

anveşak

A bi-annual journal

2022



**SARDAR PATEL INSTITUTE OF
ECONOMIC AND SOCIAL RESEARCH**

25	THE ROLE OF ICT IN INDIA TO COMBAT COVID-19 PANDEMIC	133-137
26	ANALYZING JUDICIAL CONTRIBUTION OF GENDER EQUALITY FROM THE PERSPECTIVE EMPOWERMENT OF WOMEN	138-143
27	FAILURE OF GANDHIAN ANTI-DRINKING CAMPAIGN FOR THE SOLUTION OF ECONOMIC GROWTH IN INDIA- A CRITICAL VIEW	144-147
28	REGIONAL DISPARITIES IN WOMEN'S WORK PARTICIPATION IN THE BELAGAVI DISTRICT	148-154
29	THE DECLINING POLITICAL ADMINISTRATION OF THE KALYANA KARNATAKA REGION DEVELOPMENT BOARD- DEMANDING STATEHOOD IS THE NEED OF THE HOUR	155-158
30	GOOD GOVERNANCE AND CIVIL SOCIETY AN INDIA PERSPECTIVE	159-163
31	NOTA AND ELECTORAL DEMOCRACY IN INDIA	164-167
32	ROLE OF SOCIAL MEDIA IN INDIAN POLITICS	168-173
33	JUDICIAL ACTIVISM AND ENVIRONMENTAL PROTECTION: AN INDIAN PERSPECTIVE	174-177
34	IMPACT OF RESERVATION POLICY IN INDIA	178-181
35	THE FUNCTIONING OF THE INDIAN PARLIAMENT: A PERSPECTIVE (2004-2021)	182-193
36	GANDHIJI'S CONCEPT OF SWACCHATA AND SWACH BHARAT ABHIYAAN	194-196
37	SECULARISM IN INDIA – CONTENT AND CRISIS	197-200
38	CONVERGENCE OF UNIVERSITIES IN INDIA FROM PUBLIC TO PRIVATE: EVIDENCE IN THE NEO LIBERAL POLICY REGIME	201-208
39	MEDIA, POLITICS, AND DEMOCRACY	209-212
40	INDIAN DEMOCRACY: AN UNDERSTANDING	213-215
41	CHILD MARRIAGE AND SEXUAL VIOLENCE AGAINST GIRL CHILDREN IN INDIA- LEGAL CONCERNS	216-221
42	JURISDICTIONAL BARRIER TO ENFORCE LEGISLATION WITH EMERGENCE OF CYBER MEDIA ANALYSIS OF ARTICLE 19(1) A ENFORCEMENT ISSUES AND CONCERNS	222-228
43	INFLUENCE OF CAPACITY DEVELOPMENT PROGRAMS ON AGRIPRENEURSHIP DEVELOPMENT	229-233
44	KNOWLEDGE AND AWARENESS INCREASES OF WOMEN THROUGH STREE SHAKTI AND WOMEN'S SELF-HELP GROUPS IN KARNATAKA	234-242
45	CHALLENGES CONFRONTING THE LAW MAKING AND ENFORCING AUTHORITIES IN SECURING UNIFORM CIVIL CODE IN INDIA – AN ASSESSMENT	243-250

ANALYZING JUDICIAL CONTRIBUTION OF GENDER EQUALITY FROM THE
PERSPECTIVE EMPOWERMENT OF WOMEN

Dr. Janhavi S S B.Sc., LL.M., M.Phil., Ph.D. Assistant Professor, Dept. of Studies and Research in
Political Science, Karnataka State Open University, Mukthaganothri, Mysuru.

Abstract: The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. Gender equality will not only eliminate gender discrimination it empower women with enhanced social protection. Empowerment of women by ensuring gender equality will be overall increasing voice can enable women to participate equally in productive employment, contributing to women's development leading to economic growth of the nation. Thus Constitution not only grants equality to women, but also empowers the state to adopt measures of positive discrimination in favour of women. In independent India women were granted legal equality vis-a-vis men in almost every walk of life. Ever since, independence, a number of innovative schemes have been launched by the government and many laws have been passed by the parliament to uplift the status of women in India. However due to lack of effective implementation of laws women would not achieve parity with men in real life. Women power is crucial to the sustainable growth of any country gender equality linked with women's empowerment. Present article analysing the judicial contribution to ensure Gender Inequality and equal status for women in all spheres of life for empowering women.

Keywords: Gender Inequality, Empowerment of women, Discrimination, Uniform Civil Code, Public employment.

Introduction

The principles of gender equality are enshrined in the Indian Constitution in its preamble, Fundamental Rights, Fundamental Duties and Directive Principles of state Policy. The Constitution not only grants equality to women, but also empowers the state to adopt affirmative measures of positive discrimination in favour of women.¹ Gender equality means that women and men having equal conditions for realizing their full human rights and for contributing to, and benefiting from, economic, social, cultural and political development. Gender equality is the process of being fair to men and women. To ensure fairness, measures must often be put in place to compensate for the historical and social disadvantages that prevent women and men from operating on a level playing field. Empowerment including gender empowerment is about people-both women and men –taking control over their lives setting their own agendas, gaining skills, building self- confidence, solving problems and developing self-reliance.²

Empowerment of women is the prerequisite for the sustainable development of any country. In India there are several measures like laws and policies and plans and programmes aimed at empowerment of women.³ Indian Constitution provides equal status and opportunities to women in every sphere of life. Despite this, women in general have not been able attain their due share in the social, economic, political and administrative system of the country.⁴

Legal-judicial system will be made more responsive to gender sensitive to women's needs.⁵ The Constitutional power of judicial review has been crucial in securing 'gender justice' and 'gender equality' in a traditional gender based Indian society. An activists judiciary through its land mark rulings (judgments) contributed to expanding the realm of women's rights by striking down laws, rules and regulations which violate them and by upholding the constitutional validity of protective provisions.⁶

¹ Laxmidhar Chouhan, 'Women and the Law', A Mittal Publication, 2007, New Delhi, P- 156
² Dr. Deka Swapna Manindranath, 'Judicial Activism in Post-Emergency Era', Notion Press Publication, Chennai, 2015, p-135

³ Jaspreet Kaur Soni, 'Empowerment of Women The Substantial Challenges', Authors Press Publication, New Delhi, 2008, p- 142

⁴ Ibid at 147

⁵ Supra note 1 at-159

⁶ Supra Note 2 at 135

ISSN : 0973-3280

UGC Approved No. : 2700

Journal No. : 41554

BANGALORE UNIVERSITY LAW JOURNAL

UGC Approved
REFEREED JOURNAL

SALUS POPULI EST

SUPREMA LEX



SERVICE OF THE PEOPLE IS THE SUPREME LAW

SATYAMEVA JAYATE

Vol : 8 - No. : 2

June 2018

CONTENTS

Sl. No.	Particulars	Page Nos
1.	Diversory Principle of JJ Act <i>vis-à-vis</i> 'Best Interest' of UNCRC <i>Dr. Jyoti Dogra Sood</i>	1-12
2.	Guardianship <i>vis-à-vis</i> Adoption : Historical Analysis <i>Dr. B. S. Patil</i>	13-23
3.	Patient Autonomy and the Right to Refuse Treatment <i>Dr. Preetha S.</i>	24-43
4.	International Human Rights and India- A Compendium <i>Prof. V. Sudesh & N.S.Babitha</i>	44-51
5.	Evolving Jurisprudence on the Principles for Quashing of FIR – Emerging Legal Issues and Challenges <i>Dr.N.Dasharath</i>	52-60
6.	Constitutionality of Exclusion of Judicial Review in India: It's Repercussion on Relation Between Legislature and Judiciary <i>Dr. N. Sathish Gowda</i>	61-84
7.	Legal Scenario Pertaining to Standard Essential Patents, Frand And Licensing Issues in India: An Assessment <i>Dr. Jyothi Vishwanath</i>	85-112
8.	Legal Prevention of Money Laundering in India and Helplessness of States in Finding a Solution <i>Dr. Chandrakanthi.L</i>	113-122
9.	Overview of Right to Food Security in India <i>Dr. Janhavi S S</i>	123-131
10.	Politics of Defection- A Death Knell for Indian Democracy <i>Dr. Sanjeeve Gowda G.S.</i>	132-139
11.	Cyber Victimization of Women and Indian Laws An Analysis <i>Dr. Aravinda H.T.</i>	140-152
12.	Foreign Direct Investment and its Legal and Regulatory Frameworks in India: An Overview <i>Dr. Aneesh V. Pillai</i>	153-160
13.	Role of Legal Profession in Administration of Justice <i>Dr. Kotagiri Srinivasa Rao</i>	161-167
14.	Impact of Constitutional Devolution of Power- From Comunidade of Goa to Agricultural Tenancy Act <i>Dr. Nagesh Colvalkar</i>	168-184
15.	Pornography in Cyberspace – A Techno-Legal Analysis <i>B.T. Chitra & Prof. (Dr.) C. Basavaraju</i>	185-196

OVERVIEW OF RIGHT TO FOOD AND FOOD SECURITY IN INDIA

*Dr. Janhavi S. S.**

Introduction

All human beings have a right to live with dignity with at least two decent meals a day without adequate food, people cannot lead healthy active lives. They cannot employable, cannot care for their children, and their children cannot learn to read and write. Hence the right to food cuts across the entire spectrum of human rights. Food is indeed a basic human need and one can live only when he has enough food to eat. Unfortunately, the people still, die of hunger and malnutrition despite the tremendous increase in global food supplies. This is because of people's lack of economic access to food and it amounts to violation of human right. The problem of food insecurity is prevalent in almost all countries of the world, therefore, state is having primary obligation ensure food security in the state.

