a myth than a reality. He believes that even calling the polygraph a "lie detector" is inaccurate^[1].

The lie detecting instrument is used to conduct tests which consist of physiological monitor that keeps tabs of three main indicators-

1. Heart rate and blood pressure which is measured using a blood pressure cuff.
2. Respiration is measured by an instrument called pneumographs wrapped around the subject's chest.
3. Skin conductivity is also called the galvanic skin or electro dermal response which measures through electrodes attached to the subject's fingers^[2].

Today, almost all examiners use computerised recording systems.

In an article published in the Deccan Chronicle in February 2016, the former additional solicitor general of India, Mr. KN Bhat, said, "In criminal cases when police resort to lie-detector tests it should be concluded that the investigation has reached a dead-end and other methods of discovering evidence or eliciting information, including procuring a confession, have failed." There has been a longstanding debate over the use of the lie detector test in India. Like Mr.

Bhat, several other legal experts, scientists and other professionals have argued over the accuracy and rates of error. Additionally, various NGOs, right-based activists and organisations have been severely opposed to the test mainly on humanitarian grounds arguing that it violates the Fundamental rights of the subject. These deception detection techniques also known as DDT are mainly of three types- polygraph, narcoanalysis and brain mapping. All three of these techniques have various important clinical, scientific, ethical and legal implications. On one hand, they are extremely useful in revealing concealed information related to crime and can also play a crucial role in investigations even though results cannot be used as evidence during the trial. Supporters of this scientific method contest that it is far better than using "third degree" methods. On the other hand, many people have argued that they are violative of fundamental rights of individuals. In a recent landmark judgement, the Supreme Court of India stated that DDTs cannot be administered without consent^[3].

Meaning and Definition

The term Polygraph refers to a process in which selected physiological activities are recorded. According to the definition of Webster's legal dictionary, "a Polygraph is a device for measuring certain involuntary bodily responses, such as blood pressure and perspiration, from which an opinion is drawn as to whether or not the person being tested is telling the truth. Also called, to some extent positively, a Lie Detector"^[4] Oxford Dictionary defines it as an "instrument for determining whether a person is telling

^[1] Polygraph Test and its Legal Application in the Indian Criminal Justice System, available at <https://shodhganga.inflibnet.ac.in/bitstream/10603/76232/1/chapter6.pdf>
^[2] Surish Bhat Math, "Narcoanalysis: Court judgment on polygraph, narcoanalysis & brain-mapping: A boon or a bane", Indian Journal of Medical Research, Volume 134, Issue 1, July 2011, p. 7

^[3] Kedar Nagarajan, "Why are Lie Detector Tests Still being used in Criminal Investigations", The Caravan a journal of Politics and Culture, July, 2017, available at <https://www.caravanmagazine.in/science/lie-detector-not-criminal-investigation>

^[4] Definition of Polygraph, available at <https://www.merriam-webster.com/dictionary/polygraph>

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12. Impact of E-Waste on Environment and Health

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Abstract

Electronic waste is a swiftly flourishing problem of the world. Electronic waste which are used for the purpose of reuse, recycle, disposal as e-waste. This process of recycling can lead a serious affect upon the environment and health of human beings. It includes harmful chemicals like lead, cadium, mercury etc. Disposal of old products and trend to adopt a new one creates a problem of e-waste. Developing countries are facing the challenges related with management of e-waste. It produces a large number of serious diseases which leads a man into the bed of death. The world is generating about 40million of e-waste annually which results into a serious problem for upcoming generation as well as environment also. The necessity for security and to conserve the environment from hazardous substances is reflected in various laws. This study focuses on various legislative provisions and implementation of policies for facing the consequential outcomes of e-waste and how the e-waste management can contribute towards sustainable development. Sustainable development is becoming a necessity in the present day. It is found that a Nation is prosperous only when its environment is healthy and clean and so it requires constant renewed policies which are strict in nature.

Keywords: Electronic waste, recycle, disposal of waste, harmful substance, legislative provisions.

Introduction

A rising quality of existence of life and a high tariff of resource consumption patterns have had an unexpected adverse impact on environment and health of human beings. E-waste is a universal phenomenon and whole of the globe is agony from the problem of e-waste. Development in the field of science and technology resulted inaccessibility of range of products at very affordable price. This is a result of people intensify their mobiles, computers, audio and medical equipment's and other items.

These hazardous and other wastes pose a great threat to human health and very expensive for the governments also to use processes which are used to recycling purpose. E-waste is a process mostly handled in urban areas where untrained workers adopt the procedure without

Denial of Right to Vote to the Prisoners in India: A Critical Analysis

AKASHDEEP SINGH¹

ABSTRACT

This paper assesses the legislative policy in India on the right of prisoners to vote. Being a democratic country, there is always an increasing recognition of the right to vote in India at national and local level. Article 326 of the Constitution of India provides for the adult suffrage which means every person who has completed the age of eighteen years is entitled to vote at an election subject to disqualifications as provided by the statute. Despite that, India has imposed a blanket ban on the voting right of the prisoners under Section 62 (3) of the Representation of People Act, 1951. By enacting this provision India in fact opted for criminal disenfranchisement. The decisions of the Courts in India are also in favour of this indiscriminate criminal disenfranchisement law. This paper critically examines the criminal disenfranchisement law in India by analyzing International instruments and law of the other countries on this topic. It also recommends that India should change its legislative policy regarding criminal disenfranchisement by removing blanket ban on the voting right of the incarcerated population.

Keywords: Disenfranchisement, Civil Death, Incarcerated Population, Blanket Ban, Right to Vote, Criminal Disenfranchisement.

I. INTRODUCTION

The vote of each and every citizen in an election is a security of dignity and personhood. Voting is a process in which everybody counts. In a country of great disparities of culture, religion, regionalism, caste, race, wealth and power it declares that whoever we are, whether rich or poor, privileged or disgraced, we all belong to the same democratic country i.e. India.² Article 326 of the Indian Constitution provides that "The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate

¹ Author is an Associate Professor at Radda College of Law, Raigarh, India.

² Marc Maurer, "Voting Behind Bars: An Argument for Voting by Prisoners", Vol. 54, No. 3 *Howard Law Journal* 549 (2011).

THE ANNUAL CELEBRATION OF PATRIARCHY: PRACTICE OF WOMEN SUBJUGATION

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ABSTRACT

The land of diverse cultures and celebrations- India, has, over time grown into a nation that celebrates patriarchy cloaked behind the pretense of its festivals. In the 21st century where countries across the globe are striving towards empowering women and providing them equal opportunities for holistic development, India seems to be greatly falling behind. Since festivals are celebrated throughout the country by everyone irrespective of their caste, creed, religion or socio-economic background, the manner in which celebrations take place have more implications than people seem to realize. What may seem to be an innocent, matter-of-fact celebration, takes our country back more years than can be fathomed. This paper, "The Annual Celebration of Patriarchy" seeks to delve into the many festivals celebrated in India that somehow impose gender roles on women living in the society and the detrimental impact that it has on their everyday lives.

Keywords: Patriarchy, Women Empowerment, Festivals, Celebrations, Socio-economic, Implications.

The Annual Celebration of Patriarchy

"Last Wednesday, my mother more or less screamed in my ears to wake me up even as I practically begged her to let me sleep. But she would not let me rest until I dragged my sick body – sore and frail – to the washroom. Between painful bouts of cough and prolonged spells of dizziness, I shivered at the touch of cool water. But I had to get going. My mother would not let me rest until the dewy slice of full moon hanging in the sky was looked at and duly worshiped.

It was Kumar Purnima, after all. Throughout the day, my mother would expect me to don new attire, maintain a starch-free diet, and break my fast by looking at the moon in the evening, again. All of this was to be done in the anticipation of a young, moon-like groom – the Kumar. Shortly after, my social media would be filled with dozens of young girls, with flowers in their hair and *keena* on their palms, gazing lovingly at the moon, praying for the Kumar of their dreams."¹

-Sanchita Dwivedi

(The Wire, 4th November, 2021)

INTRODUCTION

The story mentioned above is but one small incident depicting the patriarchal side of festivals, the examples are otherwise numerous and uncountable. The world we inhabit today is full of celebration, festivity and cultures. India is no different in that respect. It is a land of diverse religions, cultures, beliefs and festivals. However, so deeply rooted is the idea that women are not free individuals but subordinate to male members in their families – their fathers, brothers or husbands.² What is expected from them is to conform to societal standards that saw women as mere service providers, home-bound and sacrificial in nature. But today since women empowerment has been changing the equation in the society, achieving equality and compatibility among different genders, it is time to stop and question regressive beliefs and attitudes and their place in the world today.³ The term festival is defined as "a day or period of celebration, typically for religious reasons".⁴ The term patriarchy is referred to

¹ Hindu Festivals, Women and New Patriarchal Trends available at <https://livewire.thewire.in/personal/hindu-festivals-women-and-new-patriarchal-trends/>

² Sanjukta Dasgupta, *Media, Gender and Popular Culture in India* (SAGE Publications) p.88-89

³ Celebrate Festivals Not Patriarchy available at <https://www.womensweb.in/2020/09/celebrate-festivals-not-patriarchy-sept20wk4nnd/>

⁴ Definition of Festival available at <https://www.collinsdictionary.com/dictionary/english/festival>

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Role of Subordinate Judiciary in India in Reducing Back Log of Cases: A Case Study of District Courts, Rupnagar, Punjab

*Dr. Akashdeep Singh**

INTRODUCTION

Constitution of India provides for a three tier judicial systems in India which reflects the quest and aspiration of mankind for justice. The preamble of the Indian Constitution speaks of justice in all its forms: social, economic and political. Aggrieved Persons who have been deprived from their rights and suffered physically, mentally or economically, approach the Courts for redressal of their grievances. They approach the courts with great hope, as they believe that one day or the other they would get justice from the Courts.¹ Further Article 39A of the Indian Constitution imposes duty on the State to secure that the operation of the legal system promotes justice on the basis of equal opportunity and ensure that the same is not denied to any citizen by reason of economic or other disabilities.² Therefore, Our Justice Delivery System is under an obligation to deliver quick and inexpensive justice to people, without in any manner compromising the principles of fairness and equality.³

Right to speedy trial is an integral part of the principal of fair trial secured by the Indian Judiciary. The philosophy of Right to Speedy trial has grown and developed in over a period of many years.⁴ It is a concept which deals with disposal of cases as soon as possible so as to make the Judiciary more efficient and trustworthy.⁵ The main aim of Right to Speedy trial is to introduce Justice in the society. It also acts

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1 Justice Sobhag Mal Jain Memorial Lecture Delivered By Hon'ble Shri Y.K. Sabharwal, Chief Justice of India on Delayed Justice, On Tuesday, The 25th July, 2006 (March 26, 2020, 11AM) https://highcourtchd.gov.in/sub_pages/left_menu/publish/articles/articles_pdf/Delayedjustice.pdf

2 Constitution of India, Art. 39 A.

3 Justice Sobhag Mal Jain Memorial Lecture Delivered By Hon'ble Shri Y.K. Sabharwal, Chief Justice of India on Delayed Justice, on Tuesday, The 25th July, 2006 (March 26, 2020, 11AM) https://highcourtchd.gov.in/sub_pages/left_menu/publish/articles/articles_pdf/Delayedjustice.pdf

4 Neeraj Tiwari, Fair trial vis-à-vis criminal justice administration: A critical study of Indian criminal justice system, *Journal of Law and Conflict Resolution*, Volume 2, Issue 4, 70 (2010).