Food security is not just a matter of food-quality of food that ensures nutrition, and healthcare that protects the people from debilitating diseases but it is a broader concept, hence, solutions cannot be a single one but an integrated approach. Suicides by farmers in India prove that temporary cash flow does not guarantee food security over time. There are many definitions of FS, the World Bank's definition is more acceptable: 'Access by all people at all times to enough food for an active and healthy life.'¹

Food is based need for human beings. Food occupied a prime position in human needs without which survival would have been impossible. Food security ultimately requires the realisation of the right to food that everyone has access to the food they need. Many people suffer from diseases due to hunger, malnutrition etc., ultimately leading to deaths. The most vulnerable groups are children and women, especially pregnant and lactating mother, and elders, who are feeble and unable, to earn their food on their own. The large number children are dying of hunger, malnutrition and resultant diseases before seeing there is 5th year.

* Dr. Janhavi S S, B.Sc.,LL.M.,M.Phil., Ph.D. Chairperson, Dept. of Studies in Law, Karnataka State Open University, Mysuru.

¹ RBS Verma H S Vrrma Nadeem Hasnain, 'Towards Empowering Indian Women', Serials Publication, New Delhi, 2007, p-187

ISSN. 0973 - 3280

BANGALORE UNIVERSITY LAW JOURNAL

REFEREED JOURNAL

SALUS POPULI EST

SUPREMA LEX



SERVICE OF THE PEOPLE IS THE SUPREME LAW

Vol : 7 - No : 1

January - 2017

SATYAMEVA JAYATE

CONTENTS

Sl. No	Title of the Article & Author's Name	Page Nos.
1.	Analysis of Legal Reforms for Democratic Controlled and Autonomous Functioning of Cooperative Societies pursuant to 97 th Constitutional Amendment <i>Dr. N. Dasharath</i>	1
2.	Celebrities, Media Trial and Media's Freedom of Expression: An Assessment <i>Dr. Jyothi Vishwanath</i>	11
3.	Doctrine of Sustainable Development: An Assessment in Judicial Perspective <i>Dr. Chandrakanthi L.</i>	23
4.	Enabling the Information Communication Technology: Constitutionalizing the Right of Accessibility of Disabled Persons in India"*. <i>Sanjay S. Jain</i>	32
5.	United Nations Convention on Rights of Persons with Disabilities: Some Reflections. <i>Dr. Krishna R. Hombal</i>	46
6.	A Critical Analysis of Acid Attacks against Women in India: A Socio- Legal Perspectives <i>Kavitha Balakrishnan</i>	57
7.	Protection of Minorities under International Law and Indian Law: A General Discourse <i>Dr. Aneesh V. Pillai</i>	65
8.	Patients' Rights – An Indian Legal and Judicial Perspective <i>Dr. Sunitha Abhay Jain & Priyanka Vaidyanath</i>	78
9.	Supreme Court Decision on Triple Talaq is a Catalyst to Reform the Muslim Personal Law <i>Dr. Janhavi S. S.</i>	91
10.	The Application of Precautionary Principle by the Courts in India – Emerging Trends <i>Dr. Sobha K.</i>	98

SUPREME COURT DECISION ON TRIPLE TALAQ IS A CATALYST TO REFORM THE MUSLIM PERSONAL LAW

*Dr. Janhavi. S S**

1.1 Introduction

As the Muslim personal law stands today, a woman suffers from many serious disabilities, which turns her into a second rate of citizen not only in comparison with Muslim men, but also with other Indian Women. The Hindu Marriage Act, 1955 the Hindu succession Act, 1956 and the consistent amendment to the Christian marriage and Divorce Act which has been amended as recently as 2005, have enabled the women from different communities to obtain legal justice to a considerable extent. In India Muslims have not allowed any improvement or amendment to the Shari at Application Act, 1937, As a result, Muslim women suffer in matters of triple talaq, Halala, polygamy, custody of children and inheritance etc. In this direction Supreme Court decision regarding triple Talaq as unconstitutional is legal justice to the Muslims women.

Triple Talaq is like a nightmare for Muslim women, the word itself gives a negative impression on every citizen of the world that everyone wants to abrogate this word even without second thought. Triple Talaq is so rooted in Muslim law because shariat itself permits it.¹ The Muslim Personal Law (Shariat) Application Act was passed in 1937 with the aim to formulate an Islamic Law code for Indian muslim people ruled according to their own customs. The Shariat Act is mandate since 1937 which governed the social aspects like family, marriage, divorce and dower and this Shariat Act clearly says that state will not interfere in the matter of disputes which are personal in nature. Therefore, it is traumatic situation when a Muslim girl gets married every moment she is terrified that she may lose her status of wife any moment. The evil practice of triple talaq at a go among Sunni Muslims is a grave shock for the wife that within second she could be deprived of every status which she was having few minutes ago and moreover there is no scope for compromise and reconciliation. Consequently she is subjected to social stigma, humiliation, agony and indignity.²

* Dr. Janhavi S S, B.Sc., LL.M., M.Phil., Ph.D., Chairperson, Department of Studies in Law, Karnataka State Open University, Mysuru.

¹ Indian express.com/shariat-muslim-personallaw

² Prof.(Dr) Reena Jaiswal, Triple Talaq at a go: Nightmare of a Sunni muslim Wife- Some Suggestions, Vidyasthali Law Journal, Sangeev Publication, Jaipur, p-1

ISSN 0973-7480

Annual Subscription Rs. 2,500/-

ORIENT
JOURNAL OF LAW AND
SOCIAL SCIENCES
(A MONTHLY JOURNAL)

VOLUME - XIII, ISSUE - 7

JUNE 2019

Edited, Printed and Published by
Dr. A. M. ABDUL RUB

Owned by
Dr. ABDUL RAYEES KHAN

From:
R. K. PRINTING PRESS AND PUBLICATIONS CENTRE
12-13-103, Street No. 3, Tarnaka, Secunderabad - 500 017.
Telangana State - INDIA.

CONTENTS

S. No	ARTICLES	Page No
1.	'REMEDY OF DAMAGES FOR UNLAWFUL ADMINISTRATIVE ACTION' Dr. A. M. Abdul Rub	: 13 - 21
2.	'CENTRE - STATE RELATIONS IN MATTERS OF CRIMINAL INVESTIGATION' Dr. Iqbal Mohammed Oosman	: 22 - 32
3.	'CONSTITUTIONAL VALIDITY OF 10% EBC RESERVATION IN INDIA' Dr. G. Vinod Kumar	: 33 - 38
4.	'IMPLICATIONS OF INTELLECTUAL PROPERTY RIGHTS ON AGRICULTURE From Human Rights Perspective' Dr. Janhavi S. S.	: 39 - 43
5.	'EVOLUTION OF THE CONCEPT OF LEGAL AID' Dr. Muthoju Pullaya Chary	: 44 - 49
6.	'THE RIGHT TO PUBLIC TRIAL' Dr. Jyoti Prasad Kosaraju	: 50 - 57
7.	'INTER - AMERICAN COURT OF HUMAN RIGHTS' Dr. Abdul Rayees Khan	: 58 - 64

IMPLICATIONS OF INTELLECTUAL PROPERTY RIGHTS ON AGRICULTURE

From Human Rights Perspective

By

Dr. Janhavi S. S.*

Abstract

Food Security is a major problem throughout the south. Within the broad question of the human right to food, food security also relates more specifically the issues of agricultural policy and economic development and trade. The extension of IRRs to agriculture is of special significance because agriculture and food security are closely interlinked. In other words, the introduction of IRRs in agriculture is directly linked to the realisation of basic food needs. Hence, in this paper an attempt has been made to considering the impact IPR on agriculture sector.

1.1 Introduction

In the present day world human rights norms have become rule of the day to measure the sustainability of cultures, religions, ideologies, and the practices of states, international organizations, and even corporations. The moral significance and practical respect for human rights has grown so much that human rights are now described as a global religion. They have established a new standard for civilization.¹In recognition of any rights in society state must give due weightage to human rights. However, "the allocation of rights over intellectual property has significant economic, social and cultural consequences that can affect the enjoyment of human rights".²Since the establishment of the World Trade Organization and the entering into the Agreement on Trade-Related Aspects of Intellectual Property Rights, government officials, international bureaucrats, intergovernmental and nongovernmental organizations, courts, and scholars have focused more attention on the interplay of human rights and intellectual property rights.³

* B.Sc., LL.M., M.Phil., Ph.D. Chairperson, Department of Studies in Law, Karnataka State Open University, Mysuru, Karnataka State, India.