5 Robert L. Misner, *Speedy Trial: Federal and State Practice* 111, 112 (2007).

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9	Preventive Detention Laws During Colonial Era in India: An Appraisal	MDU Journal	XXVIII 2022	Published	74-76

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Wife battering Judicial Prospective in Muslim Law

Mumtaj

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Abstract: Wife battering is major problem in the all over world. Wife battering of muslim women for protection many law provides. In this paper will be give the overview of the introduction, protection of battered wives, cases decided by Supreme Court and conclusion.

Keywords: Wife battering, Judicial Prospective.

Introduction

Wife battering has become one of the major problems across the world. It cuts across lines of races, religion, income and classes of people. It is also deeply embedded in all cultures, so much so that millions of women consider it as a way of life. This piece of work in the form of dissertation seeks to examine the socio-legal perspectives on wife battering in India. In relation to social perspective, it attempts to address the issue of social beliefs of the major races in India, i.e. Shia, Sunnis, Wahabis and Deobandies, on this matter particularly pertaining to the extent of the husband's authority over the wife which is claimed to be one of the contributing factors of wife battering.^{xxx}

Women in the Pre-Islamic era lived in servility and misery. They had no rights whatsoever until the advent of Islam which liberated them and delivered them from the injustice which they had suffered for so long. Islam elevated the status of women and granted them all the rights of which they had hitherto been deprived and granted them the rights accorded to men. It is interesting to note that the rights granted to women by Islam more than fourteen centuries ago are the very same rights granted to women by the United Nations in the 1948 declaration of Human Rights. Islam also proved Eve's innocence of tempting Adam to disobey God's command, and of being the cause of his banishment from paradise. Islam also refuted the myth that Eve was the origin of evil in the world stating that it was Satan who tempted both Adam and Eve. This is stated in the following Quranic verse: "Then did Satan make them slip from the (Garden) and get them out of the state (of felicity) in which they had been."^{xxxii}

At a time when the rest of the world, from Greece and Rome to India and China, considered women as no better than children or even slaves, with no rights whatsoever, Islam acknowledged women's equality with men in a great many respects. The Quran states: "And among His signs is this: that He created mates for you from yourselves that you may find rest and peace of mind in them, and He ordained between you love and mercy. Certainly, herein indeed are signs for people who reflect."^{xxxiii}

Judicial Response

In *Husaini Begam v. Muhammed*^{xxxiv}, the Muslim law imposes a ceiling on the lust of man by permitting four wives and no more. But a wife can stipulate at the time of marriage that she will have a right to divorce him if he takes another wife. She acquires a right to divorce her husband.

Protection of the rights of Muslim women against spousal violence in India

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Abstract

Violence against women occurs in all countries and transcends social, economic, religious, and cultural groups. One of the most common forms of violence against women is violence by their husbands or other intimate male partners. Over the past two decades, violence by an intimate partner has been identified throughout the world as a serious physical and mental health concern. In the Muslim community, spousal violence has become one of the main issues of concern due to different interpretations of Islamic teaching on gender roles between men and women within varying historical and cultural contexts. Misinterpretation of the Qur'anic injunctions within the cultural context of some Muslim communities resulted in the justification of the men's abusive acts towards their spouses. In India, various laws have been enacted to curb the current problem of domestic violence including spousal violence. This paper seeks to examine the rights of Muslim women in India in particular, against spousal violence under the personal laws and Indian laws and discuss to what extent these laws are adequate in controlling the problem of spousal violence in India. The paper also briefly highlights the issue of marital rape in Islam and whether or not it should be classified as a form of spousal violence. Finally, the paper discusses some possible recommendations as to the relevant legislation and other legal measures that may spur improvement to the present situation in reducing the number of spousal violence cases in the country.

Key words: spousal violence, Indian legislation, Muslim women, Islamic (personal) law

INTRODUCTION

Spousal violence occurs in all countries and transcends social, economic, religious, and cultural groups. Worldwide, one of the most common forms of spousal violence is abuse of women by their husbands or other intimate male partners. Over the past two decades, spousal violence has been identified throughout the world as a serious physical and mental health concern. Spousal violence, in particular, was recognized, at the Fourth World conference on Women held in Beijing in 1995 as a human rights concern worldwide. Various terms are used to characterize the violence between spouses. For example terms such as spouse abuse, domestic violence, family violence, partner violence, intimate partner abuse, and battering are popular but they do not differentiate between men and women. However, research has shown that women are far more likely than men to be victimized. Early feminist scholars documented in extensive detail the degree to which women were subjected to domestic violence, brutality, sexual assault, and social isolation when seeking assistance, some articles are pointed out that women who are battered are often economically and socially dependent on their abusive male partners for material support and social 'respectability', which compounds economic and cultural influences.¹

¹RoslinaCheSob @ Yusoff, Nora Abdul Hak, "Adequacy of Legislation in Protecting the Rights of Muslim Women Against Spousal Violence in Malaysia" - *Australian Journal of Basic and Applied Sciences*, 6(11): 319-325, 2012
ISSN 1991-8178 <https://pdfs.semanticscholar.org/4ea7/d8c90ebd67f1a25d3b40914620eb8c15170.pdf>

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Protection of Battered Wives under Muslim Law in India

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Abstract: Muslim wives battery is use force against another, resulting in harmful or offensive contact. Protection of battered provides the Indian Penal Code, Domestic Violence Act, Criminal Procedure Code etc. Triple talaq is illegal and unconstitutional by Supreme Court. In this paper will be give the overview of the introduction, protection of battered wives under Muslim laws, domestic violence, marriage, dower, divorce, acts, cases and conclusion.

Keywords: Protection of Battered Wives, Muslim Law.

Introduction

Women battering, frequently, involve a course of conduct where a woman in physically abused or assaulted multiple times combined with pattern of isolation, intimidation, mental abuse and control. As a result of repeated abuse, these women suffered 'learned helplessness' when they began to believe that there is no escape from terror situation. The cycle of violence further reiterate the feeling of learned helplessness as women feel trapped in an abusive situation.¹

'Battery' means higher degree of assault. According to Black's Law Dictionary, 'Battery' is "an intentional and offensive touching of another without lawful jurisdiction". In other words, the meaning of battery is use of force against another, resulting in harmful or offensive contact. It also termed as criminal battery.¹

Battered women program is a program that is working with an aim of ending domestic violence against women and children. This program will provide housing advocacy and emergency shelter and it provides twenty four hour hotline services, programs for children, legal advocacy and educational outreach programs.¹

According to Aghnidesh a Muslim is (i) one, who believes in the mission of Mohammed as Prophet, or (ii) one, who says that there is one God and that Mohammad is 'His Prophet', or (iii) one who believes in a number of other essential belief in God and Mohammed. It is not necessary that a Mohammedan be so by birth. In fact Islam depends on belief. A man can be Mohammedan even by profession or by conversion. According to Shariat if one of the parents is Mohammedan, the child will be Mohammedan.¹

In the Pre-Islamic Arabia, the women enjoyed a secondary status in all respects when compared to men. The advent of Islam has contributed much for the amelioration of Muslim women and alleviation of their problems. The Holy Quran gives equal rights to men and women and places women in a respectable position. However, there are certain aspects in Islam that render the position of Muslim Women especially the wives insecure and inferior.¹

A Muslim male is permitted conditionally to marry as many as four wives at a time. It is important to note that the polygamy among Muslim men is only permission but not a compulsion. The Shia Muslim male can contract muta marriage for an agreed period of time. There is no ceiling on the number of muta marriages that may be contracted by a Muslim male.¹

Domestic Violence

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The rights of Muslim women: regarding marriage and divorce

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Dr. Ritu Salaria, Assistant Professor, Department of Laws, P.U. Swami Sarvanand Giri Regional Centre Hoshiarpur (Punjab).

"Marring a woman does not mean she is your property.

Treat her with respect; Make her your queen,

Love her and honor her, and give her a reason to treat you the same".

Keywords: Muslim women's rights-Religious aspects, marriage and divorce (Islamic law), legal status law's etc.

Introduction

There are many misconceptions about women's rights in Islam. The purpose of this article is to highlight the basic rights of women in Islam in relation to marriage and divorce. This article will only be considered as a fundamental framework for women's rights in Islam regarding marriage and divorce. The circumstances of Muslim clients will vary greatly depending on whether the Islamic School of Thought (Hanafi, Hanbali, Maliki, and Shafi) follows it, whether they are Sunni or Shiite, their cultural backgrounds, and various other things. It is also important to understand that Islam and human culture are two very different things. A major snare for workers is to confuse cultural practices with religious beliefs. Many lawyers make the big mistake of thinking that all Islamic customs and practices are related to Islam. In fact, many Muslims are deeply influenced by their culture. Islam is a very different religion. Native American Muslims come from countries across Africa, the Middle East, Asia, Europe, and many are born in the United States of different races.

It is also important that you do not overreact to cultural practices. Client behavior can be a family tradition or a common practice in a small region that represents the whole country or people. Islam is by no means the same religion. The most successful lawyers who regularly work with Muslims are open professionals and treat their clients as individuals.

The purpose of this article is to provide workers with an understanding of the basic Islamic beliefs regarding women's rights in two specific areas: marriage and divorce. Successful lawyers learn to be culturally and religiously competent, which does not mean that lawyers agree with the client's practices. Not judging clients according to their cultural or religious practices, but simply understanding the religious background and culture of the client is important to represent Muslims or any other minority group.

Definitions of basic Muslim-Muslim vocabulary are required to fully understand the content of this article. Please note the following terms:

Islam- true religion is an Arabic word meaning peace and submission to God (Allah).

Muslims (followers) - followers of Islam; an Arabic word meaning one who submits to God. Allah- an Arabic word meaning God; Islam is a monotheistic religion that teaches that God has no partners, children, or affiliated organizations.

Quran- Holy Book of Islam; An Arabic word meaning repetition. This is a major source of Islamic teachings.

¹ Mapping the Global Muslim Population, Pew Forum on Religion & Public Life, Oct. 7, 2009, available at <http://pewforum.org/docs/DocID=450>.

Admissibility & Acceptability of Electronic Evidence

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Introduction

Major shifts in the information technology landscape over the past two decades have made the collection and analysis of digital evidence an increasingly important tool for solving crimes and preparing court cases. Electronic evidence in criminal and civil proceedings, no doubt is always seem to be problematic. A Mindful emergence of new technologies has raised legitimate concerns about its accuracy and authenticity. Although the formal conditions to the admissibility of electronic evidence have been removed,¹ the increasing complexity and sophistication of rapidly developing technology necessitates a shift from concerns about exclusion and admissibility subject to overly - technical requirements towards a more precise focus on issues relevant to establishing authenticity and suitable weight for the evidence which it generates. In *Anvar v. P. K. Hasheer*,² the Supreme Court noted that "there is a revolution in the way that evidence is produced before the court". When electronically stored information was treated as a document in India before 2000, secondary evidence of these electronic "documents" was adduced through printed reproductions or transcripts, and the authenticity was certified. When the creation and storage of electronic information grew more complex, the law had to change more substantially.