¹Audrey R. Chapman, "Approaching intellectual property as a human right: obligations related to Article

15 (1) (c)", Copyright bulletin, UNESCO PUBLISHING, Vol. XXXV(July–September 2001), digital version available @<http://shodhganga.inflibnet.ac.in/bitstream/10603/62276/11/chapter%206.pdf>

²Statement by the Committee on Economic and Cultural Rights, *Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights. Follow-up to the day of general discussion on article 15.1(c), Monday 26 November 2001, Human Rights and Intellectual Property*. United Nations Committee on Economic, Social and Cultural Rights, E/C.12/2001/15, 14 December 2001, para 1. Digital version available @<http://shodhganga.inflibnet.ac.in/bitstream/10603/62276/11/chapter%206.pdf>

³International Covenant on Economic, Social and Cultural Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966

ISSN 0973-7480

Annual Subscription Rs. 2,500/-

ORIENT
JOURNAL OF LAW AND
SOCIAL SCIENCES
(A MONTHLY JOURNAL)

VOLUME - XII, ISSUE - 5

APRIL 2018

Edited, Printed and Published by
Dr. A. M. ABDUL RUB

Owned by
Dr. ABDUL RAYEES KHAN

From:
R. K. PRINTING PRESS AND PUBLICATIONS CENTRE
12-13-103, Street No. 3, Tarnaka, Secunderabad - 500 017.
Telangana State - INDIA.

CONTENTS

S. No	ARTICLES	Page No
1.	“SPECIAL CATEGORY STATES’ In the Constitutional System of India’ Dr. A. M. Abdul Rub	13 - 20
2.	‘EFFECT OF PRODUCT PATENT ON PHARMACEUTICAL DRUGS IN INDIA’ Dr. Janhavi S. S.	21 - 27
3.	‘ACCOUNTABILITY OF THE MEMBERS OF INTERNATIONAL CIVIL SERVICE’ Dr. Jyoti Prasad Kosaraju	28 - 37
4.	‘PROTECTION TO THE VICTIMS OF CRIME Under International Law’ Dr. K.V.K. Santhy	38 - 45
5.	‘ROLE OF JUDICIARY GUARDIAN OF FUNDAMENTAL RIGHTS IN INDIA’ Dr. Yedla Prabhakar	46 - 50
6.	‘RETHINKING THE SENTENCING IN INDIA’ Ms. K. V. Madhavi	51 - 59
7.	‘ROLE OF MEDIA ON COMPETITION ADVOCACY’ Ms. Anjali Thakur	60 - 66
8.	‘ANTON PILLER ORDER An end in itself’ Dr. Abdul Rayees Khan	67 - 74

EFFECT OF PRODUCT PATENT ON PHARMACEUTICAL DRUGS IN INDIA

By

Dr. Janhavi S. S.*

Introduction

Intellectual Property Rights are considered to be instruments to achieve economic, social and technological advancement for a country in all aspects. Of all the instruments of IPR, patent is the most argumentative issue which is deliberated in several international fora. Patents are mostly debated for its role in pharmaceutical field. Patent rights are introduced in India for the first time in 1856 and, in 1970, the Patent Act 1970 ("the Patents Act") was passed, repealing all previous legislations. India is also a signatory to the Paris Convention for the protection of industrial property, 1883, and the Patent Cooperation Treaty, 1970. The Patents Act provides that any invention that satisfies the criteria of newness, non-obviousness and usefulness can be the subject matter of patent.¹

In recent years, the patentability of health-related innovations has become under debate world-wide. Billions of dollars are invested each year in pharmaceutical research, but the percentage of people who can afford potentially life-saving drugs remains few. The development of drugs is costly for pharmaceutical companies, and without intellectual property law protection, the formula for the drugs can be easily duplicated and the drugs can be synthesized at a cheaper cost. Therefore, intellectual properties laws is essential, it, often allow companies or inventor to monopolize the synthesis and sales of drugs.²

In 2001, this problem of intellectual property right of technologies that affect public health was address by the WTO in the Doha Declaration on the TRIPs Agreement and Public Health. In the declaration, compulsory licensing of technology of intellectual property that is critical to the health of the public is granted in a time of national emergency. However, what constitutes an "emergency" rests in the hand of individual government.³

* B.Sc., LL.M., M.Phil., Ph.D., Chairperson, Department of Studies in Law, Karnataka State Open University, Mysuru, Karnataka State, India.

¹ Patents and the Indian Pharmaceutical Industry: https://www.google.co.in/search?client=firefox-b&dcr=0&ei=4Q_LWqToDcODvQTol4WwDQ&q=+Patents+and+the+Indian+Pharmaceutical+Industry&oq=+Patents+and+the+Indian+Pharmaceutical+Industry&gs_l=psy-ab.12..0i22i30k1i4.200.33658.0.35026.644.83.0.0.0.830.1840.2-2j0j1j0j1.4.0..1..0..1.1j2.64.psy-ab..643.1.444....0.3rD-dT0pubA

² Drugs and Intellectual Property Rights By: Xiaolu (Erin) Wei Harvey E. Bale Jr, "The conflict between parallel trade and product access and innovation: the case of pharmaceuticals", Journal of International Economic Law 1, 1998, p.637

³ <http://www.accessmed-msf.org/prod/publications.asp?scntid=292003173646&contenttype=PARA&http://www.ielrc.org/content/a0301.pdf>

VOL 6 | SPECIAL ISSUE 2 | FEB 2019

Shanlax International Journal of Arts, Science and Humanities

A Peer-Reviewed, Refereed Scholarly Quarterly Journal
Globally Indexed with Impact Factor

ISSN 2321-788X



SIJASH NAAS Rated Journal
NAAS Score 2.13

Special Issue Editor

Dr. K. SHIVACHITHAPPA

Coordinator, Department of Economics

University of Mysore

Post Graduate Centre, Mandya

Volume 2

ISSN
INTERNATIONAL
STANDARD
SERIAL
NUMBER
INTERNATIONAL CENTRE

PKP
PUBLIC
KNOWLEDGE
PROJECT



OJS
OPEN JOURNAL SYSTEMS



SHANLAX
INTERNATIONAL JOURNALS

editorsij@shanlaxjournals.in | www.shanlaxjournals.in

30	Violence Against Women a Study C.V. Latha	141
31	Dynamics of Urban Poverty- Plight of the Urban Poor Communities C.G. Padma Kumari	143
32	Impact of Agricultural Finance on Agricultural Production and Productivity- A Study of Bengaluru Rural District J. Nagaraju & Dr. S.V. Padmini	150
33	International Development Projects in Afghanistan; Cost and Schedule Performance Analysis Nasir Ahmad Shafiei & Dr. K. Puttanna	159
34	Gender Discrimination: HIV Infected Women are More Vulnerable in the Society is Violation of Human Rights Women Dr. S.S. Janhavi	170
35	Organic Farming A Sustainable Way to Avoid Non- Point Source of Pollution of River Cauvery in Karnataka H.R. Manjunatha	176
36	An Empirical Study on Growth of Higher Education Sector in India B.M Indru Kumar & M.Indira	183
37	Sustainable Development through Financial Inclusion Dr. K.N. Rupa	196
38	Indianess in The Short Stories of Mulkraj Anand Shivaji Rama Gudaji	203
39	Devadasi Practice in Southern India: A Historical Analysis Nagaraja Kadlabalu	207
40	Development of Shaivism in Mysore and Chamarajanagar District during The Regime of Veeraballala III C.R. Bhanupriya	214

GENDER DISCRIMINATION: HIV INFECTED WOMEN ARE MORE VULNERABLE IN THE SOCIETY IS VIOLATION OF HUMAN RIGHTS WOMEN

Dr. S.S. Janhavi

Chairperson, Department of Studies and Research in Law
Karnataka State Open University, Mukthagangothri, Mysuru
<https://doi.org/10.5281/zenodo.2562925>



Abstract

Human rights allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. The key human rights principles essential for effective protection of people with HIV/AIDS. Many of the people most vulnerable to HIV face stigma, prejudice and discrimination in their daily lives, therefore, they have been abandoned by friends, relatives or lovers, nurses and health workers have been known to refuse care. This pushes them to the margins of society. Women are increasingly marginalised, not only from society, but from the services they need to protect themselves from HIV. Hopefully, this rejection will decrease with appropriate information and education.

Keywords: Gender discrimination, Epidemic disease, Social stigma, Reproductive health security and Sexually transmitted disease.

Introduction

Human Rights are relevant for every one as these are indispensable for all round development of mankind. The history of man reveals that he has been constantly endeavouring to seek peace and justice through fundamental human rights and needs. Thus human rights are those rights which are inherent in our nature and without which we cannot live as a human being. Thus, health and human rights are complementary with one another and mutually reinforce each other in every context. The right of HIV affected persons has emanated from the umbrella of Human Rights. AIDs/HIV infected persons are facing the main test violations of Human rights. They are exposed to most inhuman treatment, harsher than so called untouchable. In fact may writes call them as the "new group of untouchables.

HIV is both private and public health issue since it is the epidemic disease. HIV/AIDS has render social turbulence sound attitude toward AIDs patient it has sometimes violent. All AIDs patient are discriminated irrespective of cause, fear and prejudice are stigmatizing the HIV/AIDS infected persons. The stigma and discrimination with HIV patients amounts to violation of human right.

According to the National AIDS Control Organization (NACO) estimation in 2017 there are about 214 lakh people were HIV-positive in India, of whom about 40 percent were women. The socioeconomic condition of the country coupled with the traditional outlook and the myths associated with the things has made it more vulnerable disease. Poor literacy level is one of the biggest causes for spreading of the disease. Not only very serious social stigma attached with it and the people infected with HIV/AIDS are discriminated at every place at all levels including gender

ISSN 2455 - 0019

Vol. 2, Issue 3 & 4

INTERNATIONAL RESEARCH JOURNAL OF SOCIO - LEGAL STUDIES

(A Peer - reviewed Quarterly Journal)

July - September, 2017
&
October - December, 2017

EDITOR

DR. RASHEED SHAIKH

**Principal, A.K.K. New Law Academy & Ph. D. (Law) Research Centre, Pune &
Former Dean, Faculty of Law, Savitribai Phule Pune University, Pune**



**A.K.K. NEW LAW ACADEMY &
PH. D. (LAW) RESEARCH CENTRE, PUNE**

(A Law College Aided by Government of Maharashtra, Accredited by NAAC)
(Affiliated to Savitribai Phule Pune University, Pune, Approved by the Bar Council of India
and Recognised u/s 2(f) & 12 (B) of the UGC Act, 1956)

CONTENTS

ARTICLES

Right to Privacy and Social Networking Sites : An Analytical Study Dr. Rasheed Shaikh	01
Failure at Implementation Level : An Avian View of Domestic Violence Act, 2005 Ms. Kavitha Balakrishnan	08
Euthanasia, Assisted Suicide : A Judicial Perspective Dr. Kavita Lalchandani	15
Need to Protect the Victims of Forced Marriages from the Perspective of Human Right Abuse in India Dr. Janhavi S. S.	22
Anti-Terrorism Legislations under Indian Criminal Justice System - A Critical Study Dr. P. Ashok Kumar	29
Prejudices and Identity Crisis of the HIV/AIDS Infected Minorities Dr. Prashant Chaudhry	33
Riddles in Appraisal of Foreign Precedents in the Realm of Judicial Review of Emergency Proclamation Dr. Pratapsinh B. Salunke	43
Significance of Article 39-A of Indian Constitution through Judicial Interpretation - A Bird's - eye View Ms. Swati Shingate	50
Reform and Codification of Personal Laws in India Dr. Faizanur Rahman	57

NEED TO PROTECT THE VICTIMS OF FORCED MARRIAGES FROM THE PERSPECTIVE OF HUMAN RIGHT ABUSE IN INDIA

Dr. Janhavi S. S.

Introduction

Forced marriage is a slavery-like practice, a form of gender-based violence and an abuse of human rights. Forced marriage is not limited to any particular cultural group, religion or ethnicity, and there are reports of forced marriage from all over the world. Anyone can be a victim of forced marriage, regardless of their age, gender or sexual orientation. While men and boys can be victims of forced marriage, most reported victims are young women and girls.¹ In many cases, forced marriage is very similar to human trafficking in that it is essentially the sale of a young girl to the husband and his family. Early marriage includes children and anyone under 18. Early and forced marriage is a violation of human rights that disproportionately affects girls and women, and often leads to social isolation and violence.²

Early or Forced marriages Legality

Indian laws have made child marriage illegal, but it is still being practiced across the nation. Some of the highest rates of child marriage occur in the rural areas of Madhya Pradesh, Andhra Pradesh, Uttar Pradesh and Rajasthan. According to UNICEF, a child marriage is any marriage that takes place when either of the parties involved is under the age of 18.³ According to the Convention on the Elimination on All Forms of Discrimination against Women (CEDAW), marriage before the age of 18 shouldn't be allowed since children don't have the 'full maturity and capacity to act'. Similarly, the 1948 Universal Declaration of Human Rights states that marriage should be 'entered only with the free and full consent of the intending spouses'. Where one of the parties getting married is under 18, consent cannot always be assumed to be 'free and full'. The issues surrounding forced marriage are complex and can't be eradicated overnight, but with societal support state can work to end the misery of millions of girls across the world.⁴

Marriages throughout history are arranged between families, especially before the 18th century. The practices varied by culture, but usually involved the legal transfer of dependency of the woman from her father to the groom. The emancipation of women in the 19th and 20th centuries changed marriage laws dramatically, especially in regard to property and economic status. By the mid-20th century, many western countries had enacted legislation establishing legal equality between spouses in family law.

ISSN 2455 - 0019

Vol. 2, Issue 2

INTERNATIONAL RESEARCH JOURNAL OF SOCIO - LEGAL STUDIES

(A Peer - reviewed Quarterly Journal)

April - June, 2017

EDITOR

DR. RASHEED SHAIKH

Principal, A.K.K. New Law Academy & Ph. D. (Law) Research Centre, Pune &
Former Dean, Faculty of Law, Savitribai Phule Pune University, Pune



**A.K.K. NEW LAW ACADEMY &
PH. D. (LAW) RESEARCH CENTRE, PUNE**

(A Law College Aided by Government of Maharashtra, Accredited by NAAC)
(Affiliated to Savitribai Phule Pune University, Pune, Approved by the Bar Council of India
and Recognised u/s 2(f) & 12 (B) of the UGC Act, 1956)

CONTENTS

ARTICLES

- National Green Tribunal : A Dispute Resolution Mechanism in Protecting Environment
Dr. Rasheed Shaikh 001
- Human Rights and Personal Laws – Introspection in respect of Women's Rights
Dr. H. Abdul Azeez 007
- Efficacy of Judicial Mechanism in Protecting Democracy
Ms. Kavitha Balakrishnan 015
- Status of Muslim Women in the Context of Social Justice
Dr. Janhavi S. S. 023
- Prejudices and Identity Crisis of the HIV/AIDS Infected Minorities
Dr. Prashant Chaudhry
Dr. Apeksha Kumari 028
- Reexamining Ex-Parte Injunctions in Trademark Disputes :
A Call for Codification
Dr. Suvarna S. Nilakh 036
- Position of Transgender in India: A Legal Analysis
Ms. Vanita Mohod
Dr. Padmaja Kathikar 043
- “Debating the Role of the President in Emergency Proclamation :
Ceremonial Epaulette or Sentinel of the Constitutional Spirit?”
Dr. Pratapsinh B. Salunke 052
- Doctors' Trial (Nuremberg Code) : An Overview
Mr. Pradip Tambe 058
- Right to Legal Aid in India - Constitutional Commitment & Statutory
Recognition
Ms. Swati Shingate 066

STATUS OF MUSLIM WOMEN IN THE CONTEXT OF SOCIAL JUSTICE

Dr. Janhavi S. S.

Introduction

As the Muslim personal law stands today, a woman suffers from many serious disabilities, which turns her into a second rate of citizen in the Indian society not only in comparison with Muslim men, but also with other Indian Women.¹ Being a secular character the constitution of India allows different religious communities to practice their own religion faith. Secularism in India has always upheld an attitude of governmental non-interference in the functioning of one's own religion as well as their life styles, laws and customs. Muslims in India, as in other Islamic countries, are guided by their own Islamic laws with reference to their, marriage, divorce, inheritance and property rights². The Indian Muslim population of today represents an interesting mixture of descendants of Hindus because numbers of Muslim casts are directly derived from their Hindu equivalents. Therefore fundamental question arises does Muslim society in India provide equal opportunities to its women for self-realisation.³

Constitutional provision and Muslim Women

Article 14 in part III of the Constitution declares fundamental right to equality before law and equal protection of law within the territory of India. According to this provision, the Indian Muslim woman stands on equal footing with the Muslim man, and she is equally entitled to claim the constitutional protection as a man. This right of the Indian Muslim woman is further ensured by the provision of Article 15 clause (1) – (2), viz., the state shall not discriminate against any person on ground only of religion, race, caste, sex and if the only basis of the Act is discrimination on one or more of the grounds then the Act is bad. Clause 3 of the same article enacts that nothing shall prevent the state from making any special provision for women and children⁴. Law in force in Article 13(1) did not include the personal laws, hence, this article applied only to the statutory laws. Therefore polygamy, talaq and purdah system are allowed under Muslim personal, but, power of unilateral divorce vested in husband alone is discriminatory in nature.⁵

Legal Status of Muslim women

Muslim women legal rights in respect of marriage and divorce are not only inferior to those of men, but are completely out of harmony with the demands of a modern society.⁶ "If Muslim men are regarded as a class by themselves not on the ground of religion alone but

ISSN 2455 - 0019

Vol. 1, Issue 4 and Vol. 2, Issue 1

INTERNATIONAL RESEARCH JOURNAL OF SOCIO - LEGAL STUDIES

(A Peer - reviewed Quarterly Journal)

Oct. - Dec. 2016 & Jan. - March, 2017

EDITOR

DR. RASHEED SHAIKH

Principal, A.K.K. New Law Academy & Ph. D. (Law) Research Centre, Pune &
Former Dean, Faculty of Law, Savitribai Phule Pune University, Pune



**A.K.K. NEW LAW ACADEMY &
PH. D. (LAW) RESEARCH CENTRE, PUNE**

(A Law College Aided by Government of Maharashtra, Accredited by NAAC)
(Affiliated to Savitribai Phule Pune University, Pune, Approved by the Bar Council of India
and Recognised u/s 2(f) & 12 (B) of the UGC Act, 1956)

CONTENTS

ARTICLES

- Live-In-Relationship and Related Issues in India : A Judicial Approach 001
Dr. Rasheed Shaikh
- Constitutional Dimension of Sedition In India : A Critical Appraisal 006
Dr. Masood Ahmad
- Conflict between Logical Reasons behind Live-In-Relationship and Restitution of Conjugal Right and Property Right of Children of Live in Couples and void and voidable Marriage : An Analytical Approach 018
Dr. Smt. Janavi S. S.
- Compensation for Violation of Fundamental Human Rights : A Critical Analysis of Indian Supreme Court Decisions 026
Dr. Shilpa Gaikwad
- Human Rights and Role of Criminal Courts in India 033
Dr. Moreshwar Kothawade
- Constitutional Tort & Compensatory Jurisprudence – A Juristic Study 040
Dr. Atul Zarkar
- Civil Liability of Media and Journalists in case of Publication of Defamatory Matter in India 046
Dr. Suvarna S. Nilakh
- Prevention of Crimes Against Women Through Legal Reforms in India : A Bird's Eye View 055
Mrs. Reshma Shaikh
- Dr. Ambedkar's Vision of 'Due Process of Law' and the Supreme Court of India : The Quest for Right to Life 060
Mr. Aqa Raza
- Laws Relating to Climate Change and Its Impact on Public Health : An Indian Perspective 068
Ms. Shahnaz Kaushar