1.1 Explaining Electronic Evidence

Electronic evidence is information and data of investigative value that is stored on or transmitted by an electronic device.³ Such information can be stored in computer hard drive, optical disks, floppy disks, remote internet storage, handheld devices, memory cards, network servers, emails etc. Though electronic evidence is defined as information of investigative value relating to a broad range of devices and data formats, a formal legal definition of digital evidence is elusive, but is generally accepted to be information held in digital form that has some probative value. And when we say that evidence must be admissible we mean that it must conform to certain rules before it can be considered by the court for its probative value. When we say that evidence should be authentic we are looking for something that links it to persons and

¹ The Indian Evidence Act, 1872

² AIR 2015 SC 180

³ Ashcroft John, *Electronic Crime scene Investigation: A guide to first responders*, 6 (U.S. Department of Justice, 2001)

Police System & its Shortcomings

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Deepank, LL.M Student, Department of Law, IEC University, Baddi (Solan) H.P

There are a lot of things that need to change. One specifically? Police brutality

Colin Kapernick

Introduction

Today crime is on rise on daily basis as per the data published by the National Crime Records Bureau, Ministry of Home Affairs for the year 2016, a total number of 4831515 incidence were committed under IPC and SLL, which is quite alarming than that were committed in the previous years, according to the data published by NCRB a total number of 4710676 criminal incidence were committed in 2015 and a total number of 4571663 crimes were committed in 2014, which shows that there is increase of 2.6% in crime rate IN 2016. According to the theory of welfare state the essential object of the law is to protect society against criminals and law – breakers, and for the same the state act through its machinery Legislature, executive and judiciary are considered as the three main pillars of the same. Legislature enacts, judiciary interprets and executive is responsible for the enforcement of what is enacted and interpreted while doing so the executive act through its other subordinates authorities such as, police, forensic, medical, legal Aid etc. but among all the police has a pivotal role to play as it is not only a force but it is an instrument for the prevention and detection of crime, apprehension of suspected criminals, collection of evidence, for the determination of guilt or innocence of the suspected person for the imposition of suitable punishment thereupon. But the role of criminal justice system in managing, investigation and prosecuting criminals have attracted lively and controversial debate; large sections of the public severely criticized the working of police in the state. The recent example of such public outcry against police system is the, *Parduman Murder* case where the finding of state police and the CBI varies from each other, earlier the *Arushi murder* case and the *brutal gang rape of a Para medical student in 2012* raise agitation against police System.

The Investigative powers and responsibilities of the police of India are laid down in the Code of Criminal Procedure which along with the Indian Penal Code and the Indian Evidence Act forms the bedrock of the criminal justice system of the country. But in India it is subjected to unhealthy pressures and influences from political, executive or other extraneous sources as a result of which police performance consequently falling off the standards required

The Fourth Pillar of the Democracy: The Press

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Gajender Singh, LL.M Student, Department of Law, IEC University, Baddi (Solan) H.P

One of the objects of the newspaper is to understand the popular feeling and give expression to it; another is to arouse among the people certain desirable sentiments; the third is fearlessly to expose popular defects.

M.K. Gandhi

Introduction

Media is the fourth pillar of the democracy and it plays an important role outside the government as an additional check on three branches – Legislative, executive and Judiciary. It is the prime function of the press to provide comprehensive and objective information on all aspects of the country's Social, economical and political life.¹ According to the U.S Supreme Court, freedom of press includes more than merely serving as a "neutral conduit of information between the people and their elected leaders or as a neutral form of debate". Therefore, in U.S.A., The First Amendment specifically protects a free press. But in India Right to freedom of the press is not specifically mentioned in article 19(1) (a) of the Constitution, what is mentioned is only freedom of speech and expression. Which relates to utterances in writing or in printing or manifestation or representation of feelings, intention of thoughts in writings by an individual, but not includes freedom of the press. It was made clear by the Dr. Ambedkar, Chairman of the Drafting Committee, during the Constituent Assembly debates that no special mention of the freedom of the press was necessary at all as the press and an individual or a citizens were the same so far as their right of expression was concerned.² Therefore under Indian Constitution the law of England was followed where it is recognized that the law of the press was merely a part of the law of libel.³

In *Romesh Thappar vs. State of Madras*,⁴ and *Brij Bhushan v. State of Delhi*,⁵ the Supreme Court took it for granted that the freedom of the press was an essential part of the right to freedom of speech and expression. It was observed by Justice Patanjali Sastri in *Romesh Thappar* that the freedom of speech and expression included propagation of

¹ New York Times v. Sullivan, 376 U.S. 254

² Vasant Moon (ed), "Dr. Babasaheb Ambedkar : Writings and Speeches", 403 (Vol 13, Dr. Ambedkar Foundation, Ministry of Social Justice & Empowerment, Govt. of India, 1994, Reprinted 2014, New Delhi)

³ *Dimming Arnold vs. Emperor*, AIR 1914 PC 116

⁴ AIR 1950 SC 124

⁵ AIR 1950 SC 129



EXAMINING THE JURISPRUDENCE ON A PROMISE TO MARRY, CONSENT, AND RAPE

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Abstract: Marriage is a pledge of love and respect, and our culture regards it as a highly sacred tie between two equal persons. But is it right to consider marriage as a sex licence? Is it not hypocritical to preach that marriage is the link between two equal persons and then deny women of their right to physical autonomy, to strike off their individuality when married? Not surprisingly, even in the 21st century, when we talk about equality so much, we are so anxious that the wife's notion is subjected to her husband. Even now, it's not feasible for as many people in our culture as possible to recognise the married woman's right to say no to their husband's sex that her husband can rap a woman. This little note tries to emphasise how our culture is so determined to protect the patriarchal origins. Consent gained for sexual intercourse can lead to conviction for the charge of rape, given a false promise of marriage. When an accused gets the victim's agreement to have a sexual relationship with him on the premise of marriage, never intending to marry it, then this consent is considered, under Section 90 of the Indian Penal Code, 1860, to have been acquired via "misconception of fact." The promise to get married cases is those when a victim is tricked by a dishonest marriage promise based on sex with the defendant. In India, rape laws are intended to penalise such defendants.

Keywords: *Promise, Marry, Consent, Rape.*

Introduction

Two people's marriage is a holy connection. It is the greatest event in the life of an individual and has numerous obligations. It is more than a bodily connection - it is both a unworldly & an demonstrative bond. Marriage unites two persons to pursue dharma, artha (possessions) & kama (physical desires). Traditional rites for consummation, i.e. sexual intercourse, follow marriage in Hinduism. In any physical relationship, consent plays an important role. Mutual consent must be present either before or after marriage at the time of a sexual intercourse.¹

Rape reveals the inadequacy of society's institutions to improve the safety of a separable in a civilization. These organizations occasionally failed not only to defend individuals after such severe attacks on their independence & confidentiality, nonetheless too to punish them through legally legitimizing or denying them legitimacy. Either the States have frequently granted legal holiness to rape in marriage or have refused to declare it a crime because they are not amenable to meddling in a private domain. Rape in nuptial violation is a worldwide badly-behaved, and it is believed that it is not only additional frequent than rapes perpetrated external the jurisdiction of nuptial through foreigners or former associates, but also has the same devastating consequences on the fatalities. Albeit a few nations have condemned conjugal assault or removed exclusions from marriage assault, the circumstance in India has barely adjusted. In future this note will look to investigate the chronicled setting of the legitimate holiness acquired by conjugal assault, its predominance globally and in Indian culture, its effect on casualties

¹Gupta, B., & Gupta, M. "Marital rape: - Current legal framework in India and the need for change" *Galgutias Journal of Legal Studies*. GJLS Vol. 1, No. 1 (2013).

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Preventive Detention Laws during Colonial Era in India: An Appraisal

Mumtaz Zabeen Khan*

Abstract

Everyone is entitled to their own privacy and security. No one may be held or arrested without cause. No one's freedom may be taken from them unless specific requirements are completed and legal processes are followed. The author focuses on how India's preventative detention statute is fundamentally opposed to democratic ideals and the rule of law. The author also compares his ideas to the English and American laws, which are only applied during times of war. According to the author, resorting to a preventative detention law in India will be unlawful if the problem may be resolved by the application of the general law of the land (the Indian Penal Code and other penal statutes). Even the most serious offences under the Penal Code cannot support the issuance of an order for preventive detention, which is what happens in India since the legislation is static and must be updated to reflect the needs of society. The author also emphasises the need to alter Article 22(3) to conform to the Principle of Natural Justice. The author focuses on Section 7 of T.N. Act 14, 1982 and how it needs to be reformatted. The author has come to the conclusion that there are no legal provisions available against the police in India to punish them for their wrongdoing against innocent people, except from disciplinary action against them.

Keywords: *Natural justice, Detention, Preventative, and Punitive.*

Introduction

The issue of Preventive Detention has always been a contentious one in India. The state justifies the preventive detention as *sine qua non* for the maintenance of public order and safety whereas the public and activists have criticized and vehemently opposed it on the ground of being violative of freedom of speech, freedom of assembly and organization and other fundamental rights. The government of the day is always trigger happy to detain the dissent against it through cudgels of preventive detention in India. The Britishers, too, used this weapon to suppress Indians and their protest. The history of India is replete with the instances of British government detaining and persecuting Indian political leaders and their followers. The instrument of preventive detention had been used by the British government in India to spread the tentacles of their oppressive rule and policies in India. It is interesting to note here that the modern laws of preventive detention in India like National Security Act, 1980, Public Safety Act (J&K) 1978, The Conservation of Foreign Exchange and Prevention of Smuggling activities Act, 1974 etc. have their roots in the Colonial era preventive detention laws. The provisions of these statutes have their parentage embedded in the British era preventive detention laws. To study the modern-day preventive detention laws, it is imperative to first scrutinise the parent legislations of these

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Environment Pollution and International Imperatives

Dr. Monika Sharma*
Sohnu Saini**

Introduction

Development and better life is the natural instinct of man, but the things and material which help us develop and lead better life come from the nature, the environment. We take things and material from the nature and we dump waste products as garbage in the nature. This taking and dumping in affects our environment in two ways (1) Firstly, it affects composition of our environment. 2) Secondly it enhances the pace of pollution of the environment. Each and every action of ours is taking the toll on our environment, which will sooner or later boom-rang upon us. Therefore, a but natural question arises, should the pursuit and better life be allowed to continue without having regard to our environment? No, sane person would say yes. It is because of this, it is said that the process of development must have regard, must have concern for our environment.

As we all are aware, today not only India is facing problem relating to ecological pollution, the whole world is facing the same problem. Earlier, all the countries of the world were running after more and more progress and wanted to become number one on the world map. Therefore, they do not take much care of their resources and were fully negligent towards its protection, due to this carelessness, our environment is ruined to such an extent that no natural source, whether water or air, which is vital for the existence of lively or non-lively organisms is safe. To overcome this difficulty which is a great challenge for the entire universe, all the countries thought to fight against this evil together as the problem cannot be solved individually.

The most forms of pollution do not respect national boundaries. Therefore, this problem requires international solution, hence for developing a worldwide efforts to monitor global pollution in 1969 at the International League Conference on Marine Pollution Damage held under the auspices of International Marine Control (IMCO) Brussels, a resolution was adopted. This resolution intends to take protective measures for the pollution carried by other agents/substances and desired IMCO to gear up measures on all aspects of pollution by agents other than oil. It was only in 1972, when all the nations jointly vowed at Stockholm Conference to fight against the menace of environmental pollution issues more generally and coherently.

The United Nations Conference on Human Environment, 1972

To resolve the problem of pollution, the United Nations (UN) Conference on the Human Environment was held at Stockholm from June 5 to June 16, 1972. It was the maiden major attempt to solve the global problem of conservation and regulation of human ecology.