CONFLICT BETWEEN LOGICAL REASONS BEHIND LIVE-IN-RELATIONSHIP AND RESTITUTION OF CONJUGAL RIGHT AND PROPERTY RIGHT OF CHILDREN OF LIVE IN COUPLES AND VOID AND VOIDABLE MARRIAGE : AN ANALYTICAL APPROACH

Dr. Janhavi S S

Introduction

In India marriage has always been considered a sacrament. The husband and wife are considered as one in the eyes of law. The legal consequences of marriage that follow add to the sanctity of this relationship. "The essence of marriage is a sharing of common life, a sharing of all the happiness that life had to offer and all the misery that has to be faces in life. Living together is a symbol of such sharing. Living apart is a symbol indicating the negation of such sharing." In India, the right of conjugal remedy, i.e. the right of the husband or the wife to the society of the other spouse is not merely creature of the statute and such right is inherent in the very institution of marriage itself. It serves as a social purpose as an aid to the prevention of breakdown of marriage. The importance of the concept of conjugal rights was very clearly portrayed in the 71st Law Commission Report.¹

To protect the sacramental aspect of marriage, Hindu Marriage Act, 1955 was enacted which provided certain matrimonial remedies. One such remedy is the 'Restitution of Conjugal Rights', it requires both parties to the marriage to live together and cohabit. This remedy directly affects the right to life, right to privacy and the right to equality. Very recently Supreme Court on the basis of right to life, right to privacy and the right to equality court sustained the live-in –relationship concept. Hence, there is a conflict between logical reasons behind these two concepts. The purpose of this paper is to throw light on the inherent disparities between logical reasoning of live-in-relationship and restitution of conjugal life.

Historical Background

The remedy of Restitution of Conjugal Right is a new notion in Indian matrimonial jurisprudence that finds its origin in the Jewish laws. The remedy was unknown to Hindu law till the British introduced this in the name of social reforms. In fact it is the only matrimonial remedy which was made available under the British rule to all communities in India under the general law. After independence this remedy found place in the Hindu Marriage Act, 1955. But even as the Hindu Marriage Act was being passed in the Parliament, there were voices of scepticism regarding the efficacy of the remedy and they thought that it is violation of the fundamental right to life, privacy and equality.²

ISSN : 2348-7666

VOLUME - 4, ISSUE 2(1), AUGUST, 2017

IMPACT FACTOR : 6.023



Monthly

International Journal of Academic Research

VOICE OF INTELLECTUALS

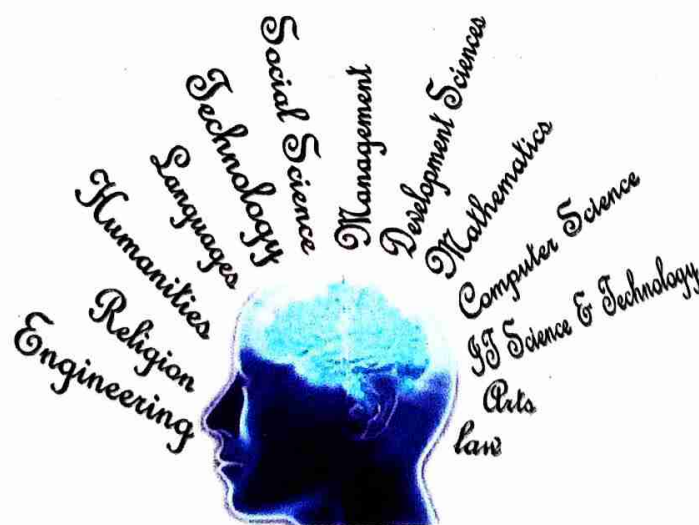
Special Issue on

CHALLENGES AND OPPORTUNITIES FOR SUSTAINABLE RURAL DEVELOPMENT

Editor

Dr.K.SHIVACHITHAPPA

*Member, State Planning Board, GOK, Bangalore
& Co-ordinator, Directorate of Research, University of Mysore, Mysore*



Multidisciplinary, Multiple Languages
Refereed and Indexed Journal

Editor-in-Chief
Dr.T.V.RAMANA

26	Sustainable Development Goals: from an Indian Perspective	Nagaraja K	124
27	Literacy - An Indispensable tool in the Empowerment of Women	Manjula A.C.	129
28	Women's participation in co-operatives - An Analysis	Srinivasa K and Abhilash M S	134
29	Rural Education in India - An Analysis	Dr.Komala. K.M and Dr. Annaiah T B	138
30	Women Development Functionaries in Rural Areas	Narendra N and Preetham K	141
31	Women for Change	Shobna Sabnam Hassan and Dr.Krishne Gowda	145
32	Gandhi Approach to Rural Industrialization	Biligiri M.K	148
33	Deforestation - An Analysis	Hemalatha .H.M.	152
34	Importance of Nutrition in Sports	Dr.Sandhyarani.P.S	155
35	The Geographical Scattering and Recognition of Social Area the Minority of Sikhs in Zahedan Township	Morteza Moradgholi and Dr. Rekha K. Jadhav	159
36	Significance and Difficulties of Panchayat Raj Institutions In Present Indian Situation	T.Deepak Kumar and Dr. Uddagatti Venkatesh	167
37	The Role of Higher Education in Sustainable Rural Development	Shruthi M.P and Prof. D.M. Madari	171
38	Improved Technologies for Dryland Agriculture In India	Shreedevi S. Jatti and Prof. D.M.Madari	176
39	Sustainable Development Goals: India and Its Financial Challenges	Dr. Prabhavathi M.C	180
40	Panchayat Raj Governance is need for Protection and Promotion of Tribal People in Rural Development	Dr.Janhavi S S,	187
41	The Green Revolution in Indian Agriculture-An overview	Kavitha .H.D	190
42	Revisiting the 73rd Constitutional Amendment For Better Governance	Dr. B. H. Satyanarayana and K. Shafiulla	194
43	The Dynamics of Rural Industrial Sector in India: A Study in the Post Reform Period	Divakara and Ramesha K	198
44	Role of watershed programs in Rural Development	Prof. A. Ganesh Bhat	204
45	Land Reforms and Land Records in Karnataka: Retrospect	Kavitha D	206
46	Impact of Mobile Phone on Education	Dr. Venkatesha. K	210
47	Empowerment of women through politics: Indian perspective	Dr. Sunitha. N	214
48	The Performance of Mahatma Gandhi National Rural Employment Guarantee Act for Sustainable Rural Development in Karnataka - An Analytical Study	Dr. Muniyanna.S and Ramesha. K.	218
49	Challenges of ICT Integration in Rural Based School Education System and the Effect of ICT on Academic Achievement of Students in rural Based Jawahar Navodaya Vidyalayas	B.Senthamizhselvan	223
50	Special Economic Zones and women Empowerment	Pramila M.B.	229
51	Sanitation in Rural India	Anish Fatima	232
52	Role of Tribal Community in Environment Conservation: A Study of Kodagu Districts	Mr. Shrinidhi V S	236
53	Socio-Economic Status of Seri-culturists on Knowledge and Adoption of Seri-cultural Technologies among the Farmers of Maddur Taluk, Mandya District	B. Sannappa, B.C, Manju and B.K. Prakash	246



PANCHAYAT RAJ GOVERNANCE IS NEED FOR PROTECTION AND PROMOTION OF TRIBAL PEOPLE IN RURAL DEVELOPMENT

Dr. JANHAVI S S,
Chairperson, Dept. of Law,
Karnataka State Open University, Mysuru.

Abstract : Rural development is a process of social transformation and rural development programmes aimed at improvement of the rural poor's living standard. Panchayat Raj is a system of governance of rural areas at grassroots level. Only the Panchayats know the needs of the villages and Prosperous people in the village should ensure that the power given in the panchayats are used in the interest of poor. Rural people through panchayat raj bodies get a scope to transform their expectation into reality. Government action for tribes emancipation or equality can be neither effective nor adequate unless tribes themselves participative in development programs and more aware of their rights and responsibilities.

Key words: Panchayat Raj Government, Tribal people, and rural development programs.

Introduction

Mahatma Gandhi was a great votary of the principle of 'Gram Swaraj' or Village Self-Governance. It was largely under his influence that Article 40, which lays down that the State shall take steps to organize Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government, was included as one of the Directive Principles of State Policy of the Indian Constitution. Gandhiji's dream of a self-sufficient village is being translated into reality only through Panchayat Raj system of Government. In 1959 three-five panchayati Raj could be adopted in India after recommendations of Balwant Rai Mehta Committee. Since panchayat Raj was a state subject, regular elections were not held to Panchayat Raj Institutions (PRI_s) and weaker sections of the people like women, scheduled castes, scheduled Tribes and backward classes did not get representation in panchayats. In this background the 73rd Constitution Amendment Act was enacted by the parliament by which institution of panchayat and gramasabha got constitutional status accordingly all the state governments were amended their state panchayat law.