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Fair Trial under Criminal Justice System

Sohnu

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Abstract

Fair Trial as the name suggests is the formal examination of evidence by a judge in order to decide guilt in a case of criminal without any kind of favouritism. The principle of natural justice is the root cause behind the rule of Fair Trial which is incorporated in present criminal Justice System. The principle of Natural Justice is based on the Good Conscience, equity and Fairness and so the principle of Fair Trial. The Fair Trial principle can be traced back to the Lex Duodecim Tabularum means the law of the twelve tables. But today Certain privileges as Right to Free Legal Aid, Right to Public Hearing, Right to be Heard by Competent and Impartial Judges etc., are gift of Principle of Fair Trial. Under this research paper researcher have discuss the importance of fair trial and highlight the historical perspective and rights of person before during or after trial. To achieve this purpose the researcher opted doctrinal research method

Key-Words : Fair Trial.

1.Introduction

The Right to Fair Trial is a norm of International Human Rights Law and also adopted by many countries in their procedural law. Countries like U.S.A., Canada, U.K., and India have adopted this rule and it is enshrined in their Constitution. The major features of Fair Criminal Trial are preserved in Universal Declaration of Human Rights, 1948¹. Article 14 of the International Covenant on Civil and Political Rights reaffirmed the objects of UDHR and provides that 'everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14(2) provides for the presumption of innocence, and Article 14(3) sets out a list of minimum fair trial rights in criminal proceedings. Article 14(5) establishes the right of a convicted person to have a higher court review the sentence or conviction. Section 11 of Canadian Charter of Rights and Freedoms, protects a person's basic legal rights in criminal prosecution. Article 6 of the European Convention on Human Rights provides the minimum rights, adequate time and facilities to prepare the defence, access to legal representation, right to examine witnesses against them or have them examined, right to free assistance of an interpreter to everyone charged with criminal offence. The Sixth Amendment to the United States Constitution provides in all criminal prosecutions, the accused the right to a speedy and public trial, by an impartial jury of the State and the District wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process obtaining witnesses in his favour, and to have the assistance of counsel for his defence. As far as Indian Legal System is concerned, the International promise of fair trial is very much reflected in its constitutional scheme as well



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20. Right to Education of Children : Legislative and Judiciary Framework

Sohnu

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Abstract

Rights means entitlements, it is also covers duties and goals. Generally, it means no discrimination, equity and to provide social justice. This perspective was adopted in the United Nations Convention on the Rights of the Child 1989; it was ratified by the government of India in the year 1992. A child means every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier.¹ In India, the Census of India defines persons below the age of fourteen as children. It is pertinent to mention here that in India, the age at which a person ceases to be a child varies in different laws. The Declaration of the Rights of the Child 1924, adopted by the fifth Assembly of the League of Nations, can be seen as the first international instrument dealing with children's rights.²

The destiny of a nation is folded within its budding youth, as is the flower within the close embrace of the petals. That what our youth think today, the nation will think tomorrow. It is, therefore, highly imperative that our youth be imbued, with the highest educational ideals. Give me the children of a nation, said a philosopher and I do not care what happens to the rest. Schools will have to be training grounds, where bodies will be cared for, where knowledge will be imparted, where faculties will be sharpened, where character will be moulded and where reverence will have to be inculcated for higher values of life. Only then can we hope to lead the world on the path of peace and harmony, a leadership which is our right and due.

The well being of children have been a priority and also an integral part of country's developmental planning launched in the year 1951. In the initial years of the independence, the major responsibility of developing child care services had primarily tested with the voluntary sector, headed by the Central Social Welfare Board, set up in 1953. Later, the child welfare services were concentrated in the sectors of health, education nutrition etc.

Introduction

No doubt it is the duty of family to take care of a child with care and passion and to provide him congenial environment, for his proper development, so that when he grows up, he may be able to stand in front of the society where he faces a number of challenges and has to

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Environmental Pollution: Its kinds and Responsible Factor

Sohnu*

Abstract

Today, one of the major threats we facing that is our environment going to be polluted and increasing day to day with every passing year and causing grave and irreparable damages to atmosphere. The earth as we know today is fast becoming a place not fit to live in as the changes indicate. Due to the rapid progress of the society, the nature has lost its impeccability. The causes for the present devastating situation of the ecology are multifaceted. Man has succeeded in making development in various fields, which include science and technology, industry, agriculture, urbanization, etc. Due to this unmindful progress, this development has become the main cause of environmental pollution. Hence through this paper the researcher finds out the major types of environment pollution and also find out responsible factor which effect the environment. For achieve this purpose researcher used doctrinal research.

Keywords: Environment, Industries, Agricultural, Urbanization.

Introduction

The purely of ecology is must for the survival of living organisms on the planet earth. There is a myth, that indifferent attitude of man towards ecology would one day destroy the life itself. Everything on this planet whether man, water, air or other vegetation life is interconnected, hence, fault in one would imbalance the whole structure. In the beginning the environment was almost in perfect balance. The ruthless destruction of nature started only, when Homo-Sapiens our forefathers, got control over other species. When man became conscious of his ecology and its resources, which he needed to exploit for his own survival, he started making booties out of sportulas of nature¹. During post medieval period industrial revolution took place, due to this, in the West the capacity of man to exploit and pollute environment increased tremendously. In this blind race of progress, man forgot, that nature as we have inherited, it is perhaps the most

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¹ GR. Chaturvedi, *Law on Protection of Environment and Protection of Pollution*, 3 (1994).

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Facilities provided to under-trial prisoners in Central Jail Hisar, Haryana: Empirical Study

Dr. Sohnu*

Abstract

Prison is subject matter of State list under the Constitution of India. In Haryana prison is governed by the Prison Act 1894 and Jail Manual which is based of Punjab Jail Manual 1894 and the management and administration of Jail come under the department of Home Affairs Haryana. There are a total 19 Jail in Haryana in which 3 are Central Jail and 16 are Districts Jail. The aim of the research paper is to highlight the reality of basic facility in prison i.e. food quality, medical education T.V, job, Barracks facility etc. which is available at central jail Hisar, and to make the research study useful to public, prisoners, law experts, police, law students and jail authority by making some valuable suggestion. To achieve the objective and handling this present research work in an appropriate manner and giving useful output from the work, both doctrinal (i.e. analytical) as well as empirical method has been most suitable and perfect. Hence, in this research paper, both the method has been utilized very well.

Introduction

Prison is subject matter of State, as State subject under Article 246 of the Constitution of India, including it in the Seventh Schedule, List II (i.e.) State List, and Entry IV which read as follows¹: *Prisons, Reformatories, Borstal Institution and other institution of the like nature, and person detained therein; arrangements with other States for the use of Prisons and Institutions*

For the purpose of carrying out the management of Prisons in India, the Government of India enacted Prison Act, 1894 and Prisoners Act, 1900. Section 59 of the Prison Act, 1894 provided that 'each State Government passed their

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¹ Entry IV of seventh Schedule of Indian Constitution, 1950.

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Noise Pollution: Laws and Effects

Dr. Monika Sharma*

Dr. Sohnu**

Abstract

Earlier people devoted years and decades in the pursuit of knowledge, they had their closets or quite hamlets where they could carry on their pursuits undisturbed and uninterrupted by noises. In the seclusion of the forests and the quietness of groves the sages of ancient times had their transcendental meditation and wrestled with the mysteries of existence. Today, however, even the villages are not immune from this noise. It has grown all- pervasive. There are various provisions in different laws to control the problem of noise pollution as every person is in it's grip and is badly affected due to it. The aim of Present research paper to highlight the background of noise pollution, causes and Laws relating to noise pollution. In order to achieve the objective doctrinal method of research has been adopted.

Keywords: Human being, Noise, Organism, Civilization

Background of noise pollution, causes and Kinds

Environmental pollution is not new concept; it is as old as birth of human- being on this planet earth. Because from the very birth human- beings believe in the adventures and keep applying their wisdom in getting more and more from everything, which also include nature. As it is human being who knows true significance of ecology because it gives lots of benefits to him. Human beings are greedy from their birth. Therefore, in the lust to get more and more from nature the human beings have exploited it to such an extent, that today earth is not fit for the life of lively or non-lively organism. It will not be wrong to say that human being of 21st century wants to live a comfortable and easy life without any hard work, due to this reason the nature has been totally ruined by him.

It will not be wrong to say that the civilization has conferred a number of benefits on human beings but simultaneously it has also created several problems for him, environmental pollution is one of them. The surfeiting industrialization has aggravated the menace of environmental pollution and it has almost become a galloping disease and if nothing is done to

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Present Status of Gram Nyayalaya under Gram Nyayalaya Act, 2008

Dr. Sohnu*

Abstract

For better adjudication of disputes at grass root level, the Gram Nyayalaya or the Village Court was created by the Union Legislature vide, Gram Nyayalaya Act, 2008. Gram Nyayalaya are providing affordable and quickly access to justice to the villagers at their doorsteps. The aim of Present research paper to address the background of Gram Nyayalayas in India, Structure and jurisdiction of Gram Nyayalayas and also highlight the Present status of establishment of Gram Nyayalayas in India. In order to achieve these objectives doctrinal method of research has been adopted. Various books, data issued by department of justice, and Law Commission Reports, etc has been referred as Secondary Sources of data.

Key words: Organization, pay, work, discrimination and business

Introduction

Gram Nyayalayas or the Village Courts are part of the lowest tier of Indian judiciary. Gram Nyayalayas are established on the grass root level which can redress the social, economic and other disabilities which are acting as a hindrance in securing justice to the citizens. This agency has been named as 'Gram Nyayalaya' or 'Village Court' by the Act. It is aimed for opening doors of justice to the citizens right next to their doorsteps.¹

The 114th Report of the Law Commission of India, developed the notion of the conversion of statutory 'NyayaPanchayat' in form of 'Gram Nyayalayas', by changing the 'choice of people' with the 'authority of law'.²

Section 2(a) of the Gram Nyayalayas Act, 2008 defines Gram Nyayalaya. It states that "Gram Nyayalaya" means the court established by the authority of section 3(1) of the Gram Nyayalayas Act. Section 3 empowers the state government to establish the gram nyayalayas after consulting the High Court of the State. It also states that Gram Nyayalayas are not an alternative to courts constituted by other state Acts but they are special courts, which will work in addition to the courts previously established under other laws³. These Gram Nyayalayas are presided by Nyayadhikari, who is a person who is eligible to be appointed as a First Class Judicial

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¹ Preamble to Gram Nyayalaya Act, 2008.