History of Panchayat Raj system

The panchayat raj system created in 1959 with the object of ensuring authority and responsibility for rural development to rural people. The panchayat raj system in India is aimed at mobilising making and in implementation of rural welfare programmes. Though the Panchayat Raj Institutions were in existence in various forms in various States, these institutions did not acquire the status and dignity of viable and responsive people's bodies due to a number of reasons including absence of regular elections, prolonged supersession, insufficient representation of weaker sections like Scheduled Castes, Scheduled Tribes and Women, inadequate devolution of powers and lack of financial resources. In the light of the experience gained and the short-comings of panchayat system the 73rd amendment of the Constitution was enacted in 1992, to bring certain basic and essential features of Panchayat Raj Institutions to impart certainty, continuity and strengthen them. A number of fundamental changes were brought about in the Panchayat Raj Institution by virtue of this Act including to conduct once in five years regular election, separate election commission and reservations to promote weaker sections of the society like SC, ST backward classes minorities and special care is also taken to ensure representation of women in the panchayat raj institutions. Panchayat Raj system is the most polite innovations of the independent India. Pursuant to this, the **KARNATAKA PANCHAYAT RAJ ACT, 1993** came into force.

Political empowerment of Tribes

The New amendment calls for a reservation of one third of seats in the panchayat (local government unit) for women, including reservation for scheduled castes and tribes.

ISSN: 2277-7881

IJMER, VOLUME 6, ISSUE 7(9), JULY 2017

IMPACT FACTOR: 4.527, IC VALUE: 5.16, ISI VALUE :2.286

IJMER IS APPROVED BY UGC STANDING COMMITTEE-2017



International Journal of Multidisciplinary Educational Research

(Humanities, Social Science, Commerce, Management, Engineering, Law, Technology and Sciences)



Sustainable Rural Development Through Governmental Programmes – Vision and Action

Editor

Dr. R.H. PAVITHRA

Monthly - International Journal of Multidisciplinary Educational Research

Indexed & Listed at :
Ulrich's Periodicals Directory @, ProQuest.U.S.A
International Regd. &
Peer Reviewed

Editor-in-Chief
Dr. Victor Babu Koppula

CONTENTS

Volume 6

Issue 7(9)

July 2017

S. No		Pg. No
1.	Role of Distance Education in Skill Development of Rural Youth in India : G. Anbalagan	1
2.	Impact of rural employment guarantee programme in India: G.H.Nagaraja	6
3.	Impact of agricultural subsidies on production and productivity in India : Shilpa Sree and Basavaraj S Benni	11
4.	Rural self-employment generation: A case study of the role of rural development and self-employment training institute (RUDSETI) in Kerala: Sini M	18
5.	Women and Child Development Programmes: A Study with Reference To T.Narasipura Taluk, Mysuru District: Veena K.P. and Suheel	23
6.	Sustainable rural development: the real potentiality of MGNREGA : Madhu.N.M and Parvathamma G.L	33
7.	Prevalence of Malnutrition among Dalit School Children With Special Reference to Pavagada Taluk of Tumkur District: Nisargapriya T S and Lokesha M U	40
8.	Rural development through the sustainable development: D.P. Manakatti	45
9.	Impact of Rural Development Programmes on Revenue Mobilization of Gram Panchayats in Karnataka : Raghavendragoud Patil and R R Biradar	49
10.	Impact of the employment programme on rural women: M.Mamatha	57
11.	Role of information and communication technology in enhancing rural prosperity: Sharda Kumari Parihar and Sushma R	61
12.	A comparative analysis of poverty alleviation and rural development programmes for sustainable rural development in India: Shivaraju	66
13.	Performance of national horticulture mission in davanagere district: Raghuraja. J and Madhumathi. M	75
14.	Social Condition of Female Agricultural Labourers- With Special Reference to Shimoga District: M.S.Ramananda	82
15.	Local self-government and role of women in sustainable rural development: Janhavi S S	86
16.	Impact of MGNREGA on Agricultural Labourers – A Special Reference to Karnataka : Kusuma K M and K C Basavaraju	91



LOCAL SELF GOVERNMENT AND ROLE OF WOMEN IN SUSTAINABLE RURAL DEVELOPMENT

Dr Janhavi S S,
B.Sc., LL.M., M.Phil., Ph.D.,
Chairperson,
Dept. of Studies & Research in Law,
Karnataka State Open University, Mysuru

Abstract

Prevailing status of women in society has now been recognised all over the world as an important indicator of progress of a nation. For century's women in India has been deliberately denied opportunities of growth in the name of religion and ancient socio-cultural practice. After India gained independence, though our constitution makers guaranteed equality of status to women, still they do not enjoy full equality status in the society, since long women have been deprived from decision making. Their potentials remain largely unrecognised and their contributions are often overlooked. Several factors are responsible for women's low participation; the most important are illiteracy, traditionalism, economic dependency and unfavourable political opportunity structure. However, panchayat raj system in India is aimed at mobilising the effective participation of rural at public and, especially considers women in decision making and in the implementation of rural welfare programmes. 73rd amendment has placed greater emphasis on reservation of one- third seats of members and chairpersons of rural and urban local bodies for women of all categories. To understand the reality of the accountability of it, an attempt has been made to analyse the participation of women in local self-government.

1.1 Introduction

The Status of Women in a given Society cannot be assessed in isolation from the social framework in which they live. Their status relates with the social structure, religion, family and kinship, cultural norms in a given society. The life and behaviour patterns of the women and the attitude of the society towards them are shaped and guided by traditional social cultural norms and values which are so deep rooted in the minds and hearts of the people that there seems a wide gap between the position the constitution accords to women and the position they actually occupy in the traditional society. However, the women particularly rural women are get to overcome the handicaps imposed by traditional norms and taboos and they are yet to enjoy a position of equality with their male counterparts as individual citizen as acknowledged by the constitution.¹

Since independence, many efforts have been made to ameliorate the conditions of women in different respects and the positive outcomes have been seen in different areas. Many laws have been made to protect the rights of women and many structural adjustments have been made to strengthen women's social position.² But the most alarming aspect of women's marginalisation in the decision making process in society is their relegation in the political field.³ The Constitution of India grants formal equality in the socio-economic- Political sphere but actual equality still eludes women in India. Through the constitution of grants legal equality and several laws have been passed to remove

¹ A N Panda, *Situating Indian Women* Abhijeet publications, Delhi, 2008, p-103 & 104
² Ibid at 359
³ Ibid, at 360

ISSN: 2348-8301 (Print)

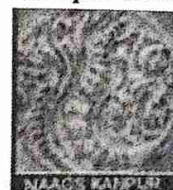
KANPUR PHILOSOPHERS

International Journal of Humanities, Law and Social Sciences Published
Biannually by New Archaeological & Genological Society Kanpur India

Vol. IX, Issue-I, June 2022

UGC Care Listed Journal

18.	ROLE OF EDUCATION IN WOMEN EMPOWERMENT- AN ANALYSIS	DR. DEEPA M.B	451
19.	WOMEN'S VISIBILITY IN DECISION MAKING PROCESS IN INDIA	DR. JANHAVI S S	459
20.	EMPOWERMENT OF WEAKER SECTIONS THROUGH BANK CREDIT – AN ECONOMIC ANALYSIS	Dr. DHANANJAYA R G	464



WOMEN'S VISIBILITY IN DECISION MAKING PROCESS IN INDIA

DR. JANHAVI S S

Assistant Professor , Dept. of Studies and Research in Political Science,
Karnataka State Open University, Mysuru

Abstract

Women have long been excluded from the political area yet in recent years women's perception in Politics has increased around the world India is not an exception to it. Despite their vast numerical strength, women occupy a marginalized position in society because of several socio-economic constrains. This has inhibited effective participation of women in political process and the institutional structure of democracy.¹ Political Participation is the hallmark of a democratic setup. From no voting rights to participation in governance and polity has been a long and arduous journey for women across the globe. Nature, success and effectiveness of a democracy largely depend upon the extent to which equal, effective and actual political participation is provided by the system to all its citizens. A democracy will fail in its objective if a vast number of women lack equal opportunity to participate in the governmental decision making process. In this paper attempt has been made to analyse the participation of Indian women in decision making process.²

Key Words: Women empowerment, Political representation of women, Decision making process, Democracy, Development of women

1.1 Introduction

The process of political participation is formed as cornerstone of any democratic system, as it is only a political means through which democracy actually comes into existence and it is only a democratic constitution which provides political rights to the men and women to actively participate in government and politics of their state. In popular perception, political participation means to take part in the political affairs of the state and influence the policy of the government. Thus political participation provides the citizens with channels of direct access to the sources of authority.³ Women's participation in the political process is central to their struggle against oppression. All the different aspects of women's liberation depend upon their ability to express their aspirations and demands politically.⁴ India being democratic country endeavour to provide the necessary conditions for greater participation of women in decision making at all levels- national to local. Participation of women is an

¹Deepak Bishoyi, 'Dimensions of Gender Problems-Policies and Prospects', Discovery Publishing House, New Delhi, 2007, p-113

²*Ibid*, at 127

³Lalnehzovi, 'Women's Development in India', A Mittal Publication New Delhi, 2007, p-58

⁴*Ibid*, at 59

IJMR

International Journal of
Multidisciplinary Research

UGC Approved Journal

tion
struction connection challenges engagement needs community inclusive engaging scientific
Science participatory
Research
foster creation
values
Society
aspirations solutions societal
science
challenges engagement needs community inclusive
engaging scientific
society