² Dhawal Shrivastava, *A study on Gram Nyayalayas Act, 2008* available at <https://blog.ipleaders.in/study-gram-nyayalayas-act-2008/>

³ Section 3(3) of Gram Nyayalaya Act, 2008

Teacher Name: Dr. Karan Singh

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The Out Break of the Revolt of 1857 in the Districts of Ambala and Thanesar

Karan Singh,
PhD Scholar,
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The situation continued to deteriorate day by day. There were two companies 5th Native Infantry and 60th Native Infantry posted at the Ambala Cantonment. A sepoy of 5th Native Infantry, Sham Singh, became an informer when he informed Thomas Douglas Forsyth, Deputy Commissioner of Ambala district about the skirmishes among the people of both the communities i.e. Hindu and Muslims who were united in the determination to resist what they looked upon as tampering with their religion and that there was 'clique' that held consultations which were not communicated to the sepoys.¹ It was further observed that the blood would be shed at Delhi or Ambala and that a general rising of the sepoys would take place sometime in the early fortnight of May.² A police official (the Bazar Kotwal) also confirmed "the existence of such a conspiracy though in a different way by deposing that a pandit had told him that according to Hindu astrological calculations, it was certain that blood would be shed within a week either in Delhi, Meerut, or Ambala."³

The sepoys at Ambala had concerted to rise in open revolt on 10 May, 1857 and the European officers were in the direct target of their attack, when they would collect in the new Church for prayer.⁴ The Sunday prayer was to be held in the new Church as per scheduled of the programme but the prayer was held in the old

Church which was in the centre of 9th lancers and British artillery camp. The European sepoys had come to know the native sepoys' activities and the programme was changed. So, the change in prayer schedule to old Church spoiled native sepoys' plan.⁵

The very first plan of the sepoys failed but they were determined to rebel, "the troops seemed to have been quite determined to rebel. The first plan having proved abortive they rebelled haphazardly."⁶ Strangely, no official account of their actions is found anywhere in the Government paper, published and unpublished. A passing reference to them is made in a telegram and in a letter of the Deputy Commissioner of Ambala.⁷ So, the former had no other alternative but to agree to the sepoys proposal, otherwise a large-scale bloodshed could take place in such a tense situation.⁸

On the same day, 5th Native Infantry also rose-up at 12 o'clock (noon) although the 60th Native Infantry had not even fully quietened down. The situation, however, was worsened but the prompt action by the European army changed the situation. It is worthy to note that the situation remained tense as both the parties stood face to face but the 60th Native Infantry had upper hand as it had captivated some European officers on their parade grounds. In the evening, Sir Henry William Barnard, came in person and had to assure the sepoys that they would be pardoned unconditionally, if they free the European officers. All pledges and promises were made in order to silence the anguishes of the Indian sepoys.⁹ Promises made by William Barnard to the sepoys were confirmed by the Commander-in-Chief, though much against his wish, when he arrived at Ambala on 16 May, 1857; he also pardoned two native regiments for their behaviour on the 10th May, 1857.¹⁰ It cannot be said precisely that what their pledges and promises were made by William Barnard; some passing references in the government papers that 'unconditional pardon' was one of

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Status of Women in Indian Society

Dr. Karan Singh

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Rayat College of Law, Railmajra, Punjab

ABSTRACT

The worth of a civilization can be judged by the place given to women in the society. One of the several factors that justify the greatness of India's ancient culture is the honourable place granted to women. The Muslim influence on India caused considerable deterioration in the status of women. They were deprived of their right of equality with men. Raja Ram Mohan Roy started a movement against this inequality and subjugation. The contact of Indian culture with that of the British also brought improvement in the status of women. The third factor in the revival of women's position was the influence of Mahatma Gandhi who induced women to participate in the Freedom Movement. Special efforts of Dr. Bhim Rao Ambedkar were seen in the Indian Constitution when he provided special provisions for the safety and upliftment of women. As a result of this retrieval of freedom, women in Indian have distinguished themselves as teachers, nurses and doctors. They are also participating in politics and administration. But in spite of this amelioration in the status of women, the evils of illiteracy, dowry, ignorance, and economic slavery would have to be fully removed in order to give them their rightful place in the Indian society.

Keywords: women, dowry, economic slavery, Indian society.

Introduction

Women are an unbeatable part of the human species and the present society can not ignore the status of women. We human beings can not survive without the special care of women. Women are the special creatures of nature who have been entrusted with the task of pro-creation. The male of the species has no such special role to play and is only her partner for giving birth to a

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Abstract

Section 497 of Indian Penal Code provides punishment for adultery. Adultery is terrible on the right of the husband over his wife. It is an offence against the purity of the matrimonial home and an act, which is committed by a man. It is an anti-social and illegal act. The earlier stand of higher judiciary was that section 497 of IPC is not violative of Article 21. Recently, Five-judge bench of the Supreme Court struck down Section 497 of the Indian Penal Code in *Joseph Shine v. Union of India* (2017) and decriminalised adultery in India, however adultery remains a civil offence. Adultery can be a ground for divorce. The judgment directly blows the archaic and patriarchal law in our country, the Supreme Court has declared 150 years old law on adultery as unconstitutional, which treats a husband as the master. The adultery law is arbitrary and it offends the dignity of a woman. It further lays down that when there is consent of the man to develop relationship outside the wedlock then there is no offence. The Court declares that husband is not he master of wife. Section 497 of IPC is absolutely and manifestly arbitrary and irrational because it confers a licence on the husband to deal with the wife, as he likes which is extremely excessive and disproportionate.

Keywords: Decriminalised, Arbitrary, unconstitutional, Master, Husband.

Introduction

S. 497 – Adultery – “If a man has sexual intercourse with a woman who is, and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, the man and the woman are guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”. This provision which seeks to morally police the personal marital decisions of the people has continued without any progressive amendments since it was first drafted by Macaulay in 1860.

A bare reading of Section 497 of the Indian Penal Code, 1860 shows that it punishes the offence of adultery committed with a married woman without the consent or connivance of her husband. The main feature of this offence is that the male offender alone has been made liable. This offence is committed by a third person against a husband in respect of his wife. If an act of sexual intercourse takes place between a married man and an unmarried woman or with a widow or with a married woman whose husband consents to it, this offence shall not be deemed to have been committed. It is not required for an offence under this section that the offender should know whose wife the woman is, but he must know that she was a married woman.

In *Sowmithri Vishnu v. Union of India and another* (1985) it was contended that section

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2.	Role of Judiciary and Legislature in Victim Protection in India	E- Journal	2455-4782	Published	114-115
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WITNESS PROTECTION: LATEST TRENDS IN LEGISLATIVE AND JUDICIAL DOMAIN IN INDIA

Ajitabh Misra

Research Scholar, Rayat College of Law, Punjab

ABSTRACT

Witnesses under criminal justice system in India is always seen stands as a sobbing beggar in front of the door of the criminal Justice system because, although there are laws made for the protection of Witness for any crime but still Witnesses were more victimize by the process of Criminal Justice System than the criminal today. But the role of Judiciary is very crucial for the protection of Witness because he plays the crucial role in the Criminal Justice System of any jurisdiction whether Criminal law or Civil law because the testimony of the witness is very Vital for the construction of evidence. The legislature and the Judiciary is playing a crucial role in protecting the witness as from time to time parliament enacted the Acts which protected the witness in the Criminal Justice system like:

- (1) Terrorist and Disruptive Activities (Prevention) Act, 1987
- (2) Prevention of Terrorism Act (POTA), 2002
- (3) The Unlawful Activities (Prevention) Amendment Act, 2004 etc.
- (4) Witness Protection Scheme, 2018.

Apart from this the Superior courts also in their judgements in landmark cases like Sohrabuddin case, Mecca Masjid Case, Salman Khan hit and run case, Best Bakery case etc. talks about the witness protection and their importance in the criminal Justice system. So, the focus of the research paper would be to study the active role played by the courts in the protection of victim's right and study the various schemes in the State and their applicability for victim protection and also to make the research study useful for public, scholars, legal expert and public authorities by making some suggestions and in order to achieve this objective the doctrinal method will be adopted.

INTRODUCTION

Under Indian context, the accused of the crime will suffer when he undergone the investigation and also at the stage of trial and when found guilty he will be awarded with the punishment by the court and suffers for the rest of his life or up to the period of his sentence, but if we generally see, all the sufferings by the culprit in the crime occurs due to his involvement in crime or guilty mind but when the focus is turned towards the witness in the crime he will be taken as a person who is unfortunately present at the spot when the crime is being committed and at the same time foolish enough to remain there till the arrival of police.

Witness in our criminal law system is the person who become a sufferer without any fault, this suffering may be Mental, Physical, Economical and Societal. Hence, it is the utmost important and vital for the authorities in India to make provision regarding the witness protection so that there should not be any victimisation of Witnesses.

The main aspect behind the concept of protection of witnesses is manifold i.e.:

- (1) The evidence collected at the stage of the Investigation should not be allowed to be destroyed by a witness when he appears in front of the court and change his statement and became the "Hostile Witness"
- (2) The physical protection of the witnesses at all the stages of criminal procedure till the conclusion of the case.
- (3) To protect the witness from the mental harassment which he/she is going throughout the process of criminal procedure.
- (4) The last but very important to protect the witness from societal stigma or agony by making his/her identity confidential.

MEANING OF WITNESS

The meaning of witness is not provided in Indian laws. So, to find the meaning of witness it is imperative to refer the other sources as mention below:

- (1) Oxford Dictionary: It defines the term witness as "one who gives evidence in a cause; an indifferent person to each party, sworn to speak the truth, the whole truth and nothing but the truth."

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ROLE OF JUDICIARY AND LEGISLATURE IN VICTIM PROTECTION IN INDIA

*Authored by: Ajitabh Mishra**

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ABSTRACT

Victims under criminal justice system in India is always seen stands as a sobbing beggar in front of the door of the criminal Justice system because, although there are laws made for the protection of the rights of victims for any crime but still victims were more victimize by the process of Criminal Justice System than the criminal today. But the role of judiciary is very crucial for the protection of victim's rights because the important change in the victimology in India can only be possible through the creative judicial decisions delivered by the superior courts. After the recommendation of the Mallimath Committee Report 2003 on victim compensation the Parliament amend the Criminal Procedure Code, 1973 in the year 2009 and the new section was inserted i.e. Section 357-A and this committee also talks about the District and State Legal Service Authorities to be established by the State which provides the compensation to the Victims of Crime by making the compensation scheme in their respective states. So, the focus of the research paper would be to study the active role played by the courts in the protection of victim's right and study the various schemes in the State and their applicability for victim protection and also to make the research study useful for public, scholars, legal expert and public authorities by making some suggestions and in order to achieve this objective the doctrinal method will be adopted.

"It is a weakness of our jurisprudence that the victims of the crime, and the distress of the dependents of the prisoner, do not attract the attention of the law. Indeed, victim reparation is still the vanishing point of our criminal law. This is a deficiency in the system which must be rectified by the Legislature. We can only draw attention in this matter."

- JUSTICE KRISHNA IYER¹

¹*Rattan Singh v. State of Punjab*, AIR 1980 SC 84, para 6.

Souvenir & Abstract



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**CONSTITUTIONAL AND LEGAL PROVISIONS
FOR WOMEN EMPOWERMENT AND
PROTECTION IN INDIA**



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Faculty of Law, Jai Narain Vyas University,
Jodhpur (Raj.)**

ROLE OF GOVERNMENT IN EMPOWERMENT OF WOMEN IN INDIA

Ajitabh Misra

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ABSTRACT

"AadhiAbadi" a Hindi phrase which denotes the half of the population i.e. Women in India. Our constitution guarantees the equal rights to all its subject as enumerated under fundamental rights which says no citizen shall be discriminated on the basis of gender, caste, race, ethnicity, language etc. but is still women are considered as the second sex for vulnerable section in India.

It is not the position of women in vedic period, as there is sufficient evidence which denotes that the women in vedic or ancient India were given equal status in the society. After the vedic period the position of women gets deteriorated much more due to dependency of women on men. But today's women were moving along with or in some Arena ahead of men and prove her not dependency on them. The Parliament had made many laws to protect and save the rights of the woman in the criminal or other offences.

This paper discuss the role of government both at Central or state level to empower the women and also the mechanism for proper implementation of these laws. The paper also focus to make the research study useful for public, scholars, legal expert and public authorities by making some suggestions and in order to achieve this objective the doctrinal method will be adopted.

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Constitutional Status of Governor with Respect to Pardoning Power

Ms. Balwinder Kaur*

INTRODUCTION

The power of pardon has been conferred upon the President and the Governor through articles 72 and 161 of the Constitution. Power of Governor to grant pardons, etc. and to suspend, remit or commute sentences in certain cases. The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentences of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends. Article 161 deals with the power of the Governor to grant pardons, etc. and to suspend, remit or commute sentences in certain cases. Pardon as a mode of mitigating the sentences of the accused has always been a controversial issue for a long time. Those who reject pardon as an effective measure of mitigating circumstances argue that the power to pardon is often misused by the executive. There is a possibility that the convict may procure his release from prison by exerting undue influence on the executive authority. To avoid these flaws, in most of the countries, there is a provision for judicial review of the pardon granted in the event of grounds for pardon being found unsatisfactory. The power to pardon, as it exists in the Constitution, must be examined in the light of historical evolution of the concept of pardon, and the purpose sought to be achieved by vesting such a power in the executive branch of the state.¹

HISTORICAL BACKGROUND OF PARDONING POWER OF GOVERNOR IN INDIA

During the British rule, the power of pardon was historically vested in the British monarch. At common law, a pardon was an act of mercy whereby the king forgave any crime, offence, punishment, execution, right, title, debt, or duty. This power was absolute, unfettered and not subject to any judicial scrutiny. From this source, it came to find a place in the Constitutions of India. From 1935 onwards, the law of pardon was contained in Sec. 295 of the Government of India Act, 1935 which did not limit the power of the Sovereign. There was no provision in the Government of India Act, 1935 corresponding to Art. 161 of the Constitution. In the Constitution of India, the power of Presidential pardon is found in article 72. Article 72 says that the President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence. A parallel power is given to the Governor of a state under Art. 161 of the Indian Constitution. In addition to these constitutional provisions, the Criminal Procedure Code, 1973 in sections 432, 433, 433A, 434 and 435, provides for pardon. Sec. 54 and 55 of the Indian Penal Code confer power on the appropriate government to commute sentence of death or sentence of imprisonment for life as provided therein.

Development of Article 161

The Modern practice of pardoning find its origin in the British system in which it was a Royal Prerogative of the king to forgive. It also finds mention in the code of Hammurabi, a series of edicts

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Judicial Attitude Toward Wills in India: A Study

Ms. Balwinder Kaur*

INTRODUCTION

A Will is not an instrument of transfer of property by sale, gift, exchange, mortgage, lease or assignment, nor it is an agreement. These transactions need two living persons to execute them, whereas a Will is a unilateral declaration of a person fixing his own line of succession to his estate on his demise. The Will speaks as on the death of the testator. It is an instrument that contains the last desire of the testator. It may change the course of devolution of property as prescribed by law about intestate succession.¹ A Will was generally resorted to when a testator desired to distribute the property after his death according to his wishes contrary to the normal mode in which the property would have passed on the basis of the prevailing customary law.²

A coparcener governed by the Dayabhagha law always could and at present can dispose of his coparcenary interest by Will, subject to the claims of those who were entitled to be maintained by him. In case of persons governed by the Mitakshara law, the rule which existed before the promulgation of the Hindu Succession Act, 1956, has been considerably modified by section 30 of the said Act and this section now permits one governed by the Mitakshara law to dispose of his undivided interest in the coparcenary property by Will.³

MEANING AND DEFINITION OF WILL

Will means a continuous act of gift up to moment of the donor's death and though revocable in his lifetime, is, until revocation, a continuous act of gift up to the moment of death, and does then operate to give the property disposed of to the persons designed as beneficiaries.⁴ The expression "Will" has been defined in the Indian Succession Act, 1925, Section 2(h), "Will" means "the legal declaration of the intention of a testator with respect to his property which he desires to be carried into effect after his death."⁵

According to Judicial dictionary, a will is the legal instrument whereby a man declares what is to be done with his property after his death. Will means the legal declaration of the intention of the testator with respect to his property which he desires to be carried into effect after his death. The word will shall extend to a testament and to a codicil and to an appointment by a will or by writing in the nature of a will in exercise of a power and also to a disposition by will.⁶ Katyayana says that what a man has promised in health or in sickness, for a religious, must be given; and he die without giving it to his son shall doubtless be completed to deliver it. After delivery of what is due as a friendly gift (promised by the father) let the remainder be divided among the heirs.⁷

JUDICIAL INTERPRETATION TOWARDS WILLS

Indian judiciary has interpreted the provisions relating to wills, of which some famous cases have been discussed hereunder:

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LAW RELATING TO WILLS: INDIAN PERSPECTIVE**-Dr Rattan Singh* & Ms Balwinder Kaur******I. INTRODUCTION**

Ironically, the most certain thing in one's life comes at the very end of it—the curtain call, the death. But life still goes on and beyond. And the dead lives among the alive—in their memories that he leaves behind besides other things. There cannot be a dispute regarding the fond memories, for they can be shared without dispute but the other material things most of the time become a bone of bitter contention. This is where enters the Will. Will is a legal document containing the desire of the dead regarding his/her other material things-his property. A Will goes a long way in precluding the probability of all possible disputes that might arise after the death of the testator among his/her legal heirs.¹ Since wealth is a well known corrupter of mind, which blinds humans from the distinction between the right and the wrong, it is important to preserve the confidentiality of the Will, for, the lack of confidentiality may pose a grave threat to the life of the testator.²

A Will is not an instrument of transfer of property by sale, gift, exchange, mortgage, lease or assignment, nor it is an agreement. These transactions need two living persons to execute them, whereas a Will is a unilateral declaration of a person fixing his own line of succession to his estate on his demise. The Will speaks as on the death of the testator. It is an instrument that contains the last desire of the testator. It may change the course of devolution of property as prescribed by law about intestate succession.³ A Will was generally resorted to when a testator desired to distribute the property after his death according to his wishes contrary to the normal mode in which the property would have passed on the basis of the prevailing customary law.⁴

A coparcener governed by the Dayabhagha law always could and at present can dispose of his coparcenary interest by Will, subject to the claims of those who were entitled to be maintained by him. In case of persons governed by the Mitakshara law, the rule which existed before the promulgation of the Hindu Succession Act, 1956, has been considerably modified by Section 30 of the said Act and this section now permits one governed by the Mitakshara law to dispose of his

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** Assistant Professor, Rayat College of Law, Ropar Campus, Railnagra.

1. H.L.Kumar, *Make Your Will Yourself* 322 (Universal Law Publishing, Gurgaon, 7th Edition, 2017).

2. *Ibid.*

3. R.C. Nagpal, *Modern Hindu Law* 595 (Eastern Book Company, Lucknow, 2nd Edition, 2015).

4. T.P. Gopalakrishnan, *Law of Wills* 6 (Law Book Company, Allahabad, 3rd Edition, 1975).

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Concept of Will Under Muslim Personal Laws

Mrs. Balwinder Kaur*

INTRODUCTION

Ironically, the most certain thing in one's life comes at the very end of it—the curtain call, the death. But life still goes on and beyond. And the dead lives among the alive—in their memories that he leaves behind besides other things. There cannot be a dispute regarding the fond memories, for they can be shared without dispute but the other material things most of the time become a bone of bitter contention. This is where enters the Will. Will is a legal document containing the desire of the dead regarding his/her other material things—his property. A Will goes a long way in precluding the probability of all possible disputes that might arise after the death of the testator among his/her legal heirs. Since wealth is a well-known corrupter of mind, which blinds humans from the distinction between the right and the wrong, it is important to preserve the confidentiality of the Will, for, the lack of confidentiality may pose a grave threat to the life of the testator.¹

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CONCEPT OF WILL

Will is a translation of the Latin "Voluntas", which was a term used in the texts of Roman law to express the intention of a testator. It is curious that the abstract term has come to mean the document in which the intention is contained. The same has been the case with several other English law terms, the concrete has superseded the abstract—obligation, bond, contract, are examples. The word 'testament' is derived from 'testatio menties', it testifies the determination of the mind.⁴ 'Will' means a continuous act of gift up to moment of the donor's death and though revocable in his lifetime, is, until revocation, a continuous act of gift up to the moment of death, and does then operate to give the property disposed of to the persons designed as beneficiaries.⁵

Will is the anglo-mohammedan term for its Arabic equivalent wasiyat. Generally wasiyat means will but it has also other meanings. It may signify a moral exhortation, specific legacy or the capacity of the executor, executorship. A document embodying the will is called wasiyatname. A will has been defined as an instrument by which a person makes disposition of his property to take effect after his death and which is in its own nature, ambulatory and revocable during his life. Tyabji defines will as conferment of right of property in a specific thing or in a profit or advantage or in a gratuity to take effect on the death of the testator. According to section 2 (h) of Indian Succession Act, 1925, Will is the legal declaration of the intention of a testator with respect to his

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ACID ATTACK: A GENDER BASED VIOLENCE IN INDIA

Ms. Balwinder Kaur
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I. INTRODUCTION

The incidents of crime against women are not new. She has been a victim of rape, beating, dowry death, murder, violence from the time immemorial. Today rape, gang rape, sexual harassment at work place, female foeticide, forced abortions, honour killings and acid attacks are few crimes against women attracting national and international attention and focus of the modern world.¹ Acid attacks have emerged as the contemporary form of violence which is generally targeted against women with the intention of deforming her face and body and even to kill her. Acid attack, acid throwing is a form of violent assault defined as, "the act of throwing acid or similarly corrosive substance on to the body of another with the intention to disfigure, maim, torture or kill.

Acid violence survivors face marginalization from society after the attack. Additionally, acid violence tends to create fear amongst women in society, as some women may feel that they might get attacked, if they failed to conform to traditional subordinate gender roles. In order to emancipate and empower women in the society, it is this fear which the law is supposed to address. Deterrence by means of strict laws dealing with crimes against women is one way of addressing the issue. However, prior to 2013, there was no specific provision in law punishing acid attacks as an offence *per se*. The amendment in 2013 inserted various sections to the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act in order to tackle the menace of acid attacks. However, not much change has been witnessed in the incidents of acid attacks.

Acid attack means an act of throwing acid on the body of a person (which in majority of cases; have been women and young girls) with some bad intentions. In other words, it can be said that acid violence is a deliberate use of acid to attack human beings. The Indian Penal Code, 1860 defines acid to include, any substance which has acidic or corrosive character of burning nature, capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disabilities.²

National Commission for Women defines acid attack in proposed Prevention of Offences (by Acids) Act, 2008 as, "the term acid attack means any act of throwing or using acid in any form on the victim with the intention of or with knowledge that such person is likely to cause to the other person, permanent or partial damage or deformity or disfiguration to any part of the body of such person."³

II. MAIN REASONS FOR ACID ATTACKS

A. Rejection of Proposal for Marriage or Love by the Victim: The most common cause for acid attacks is rejection of the proposal of marriage, love, sexual advances by the victim. When a woman refuses a man, he takes it as hampering his honour, dignity and social reputation. Men throw acid on women's faces as a mark of their

¹ Parvathi Menon, "Vitriolage & India - The Modern Weapon of Revenge", 2 *IJLS* 3 (2013).

² The Indian Penal Code, 1860, section 326B (Explanation I).

³ The Prevention of Offences (by Acids) Act, 2008, section 3(b).

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BENEFITS OF CLOUD COMPUTING IN TRANSFORMING THE BANKING SECTOR AND PRECAUTIONS NEEDED WHILE MAKING THE TRANSFORMATION

¹Dr. Lalita Kumari ²Sukhwinder Singh

¹Assistant Professor, ² Assistant Professor

¹CMalwa College, Samrala ²Chandigarh University, Mohali

Abstract :Cloud computing is expected to be one of the fastest-growing technologies in the coming years. Business applications will be the largest market for cloud services, with a gradual transition from on-premise to cloud-based services especially for general business applications like customer relationship management (CRM) and enterprise resource planning (ERP). Banks are expected to enter the cloud computing arena cautiously, with no single cloud services delivery model being a silver bullet for best meeting their demanding business needs. Cloud computing can offer financial institutions a number of advantages, including: Cost savings, Usage-based billing, Business continuity, Business agility and Green IT. But before moving to the cloud, banks must consider issues around data confidentiality, security, regulatory compliance, interoperability of standards, and quality of services.