Vol. VII, Issue 4 (I) August, 2017

ISSN 2277 - 9302

INDEX

SR. NO.	PAPER TITLE	PAGE NO.
1	AN ANALYTICAL APPRAISAL OF CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970 Dr. N.Dasharath & Veerabhadraiah C.	1
2	CRITICAL ANALYSES ON LEGAL FRAMEWORK OF AGENCY/CONTRACT WORKERS IN UK AN APPRAISAL Dr. N.Dasharath & Veerabhadraiah C.	5
3	"ENTERING HINTERLANDS OF INDIA WITH TECHNOLOGY, A CHANGING PARADIGM" Prof.Radhika K.R	9
4	IMPORTANCE OF QUALITY ASSURANCE IN GENERAL Anuradha H R	13
5	CONCEPT OF BIODIVERSITY – STRATEGIES FOR CONSERVATION OF BIO-DIVERSITY Chetankumar T. M.	18
6	ARBITRATION IN INDUSTRIAL DISPUTES SETTLEMENT MECHANISM: INDIAN PERSPECTIVE Dr. Chandrakanthi.L	24
7	INTELLECTUAL PROPERTY RIGHTS. BIOPIRACY: AN ULTIMATUM TO BIODIVERSITY AND TRADITIONAL KNOWLEDGE-ISSUES AND CONCERNS. Mrs: Asmathunnisa.G & Mahalakshmi.S	27
8	STRIKE BY LAWYERS A LEGITIMATE FREEDOM IN DEMOCRACY: A CRITICAL APPRAISAL Dr.N.Dasharath	33
9	LEGAL IMPLICATIONS ON E-COMMERCE: AN INDIAN PERSPECTIVE Sridevi Krishna	36
10	ETHICAL HACKING AND CYBER LAW IN INDIA Dr. M.P.Chandrika	40
11	STRATEGIES FOR KNOWLEDGE MANAGEMENT IN LAW FIRMS Shivapriya .K	43
12	"PERSPECTIVE OF LAW AS A CATALYST FOR PUBLIC POLICY" Smt: Suma D. G	47
13	HACKING AND CYBER LAWS Preethi Harish Raj	51
14	LEGAL REGIME ON REFUSAL OF EXTRADITION Dr. Suresh V. Nadagoudar & Nataraja G.Y	54
15	ROLE OF FORENSIC TOXICOLOGY IN DELIVERING CRIMINAL JUSTICE Shivapriya .K	58
16	PRIVACY AND DATA PROTECTION IN INDIA Mrs. Shwetha P & Mr.Manojkumar V. Hiremath	63
17	ANALYSING THE INTERFACE BETWEEN COMPETITION LAW AND INTELLECTUAL PROPERTY RIGHTS Dr.Janhavi S S	66
18	QUALITY MANAGEMENT IMPACT ON SUPPLY CHAIN MANAGEMENT AND FIRM'S BUSINESS EXCELLENCE Ahemad Jahagirdar A.	69
19	RELATIONSHIP BETWEEN STUDY HABITS AND ACADEMIC ACHIEVEMENT OF B.ED. TEACHER TRAINEES Manjula Bhovi	75

ANALYSING THE INTERFACE BETWEEN COMPETITION LAW AND INTELLECTUAL PROPERTY RIGHTS

Dr. Janhavi S S

B.Sc., Ll.M., M.Phil., Ph.D.,

Chairperson, Dept. Of Law,

Karnataka State Open University, Mysuru

Abstract

Competition Law and Intellectual Property Law prima facie appear to have conflicting objectives and goals. These conflicts have in turn to be debated topic. Competition law operates towards facilitating the market growth by curbing anti-competitive practices in the market. On the other hand, IPRs confer exclusive monopoly to the proprietor. However, both regimes can thus function towards furthering innovation and consumer welfare. This paper examines the interface between competition law issues and the protection of IPRs both complementarities and conflicts.

Introduction

Intellectual Property Rights regime considered to be creating monopolies to spur innovation, while the competition law eliminates monopolies. Competition Law and Intellectual property right have evolved historically as two separate systems of law. Both pursue a common aim improving innovation and consumer welfare. The aim of competition policy in the economy of a country is to ensure fair competition in the market by way of regulatory mechanisms. It is not intended to create restrictions or constrictions that may be detrimental to the growth of the society. Its focus is the avoidance of market domination by a handful through different modes such as price fixing or market sharing cartels and undue concentration. Companies can monopolise their technologies through IPR for a limited period of time, but they cannot maintain a monopoly over the market. Intellectual property protection per se is not abusive but ironically, if it dominates over the market it is only doing a legitimate job of its purpose, namely to create to incentive for further innovation. However, when companies refrain from licensing their intellectual property to competitors, they undermine the basic tenets of competition law as well as the spirit of intellectual property protection.

Competition Law against to Monopolising of Market

The MRTP Act has become obsolete in certain areas in the light of international economic developments. It was realised by the Indian Government that many provisions of the MRTP Act and judicial pronouncement therefore, are not useful in the changing economic and social milieu of India. Therefore with the establishment of the world Trade organisation; the whole international economic environment was changed. Hence we need to shift our focus from curbing monopolies to promoting competition. MRTP Act of 1969 was replaces by a new competition Act is a natural corollary to economic liberalisation and opening up of trade to competition. Competition Law aims at maintaining productive efficiency in the market. Productive efficiency means production of output at the lowest possible cost. Monopolies are viewed as destruction to competition because in monopoly, since only one person can produce and sell a particular product, the price of the product will not be equal to marginal cost. This creates an artificial scarcity and product cost will be higher.

IPR, Competition Law and Market Efficiency

Intellectual Property law generally offer a right of exclusive use and exploitation to provide a reward to the inventor on the other hand competition law regulate near monopolies, merger and commercial agreements with the aim maintaining effective competition market, promote efficiency in the market and thus to prevent market distortions. The objective of intellectual property law is to protect innovative ideas in the form of inventions which create private monopoly rights for a limited period of time (20 years) under the TRIPs Agreement while competition law should be concerned with the use of such property rights. More precisely, competition law should be concerned only with the use and abuse of property rights that are sources of monopoly power. The general perception is that there are inherent tensions between IPRs and competition, because IPRs protection gives monopoly rights and competition law fights against monopoly in the market. But monopoly per se in the market is not anti-competitive in nature, but abuse of

ISSN.0973-3280

BANGALORE UNIVERSITY LAW JOURNAL

UGC APPROVED PEER REVIEWED
AND
REFEREED JOURNAL

Vol : 9 - No. : 2

July 2019

SALUS POPULI EST

SUPREMA LEX



SERVICE OF THE PEOPLE IS THE SUPREME LAW

SATYAMEVA JAYATE

CONTENTS

Sl. No.	Particulars	Page Nos
1.	Availability of Quia Timet orders against the powers of the Speaker of the Assembly - A Critical Analysis <i>-Prof. Dr. V. Sudesh</i>	1-11
2.	Critical Analysis on Mob Lynching – Legal Issues and Challenges for a Secular and Democratic India <i>- Prof. Dr. N. Dasharath</i>	12-18
3.	Trips waiver - If not now, then when? <i>-Prof. (Dr.)Bismi Gopalakrishnan</i>	19-44
4.	Traditional Knowledge and Intellectual Property Rights: Issues in Protection in India <i>-Dr.Valarmathi</i>	45-53
5.	Fundamental Human Rights of Women’s Reproductive Health: An Analysis from the Perspective of Gender Bias <i>-Dr.Janhavi S S</i>	54-62
6.	Status and Conditions of Police Personnel in India: Human Rights Perspective <i>- Dr. N. Sathish Gowda & Ashoka Naika B.G</i>	63-80
7.	Legal Framework Pertaining to Female Foeticide – An Assessment <i>-Dr. Jyothi Vishwanath & Mrs. Jyothi K. M</i>	81-94
8.	Euthanasia: A Legal Dichotomy Between Death with Dignity and Sanctity of Life-An Overview <i>-Dr. Chandrakanthi L. & Lokesh Naika</i>	95-105
9.	Idea of Environment under Ancient Indian Writings – An analysis <i>-Dr. Aravinda H. T.</i>	106-115
10.	Knowledge of Constitutional Rights Among Street Children: A Case study of Mysuru District <i>-Bhagyalakshmi & Maruthi, T.R.</i>	116-125
11.	Media as a Fourth Pillar of Democracy and its Implications on Good Governance in India: An Analysis of Facts, Issues, Policies <i>-Dr. Sneha Balaraj</i>	126-143
12.	Law Relating to Bio-medical Waste Management in India: An Analysis <i>-Dr. Shobha K</i>	144-151
13.	Towards Right to Education as a Fundamental Right: “Mapping of Education through the Prism of Constitutional Transformation” <i>- Deepa M. Patil</i>	152-165
14.	A Critical Study on Exceptions for Extradition of Fugitive Criminal <i>-S.B. Boregowda</i>	166-177
15.	Role of Alternative Dispute Resolution (ADR) in Settlement of Industrial Disputes in India <i>-Aakash Y. Raj & Dr.Divya D.V.</i>	178-187

**FUNDAMENTAL HUMAN RIGHTS OF WOMEN'S
REPRODUCTIVE HEALTH: AN ANALYSIS FROM THE
PERSPECTIVE OF GENDER BIAS**

*-Dr. Janhavi S S**

INTRODUCTION

A Woman is the mother of the race and the future of all generations women constitute one-half of humanity, and they are the pilot around which the family moves.¹ Women are considered foundation of the human society from every angle without the active and significant role of women no family can be imagined. Thus they are the base stone of a nation, family being authority of it.² Down the ages women have been accorded a low status in the society and they have been treated as secondary citizens. Indian constitution has given equal rights to its citizens and recognizes that there would not be discrimination based on the casts, religion and sex.