Index Terms-Cloud computing, technologies, security.

I. INTRODUCTION

Cloud computing is making its presence felt in almost every business sector across the globe and the banking sector does not want to be left behind. Banking transactions can change for the good and in a dramatic manner if some of the barriers associated with the technology are brought down. Even the cost of cloud computing can be significantly reduced and more flexibility introduced into the system if the right software and hardware resources are provided.

II Cloud Computing?

Cloud computing is an advanced IT technology that allows individuals and organizations to utilize the internet for tapping into robust hardware and software programs and tool. The resources from where they can utilize these services are usually powerful and sophisticated computers placed in remote locations for safety purpose.

One of the biggest stumbling blocks of utilizing cloud computing technology in the banking sector is security concerns. As every transaction has to be done under the cover of high security and confidentiality, banks believe that they could be working incessantly under risk and threat of security breach. Dealing with regulations and complications of handling a large network of customers using the technology are other factors that prevent many financial institutions from embracing cloud computing.

However, the visible success of the first movers in the industry, the perception of a majority of players in this sector is changing as well. Leading companies are of the opinion that cloud computing can play a pivotal role in formulating powerful strategies. With the technology already proving to be a great success across diverse business sectors, clients want banks too to utilize cloud computing to improve services and provide greater connectivity. They believe that this can be easily achieved by using standard cloud technologies.

Adoption of cloud computing on a large scale by the banking sector could enhance greater productivity, improve performance and boost profitability. This can help create numerous new jobs too which can be great news for the economy. It can be innovatively utilized to bring in greater efficiency across all operations and to deliver superior customer service. At a time when banks are facing intense competition from non-bank payment providers and there is high pressure to deliver results, using cloud computing technology can be the best solution to overcome current setbacks and surge ahead.

Law relating to sexual Harassment at the workplace: A case study of small scale Industries in Chandigarh and Mohali

Sukhwinder Singh
Dr.Hardeep Kaur

Abstract

In India, the problem of indecent harassment is increasing at an alarming rate, particularly among female workers & employees at workplace. Our fundamental rights to equality, justice and dignity are being hampered at workplace. The problem of indecent harassment of women at workplace leads to harsh consequences i.e. it destroys their work performance and progress, ultimately resulting in frustration and absenteeism and it also affects work environment. Since, indecent harassment at workplace creates an insecure and hostile work environment, women's right to equality, life and liberty are violated, which in turn affects and economic empowerment. The main objective of this research paper is to understand the problem of indecent harassment, legal approach for prevention, and it also includes certain recommendations with respect to the role of Government and judiciary in curbing the menace and to sensitize the people against indecent activities, gestures & postures and also to promote education and awareness among the workers & employees.

The article describes the development of an Indecent Harassment Experience Questionnaire which measures the women's experiences of indecent harassment at the small scale units with special reference to Mohali & Chandigarh. Questionnaire may be useful for increasing understanding of the experiences of indecent harassment faced by women in small scale units.

Key Words: Indecent Harassment of Women, Fundamental rights, Tackling, Legal Approach, Remedies.

Introduction

Fundamental rights allows us to do any work for both of the genders, i.e. men or a women. Our constitution gives equal opportunity for both compartments of the society, i.e. men & women. But still there are certain problems faced by men and women during the working. These problems relate to indecent contact by co-worker(s), superiors, boss, and employer or sometimes by Clients or Customers. Most of the time, the employer insults their employees, let down the self-respect of the employees, generate pressure to share a cup of tea at unfavourable times and threatens their job and working conditions. As a result of

*Supreme Court of India passed an act on "sexual harassment" and all above mentioned problems are included in this act. "Sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:- (i) physical contact and advances; or (ii) a demand or request for sexual favour; or (iii) making sexually coloured remarks; or (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature; (vi) "workplace" includes (i) any department, organisation, undertaking, establishment, enterprise, institution, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society, (ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertain mental, industrial, health services or financial activities including production, supply,

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Human Rights of Women in India: A Reality or Myth

Abstract

Women were given high esteem in Indian culture. They were recognized as the first teacher of a child. She plays a role of mother, sister and daughter. Still her status in society is secondary to man. The importance of women's role in the development process and the need to intensify action to improve the status of women were recognized internationally in 1975, which was proclaimed by General Assembly as International Women's year. Further, human rights are those rights which should be available to every individual human being. Hence, human rights not only know no boundaries but also are non-discriminatory on the basis of sex.

Keywords: Human Rights, Physical Violence, Psychological Hostility, Financial Cruelty, Sexual Violence, Spiritual Exploitation

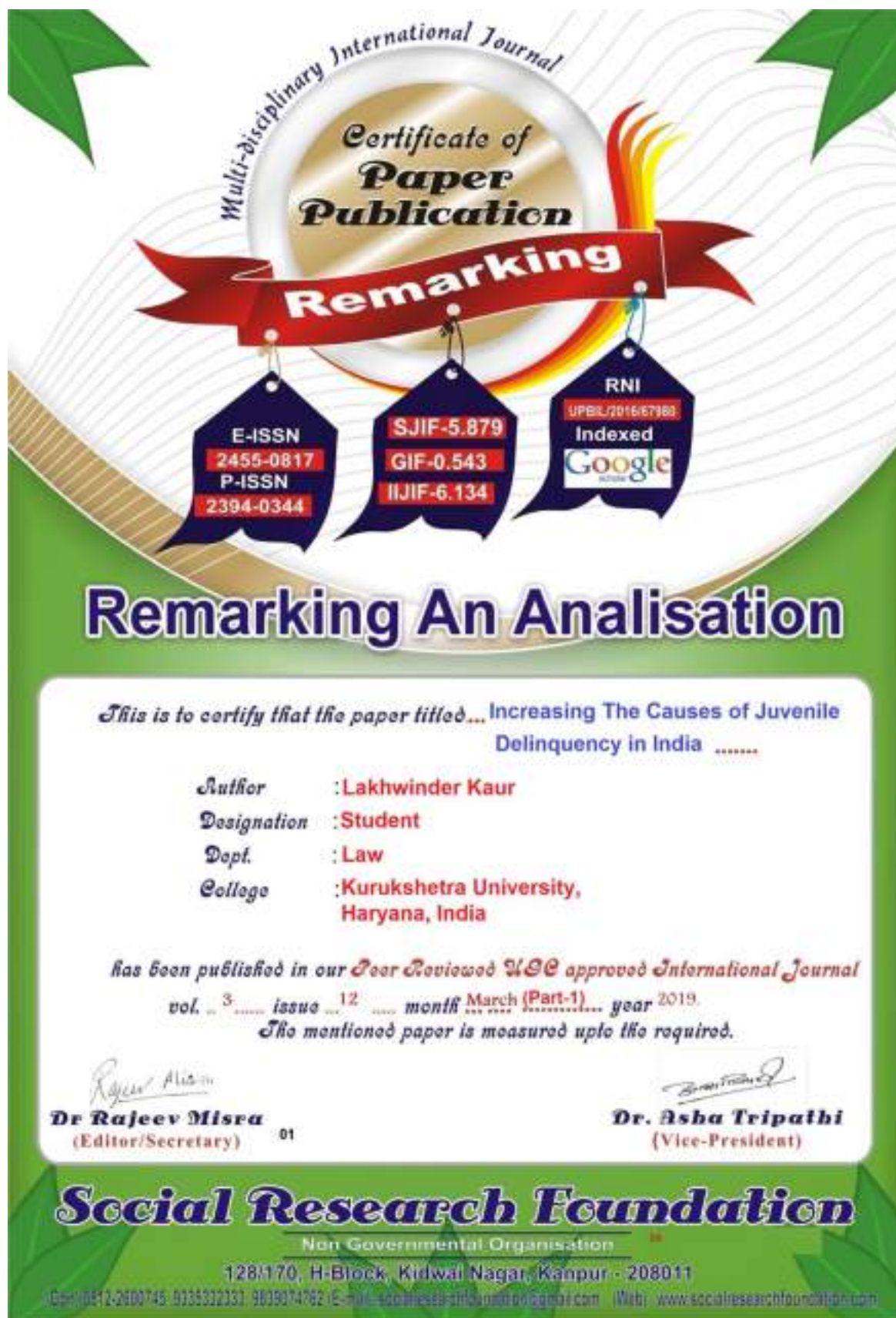
Introduction

Women were given high esteem in Indian culture. They were recognized as the first teacher of a child. She plays a role of mother, sister and daughter. Still her status in society is secondary to man. The importance of women's role in the development process and the need to intensify action to improve the status of women were recognized internationally in 1975, which was proclaimed by General Assembly as International Women's year. Further, human rights are those rights which should be available to every individual human being. Hence, human rights not only know no boundaries but also are non-discriminatory on the basis of sex¹. The present study aims to analyze human rights issues related to women working in unorganized sector. Further, the study attempted to find out the present state of working women in unorganized sector in work place and their families. The researcher searched the relevant literature on certain keywords which are able to fulfill the information requirements of the research project. Certain terms like Gender inequality, human rights, human rights of women, human rights of weaker sections, unorganized sector, etc. are searched to collect the secondary literature. To collect the relevant literature, the researcher searched Research Journals and other publications such as books in Sociology, Economics, Women's Studies².

Review of Literature

Muzumdar (1998) writes paper entitled 'Women and Violence: A Human Rights Perspective', which attempts to state and analyze the various types of violence trampling her human rights beginning with the female foetus and going on till old age. The following rights have been discussed – the right to life, liberty and security of the person, right to education, right to work, the right to be free from torture and the right to knowledge. The paper is country-specific, written on the basis of working in the field in India. Panini (2001) published 'Caste, Race and Human Rights' in 'Economic & Political Weekly'. The idea that 'caste is race plus may prove effective in drawing world attention to bear on the practice of caste. The practice of caste cannot, however, be eradicated by strategies that merely legitimize caste and caste-based politics. Hence, if we are intent on gaining more than mere political mileage from the proceedings of the Durban conference, it is time to recognize that non-caste secular strategies need to be innovative to eliminate the social evils of caste. George Mathew (2003) in his paper 'Panchayati Raj institutions and Human Rights in India' published in 'Economic & Political Weekly' stated that the institutionalization of Panchayati raj systems since the 1990s that has added greater momentum to the decentralization process has also had deeper implications for the human rights situation in India. Even as the democratic process has been extended, changes in traditional society have involved conflict. This article argues however that as isolation of villages is forever broken by inroads of media, technology and spatial mobility, the

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Increasing The Causes of Juvenile Delinquency in India

Abstract

In India there is a separate Law dealing with delinquent behavior of children, this Act does not define the word delinquent behavior but it defines the word juvenile in conflict with law as that juvenile who is alleged to have committed an offence and has not completed the age of 18 years of the age on the date of the commission of the offence. Juvenile is defined as a person who has not completed the age of 18 years of the age. The word offence is not defined in this Act so we have to take the help of the Cr.P.C. 1973. Cr.P.C. 1973 defines offence as any act or omission made punishable by any law for the time being in force. It is clear from the above analysis that in legal terms juvenile delinquency is given a very restricted meaning as those acts or omissions which are punishable under Law. Restricting the meaning of delinquency, the next question that arises is why a child gets involved in the illegal behavior? The answer to this question lies in finding the causes of delinquent behavior. Finding the causes is required so that preventive measures can be taken and deviant behavior can be corrected.

Keywords: Juvenile Delinquency, Criminality, Marxists Theory.

Introduction

Delinquency prevention has many dimensions...it is not only about tinkering with individual delinquents and their behavior"

Pink and White, Delinquency Prevention: The State of the Art

Juvenile delinquency is considered as the gateway of adult crime since a large percentage of criminal careers have their roots in childhood¹. Juvenile delinquency has become a cause of concern all over the world. It is not limited to under developed or developing countries only. This problem is more profound in developed countries where the resources are in abundance. A clear definition of juvenile delinquency has been in itself a cause of concern for sociologists; different people define delinquency differently, depending on the various factors such as their ideology, relationship with the child, their expectations from the child being few factors.

Legal Definition Juvenile Delinquency

The legal system world over has tried to delimit the definition of juvenile delinquency. Second UN Congress on the prevention of crime and treatment of offenders, London, 1960, passed a resolution that stated "the congress considers the scope of the problem of juvenile delinquency should not be unnecessarily inflated it recommends that the meaning of the term should be restricted to violations of criminal laws."

In India there is a separate law dealing with delinquent behavior of children, this Act² does not define the word delinquent behavior but it defines the word juvenile in conflict with law³ as that juvenile who is alleged to have committed an offence and has not completed the age of 18 years of the age on the date of the commission of the offence. Juvenile is defined as a person who has not completed the age of 18 years of the age⁴. The word offence is not defined in this Act so we have to take the help of the Cr.P.C. 1973. Cr.P.C.⁵, 1973 defines offence as any act or omission made punishable by any law for the time being in force⁶. It is clear from the above analysis that in legal terms juvenile delinquency is given a very restricted meaning as those acts or omissions which are punishable under law.

Restricting the meaning of delinquency, the next question that arises is why a child gets involved in the illegal behavior? The answer to this question lies in finding the causes of delinquent behavior. Finding the causes is required so that preventive measures can be taken and deviant behavior can be corrected.

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Issue of custodial violence and Indian judiciary

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Abstract

Torture in custody floats the basic rights of the citizens recognized by the Indian Constitution. It is generally difficult in cases of deaths in police custody to secure evidence against the policemen responsible for resorting to third degree methods since they are in charge of police station records which they do not find difficult to manipulate as in this case. The guidelines given under various cases by the Supreme Court provide protection from such violence such as the person arrested must be immediately informed about the grounds for arrest, right to bail, right to nominate a person to be informed of the arrest and place of detention etc. Despite all these initiatives, torture and ill treatment continues to be endemic throughout India and continues to deny human dignity to thousands of individuals.

Keywords: custodial violence, human dignity, Indian judiciary

1. Introduction

Custodial violence, which includes torture, death and other excesses in police custody or prison, is not a new phenomenon. It has been in the world for ages. The law enforcement agencies had been practicing this on prisoners, criminals and the wrongdoers. Even in ancient Indian history, we find ruler like 'Nand' Mahapadma in Mauryan era who had put the entire family of 'Chandra Gupta Maurya' into prisons and only as much food was provided to entire family which was sufficient for survival of one person only. Kautilya in Arthashastra, speaks about various kinds of torture such as burning of limbs, tearing by wild animals, trampling to death by elephant and bulls, cutting of limbs and mutilation etc. During the Gupta period (A.D. 320-500 A.D.) trial by ordeal was common. In the post Gupta period, torture of prisoners became a method of punishment. In the Mohammedan period the Shariah, law was applied to crimes; a thief hands to be cut off, life for life, tooth for tooth was the basic principle of Muslim criminal Jurisprudence which is still followed in Islamic country. The British Raj was also notorious for using violence in police custody. Men, women and children were caught, beaten and tortured to make them confess to crimes, which they did not commit. During this period political workers were picked up for questioning and if they did not provide the desired reply they were subjected to torture. The naked lying on ice, the denial of food or insufficient quantity of food, excess physical work and physical beatings were some of the methods employed during British Rule to punish law breakers mostly political prisoners and workers. One important point which needs to be mentioned is that the perpetrators of atrocities and immoral acts were the servant of the foreign Government. Their judiciary, police, jails and all the laws were made for their own benefit and convenience. But we in independent India follow the same model and the same penal code without many

amendments. Our police system is same which was prevalent during British system. It was introduced by Britishers; in the year 1861 primarily to enable their administration to have at their disposal a force at a cheap cost to help them rule the country by suppressing anti governmental forces and guided by such an objective the police became the symbol of colonial repression and were for obvious reason hated by the masses. The "Prison Act", which was passed in 1894, has also remained unchanged. The Act gives vast power to jail officials to punish prisoners if they break jail rule. Probably mind set of peoples as well as police and rulers i.e. executives both political and bureaucracy has remained same only power has been transformed from foreign ruler to our native ruler. The phenomenon of custodial crime is not new in India. We had reference of Torture and violence with the police in India, even since the Vedic age (2000-1400 B.C.). The ordeals of fire, water and single combat were used. In the Epic period (1400-800 B.C.) torture was practiced on prisoners by the police. Torture in various forms was widely prevalent in age of laws and philosophy (800 B.C. -320 B.C.). Kautilya's Arthashastra speaks about various kinds of torture such as burning of limbs, tearing by wild animals, trampling to death by elephants and bulls, cutting of limbs and mutilation etc. Manu, the law giver of this age emphasized the necessity of torture to protect the society from the hands of the criminals. The Buddhist period (B.C. 300-300 A.D.) was an age of great humanitarianism and administration of justice had become correspondingly imbued with the humanitarian ideals. Torture in any form was strictly forbidden and special favours were shown to prisoners, who happened to be women, aged or who had many dependents. In Gupta Period (A.D. 320-500) if the facts against prisoners were not clearly established by evidence, recourse was to be held to the four kinds of ordeals, trial by ordeal fairly common. Under the Mughals, no criminal or civil code existed. Torture to extort confession was widely

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Impact of Covid-19 on Education

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Abstract

At the inception of 2020 world got hit with a catastrophic pandemic, COVID-19. With 1.52 billion learners out of school and 184 country-wide school closures, education sector has been vigorously affected while impacting 87.6% of the world's total enrolled learners. Drop-out rates across the globe are expected to rise as a result of this massive disruption to education access. While other critical needs health, water and sanitation are responded well to, education cannot be ignored and it has an equal detrimental impact if left unaddressed. To mitigate the loss of education, world has resorted to online education. Online education is conducted in two ways: either through recorded classes or via online conducted lectures vis-à-vis video conferencing apps like Skype, Zoom etc. However the online education is not a facile task to perform as speaking into the microphone at one end and listening it from the other may involve various disruptions. The purpose of this paper is intended towards exploring the impact of COVID-19 on education and what steps are being taken to deal with the same across the globe.

KEYWORDS: Covid-19, Education, Dandemic

INTRODUCTION

The petrifying impact of COVID-19 has shaken the world to its core. When it comes to sectors which have been badly impacted by this pandemic, education system tops the chart. The protection of children and educational facilities is particularly essential. Preventive measures are necessary to prevent the potential spread of COVID-19 in school settings. Leading to near total closure of schools, universities and colleges, education has been struck hard worldwide. The UNESCO report estimates that the ongoing pandemic is likely to impact over 290 million students across 22 countries. The closure of educational institutions has affected the structure of learning, including teaching and assessment methodologies.

Well, uncertain times calls for powerful measures and education system has been stepping forward. Nevertheless, the pandemic has prompted the experts to reconsider the conventional modes of education. The pandemic is functioning as a catalyst for the educational institutions to grow and opt for online educational techniques and platforms which they haven't used before. The pandemic has altered the entire scenario of the education system and changing times have also called for the survival of the fittest. Digital education is the only viable solution keeping in view the spread of COVID-19 to fill the void for classroom education until classes resume.

IMPACT OF COVID-19 ON EDUCATION

In an effort to contain the havoc caused by the pandemic, there has been a county wide closure of public places including schools, universities and colleges. This is



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Challenges and Opportunities for Women through Higher Education

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Abstract

Education has evolved from a luxury to more of a necessity over the past couple of centuries. In the 18th century, it was limited to the financially well off and royalty. However, in 1880 it became compulsory for children aged 5-10 in England. Ever since, education has become compulsory for all children up to the age of 18 almost all over the world. This signifies the rising awareness about the importance of education around the world. As this awareness spread, people in India also understood the importance of education however they considered women more appropriate for household chores while men were supposed to work. This led to the formation of various inappropriate gender roles. In other areas, guardians simply could not afford to educate all their children and hence preference was given to boys. This being the prime reason why women did not get equal opportunities and were lagging behind men. It was not until recently when education became compulsory for every child in India as enacted by law. While this significantly improved literacy rates all over India there still were various issues with the education institutes put forward by the government. What further worsens these issues is the state of higher education. While high school education for women has made significant improvements, the percentage of women pursuing higher education is still quite low when compared to the percentage of men in higher education. This goes back to the same issue of guardians not recognizing the importance of this education in various rural areas of India. They believe that providing their daughters with high school levels of education is enough failing to understand the opportunities forgone by not pursuing higher education. Education is one of the stepping stones to success, without proper education an individual is unable to make well informed decisions. The education of these girls/women is important for the overall advancement of our nation.

Introduction:

Education is considered the basic right for the development of human beings, without it a person is comparable to a wild animal which lacks a purpose. A literate person can aid in bringing transformation not only within themselves, but also amongst their families and thus bringing evolution into society as a whole. It is of great instrumental significance in the course of economic intensification. Edification plays a critical role in demographic change, female education in particular and enhances their economic and social status. There is a co-relation between literacy and life expectancy. Furthermore, the benefits of education far outweigh its costs. It empowers and empowerment affects larger social processes (Swaminathan and Rawal, 2000).

Literacy levels can be seen as an indicator of a country's development. It is important to look at literacy levels of both men and women (Paylowa, 2009). That is the reason "Sarva

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Role of Corporate Governance in Economic Development

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Abstract

The proper governance of the companies is becoming as important in the global economy as the proper governing of the countries. Corporate governance is the pre-condition for the economic development. It is the set of system, structure and process for the efficient, proper direction and control of companies in the interest of all stakeholders. It defines the rights, duties and responsibilities of the different human resources working in the corporation and includes the rules and procedures for making decisions in corporate affairs. Promoting corporate governance in all its aspects, including ensuring the rule of law, improving efficiency and accountability of corporate sector is an imperative segment of the framework within which economies can prosper. Transparency, Impartiality, Participation, Accountability and Efficiency are the pillars of high quality governance mechanism which helps us to avoid unethical business practices. This mechanism promotes the development of strong financial system in the economy and this will increase the wealth of all the citizens. This paper reviews the relationship between corporate governance and economic development and its role in uplifting the economy.

Key-Words : Corporate Governance.

Introduction

"Corporate governance is considered with maintaining the balance between monetary and social goals and between individual and enterprise goals. The governance framework is there to make the proper utilisation of resources and equally to require accountability for the administration of those resources. The aim is to protect as far as possible the interest of individuals, stakeholders, entities and society." (Sir Adrian Cadbury, UK, Commission Report: Corporate Governance, 1992).

Corporate Governance-

Corporate governance is the procedure, processes and relations by which corporations are governed, directed and controlled (Shailer Greg, 2004). It is the set of rules, regulations and principles on which the organisational framework depends. It includes the procedure through which the goals and objectives of the corporation are set and pursued in the context of economic, social regulatory and market environment. Governance mechanism means examine and monitoring the actions, strategies, policies, practice and decisions of the entity, their agents and affected stakeholders (OECD 2004 and Tricker Adrian 2009)

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