In Indian society from the time immemorial the sex disparity or discrimination prevails. Women suffer subordination of men in every sphere of life. They hardly can enjoy the human rights in male dominative society. Still in reality, it is found that the women's status is secondary in society. It gets reflected through various development indicators Women's Reproductive health is one such area.

Health is one of the important indicators that throw light on society's attitudes towards women. Declaiming sex ratio, increasing number of sex-selective abortions, declining nutritional status of women of all age groups is alarming rates of violence against women are some issues of concern.³ This has led to a low priority being accorded to their health needs moreover women have think that their family is first and of themselves later. So they often neglected their own health in favour of that of their family. Women rarely go for preventive health check-ups and often "live with their health

*Assistant Professor, Department of Studies in Law, Karnataka State Open University, Mysore, Karnataka

¹ Anjana maiyra Sinha, *Wome in a changing Society*, Ashish Publishing House, New Delhi, 1993, p-139

² Jyothi May Mandal, *Women and Reservation in India*, Kalpaz publications, New Delhi, 2003, p-605

³ Bishnu.c Bari.k Pushpesh Kumar S Sarode, *Gender and Human Rights, Marratives on Macro-Micro Realites* Ramat Publications, 2010, p-107

ISSN.0973-3280

BANGALORE UNIVERSITY LAW JOURNAL

UGC APPROVED PEER REVIEWED
AND
REFEREED JOURNAL

Vol : 9 - No. : 1

January 2019

SALUS POPULI EST

SUPREMA LEX



SERVICE OF THE PEOPLE IS THE SUPREME LAW

SATYAMEVA JAYATE

CONTENTS

Sl. No.	Particulars	Page Nos
1.	Is Sexual Harassment in Higher Education Institutions a Myth or Reality?: A Legal Study <i>-Prof. (Dr.) T.R.Subramanya and Ms. Aruna L</i>	1-16
2.	International Rivers: Challenges Posed by the Threat of Climate Change to India and Her Neighbours <i>-Shri. Mohan V. Katarki</i>	17-26
3.	Cyber Security Laws Regulating E – Commerce Sector in India <i>-Prof. Dr. Suresh. V. Nadagoudar and Ravindra K. Rajput</i>	27-36
4.	Revisiting the Ancient Idea of Corporal Punishment in Schools: In the Best Interest of the Child <i>-Dr. Kim Rocha Couto</i>	37-52
5.	The Myth of Legal Protection of Women Workers in the Construction Sector: An Analysis of the Land Mark Judicial Developments <i>-Dr. Sapna S</i>	53-72
6.	Law Relating to Conservation and Management of Forest Resources in India: An Analytical View <i>-Dr. Aneesh V. Pillai</i>	73-87
7.	Child Labour Hampered the Development of Nation: Issues and Challenges Ending Child Labour in India <i>-Dr. Janhavi S S</i>	88-96
8.	Right to Safe Food in India - An Unending Litany <i>-Dr. N. Sathish Gowda & Sumithra. R</i>	97-114
9.	Montevideo Programme: As an Action Plan <i>-Dr. Jyothi Vishwanath and Sumanth H.M</i>	115-120
10.	Legal Regime on Human Trafficking in the Dark Net in India: An Analysis <i>-Dr. Chandrakanthi L. and Tito Paul</i>	121-141
11.	Women Empowerment in India: An Overview of 73 rd Amendment <i>-Dr. C.R Jilova</i>	142-148
12.	Rights of Female Prisoners under Indian Constitution: An Analysis <i>-Dr C.B. Ranganathaiah</i>	149-155

CHILD LABOUR HAMPERED THE DEVELOPMENT OF NATION: ISSUES AND CHALLENGES ENDING CHILD LABOR IN INDIA

*Dr. Janhavi S. S. **

Introduction

Children are the pride of a country. A country gain recognition and glory through them. They have an important role to play in future and may also guide the destiny of the nation along with the path of progress and achievement. But children are the most vulnerable resources of the nation and they deserve the best that mankind give. Child labour is a global phenomenon, it exists both in the developed and underdeveloped countries. Urbanization, coupled with industrialization, has thrown more and more population with the countryside to cities. The first four decades of Indian independence witnessed a significant increase in the pace of urbanization. This sort of urban growth proved obnoxious for children and they became the most vulnerable group of its ill and risks. Maltreatment of children started with the joining of children in the labour force to save parents from starvation¹. However, children need to grow in an environment that enables them to lead a life of freedom and dignity, where opportunities for education and training are provided to grow into a worthy citizen. Every child has the right to receive the best that society can offer. Thus, unfortunately, a large proportion of children are deprived of their basic rights are found working in various sectors of the economy². Regarding child labour, India occupies the top rank among the neighboring countries in the south Asian region. Most probably, the number of child workers in India is the highest in the world, in spite of the protection provided by the constitution state and central legislations child labor is still prevalent in the informal sectors of the Indian economy.

According to ILO 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 separate from their families, frequently deprived of meaningful education and training

* Dr. Janhavi S S, B.Sc., LL.M., M.Phil., Ph.D., Assistant Professor, Department of Studies in Law, Karnataka State Open University, Mysore, Karnataka.

¹ Debadutta Chaudhury S N Tripathy, 'Girl Child and Human Rights', Anmol Publications Pvt. Ltd. New Delhi, 2005, p-84 & 85

² C. P Yadav, 'Policies and Legislation for children in India', Anmol Publication Pvt., Ltd, New Delhi, 2008, P-57.

ISSN 2455 - 0019

Vol. 3, Issue 2 - 4

INTERNATIONAL RESEARCH JOURNAL OF SOCIO - LEGAL STUDIES

(A Peer - reviewed Quarterly Journal)

April - December, 2018

EDITOR

DR. RASHEED SHAIKH

Principal, M.C.E. Society's, A.K.K. New Law Academy & Ph. D. (Law) Research Centre, Pune &
Former Dean, Faculty of Law, Savitribai Phule Pune University, Pune

M.C.E. Society's

**A.K.K. NEW LAW ACADEMY &
PH. D. (LAW) RESEARCH CENTRE, PUNE**

(A Law College Aided by Government of Maharashtra, Accredited by NAAC)
(Affiliated to Savitribai Phule Pune University, Pune, Approved by the Bar Council of India
and Recognised u/s 2(f) & 12 (B) of the UGC Act, 1956)



CONTENTS

ARTICLES

- Self-Help Groups (SHGs) and Women Economic Empowerment 001
Dr. Janhavi S. S.
- Indian Legislative Provisions and the Freedom of Press 007
Dr. Tejaswini Malegaokar
- Intellectual Property and Impediments to Future Growth of
Intellectual Property Rights (I.P.Rs.) 012
Dr. P. Ashokkumar
- The Scavengers : Beneficiaries of Economic Reforms of 1991 with
Special Reference to the Prohibition of Employment as Manual
Scavengers and their Rehabilitation Act, 2013 018
Dr. Kashinath S. Neharkar
- Right to Privacy : A Constitutionally Protected Value 027
Dr. Manish Sonawane
- Subversion of Federal Structure : A Study of Imposition of Presidential
Rule in India 032
Dr. Pratapsinh B. Salunke
- Status and Debatable Need of Restrictive Covenants in Employee Bonds 038
Adv. Shrikant Malegaonkar
Dr. Vinaya Bhosale
- Desire of Male Child – A Reason of Female Foeticide 047
Mr. Rahul N. Bibave

SELF - HELP GROUPS (SHGS) AND WOMEN ECONOMIC EMPOWERMENT

Dr. Janhavi S. S.

Mahatma Gandhi states that the position of women in the society is an index of its civilization. "Train a man and you train an individual, Train a woman and you build a nation".

1.1 Introduction

Framers of Indian Constitution were convinced that gender-equality was crucial for national development. The constitution of India declares in its preamble the desire to secure justice that is- social, economic and political, and to secure equality of status and opportunity.¹ Economic independence is considered to be the major means to achieve social and political empowerment. Economic empowerment of women enables them to take part in decision making process with regard to raising and distribution of resources i.e., income, investment and expenditure at all levels.²

Self-Help Groups (SHGs) is considered as one of the most significant tools in participatory approach for the economic empowerment of women. In a country like India lot of women and girls experience heightened violence and discrimination because of poverty, they are less likely to access basic services such as education and employment opportunities compared to men. This lack of access to vital services and programs contributes to their marginalization and exclusion, which perpetuate a cycle of poverty among them. Through SHGs the poor women especially rural women can ensure access to banking and financial services which reduces their dependence on men, and raising the level of income and standard of living of poor rural people.³

Objectives

The objective of this paper is to evaluate the level of economic empowerment of women through Self-Help Groups (SHGs).

Methodology

The study used secondary data for analysis according to the objectives set out in the study. To understand the impact of Self-Help Groups (SHGs) in empowering women in rural areas a secondary data were collected from various books, journals, web sites etc.

Statement of the Problem

Women in rural area are ignored and neglected. Therefore, rural development activities