

**Academic Year 2018-19**



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



ISSN 2277 - 5730

AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

AJANTA



Volume-VII, Issue-III  
July - September - 2018  
English Part-III

IMPACT FACTOR/ INDEXING  
2018 - 5:5  
[www.sjifactor.com](http://www.sjifactor.com)

Ajanta Prakashan

ISSN 2277 - 5730  
AN INTERNATIONAL MULTIDISCIPLINARY  
QUARTERLY RESEARCH JOURNAL

# AJANTA

Volume - VII Issue - III English Part - III July - September - 2018

**Peer Reviewed Referred  
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Journal No. 40776



ज्ञान-विज्ञान विमुक्तये

**IMPACT FACTOR / INDEXING**

**2018 - 5.5**

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

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**Ajanta Prakashan**

Aurangabad. (M.S.)

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## 11. The Hindu Women Right to Property Act 1937, Issues and Challenges of Women's Right to Property and the Role of Advisory Jurisdiction of Federal Court

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### Abstract

The present paper is based on Hindu women's right to property act 1937; this act has been enacted to give property rights to Hindu widow whose husband dies intestate. The present paper would evaluate the status of Hindu women in the matters of property rights. The paper would also evaluate the role of federal court in protection of property rights of Hindu women through its interpretation. The paper will also discuss the technical aspects connected to the advisory jurisdiction of federal court in particular and advisory jurisdiction in general.

**Keywords:** - Hindu, Women, Property, Rights, Advisory Jurisdiction, Federal court etc.

### Introduction

The traditional Hindu law of property does not provide any property right to Hindu women; women were subjected to several limitations and restrictions which lead towards the subordination of women in family, society. Women were reduced to the level of slave as mentioned and mandated by the Manu in Manusmriti. The daughter's equal right to property was denied. Daughter's right to property was ensure in restricted manner subject to certain conditions to inherent property if she is **Putrika** means having no brother.

All the Smritis and Smritikaras have acted in negative manner towards the rights of the women; whatever rights to property were granted to women was highly restricted. The concept of Limited property was very much in existence. Women in India before British rule were entitled with the concept of Limited property. The property can only be enjoyed by women during her life time and after her death the property reverts back from where it comes to women.

The traditional Hindu society was deeply rooted in patriarchy, which was very effectively implemented in India. The social status of women was the outcome of patriarchy and furthers it resulted into the legal subordination and denial of legal rights to women. The women were always subjected to supervision of some male member of the family. She was not allowed to leave independent without supervision of male counterpart. The condition of women was

engineered to protect male Supremacy up to certain extent and to the large extent part of subordination of women is dealing with protection of cast system in India.

The condition of women has improved with the positive intervention made by the social reformer with the help of the British government during the process of social reforms in India many progressive initiatives were adopted by the than government.

The formal introduction of personal law was made by the British government in India. The first law relating to marriage, inheritance, divorce, adoption etc. was covered by the Bengal Regulation Act of 1872. The Bengal Regulation Act provides provision for application of religious mandate for personal matters such as Shastras for Hindus and Quran for Muslims. the right to property which was provided by the Hindu Smritikaras is mainly focused on the Stridhan, it was treated as woman's exclusive property on which women were having complete control apart from the Stridhan she was not entitle for any substantial right to property.

### **Hindu Women's Right to Property Act 1937**

This act was passed by the than British government in 1937 and same was amended in 1938. The act in its Preamble very specifically provides that whereas it is expected to amend The Hindu law to give better right to women in respect of property. The intention of Legislature is reflected through Preamble in which it is very categorically mentioned that the act provides property right to women. The legislature wanted to minimize subordination of Hindu women in the matters of property rights.

The act was acted against all traditional customary practices which protect patriarchy and property right to men only and thereby denies property right to women. The right to property which was recognized by the present act, is also not recognized all property rights at par with men on equal footing but a partial right to property was introduced by section 2 of the act. section 2 of the act provides exclusion of all laws or custom which are contrary to this act, which recognizes property right to Hindu women whose husband dies intestate leaving a widow.

Section 3 of the act mainly provides right to property to women. the section 3 of act makes separate provision for women who belong to the Dayabhaga School and those who belong to other than Dayabhaga school in both cases act provides right to property to women whose husbands die intestate. Apparently this act recognizes property right to Hindu women but in reality the act recognizes limited property right which is known as Hindu women's estate.

Hindu women's right to Property Act 1937 was one of the reformative majors, though it was not very revolutionary. But certainly it helps women to change their condition of widowhood. The women's estate has been converted into Stridhan by section 14 of the Hindu Succession Act 1956. Any property that a Hindu female will get after June 17, 1956, will be her

absolute property once specifically given to her with limitations. The *women's estate over which she had possession when the act came into force (June 17, 1956 ) is converted into her absolute estate and reversion is still relevant in respect of property over which she had no possession when act come into force.*

Hindu Succession act was enacted by the Parliament of India after diluting *Hindu code bill* which was prepared by Dr B.R. Ambedkar. The Hindu code bill ensures equal right to property to Hindu women along with man. Dr Ambedkar was strongly opposed by the male hegemony in Indian society which reduces women to slave. Dr Ambedkar had struggle much due to the strong resistance from the Citadel of upper caste Hindu.

The Hindu women's right to property was referred by the governor general to the then federal court which was provided its **advisory jurisdiction under section 213 of the Government of India Act 1935**. From 1935 to 1950 there were total four references which were referred by the governor general for legal opinion of the federal court, they are as follows,

- 1 CP Berar motor spirit reference
- 2 Hindu women's right to Property Act reference
- 3 Allocation of lands and building reference
- 4 Levy of state duty reference.

The federal court has contributed its valuable share in above-mentioned references. The Federal Court has contributed for better understanding of legal technicalities in laws and making of laws. The opinion expressed by the federal court has been accepted and enforced by the present Supreme Court of India in many cases. The Hindu women's right to property act reference had been upheld by the court in its advisory jurisdiction in 1941. The court while determining reference gave rise to several legal doubts and difficulties regarding present law. The court finally mentioned that the reference can be constitutionally implemented. The court through its opinion upheld the validity of the act and thereby set the doctrine of precedent for government and for itself. The opinion made by the court cannot be construed as the final law. It cannot be accepted in all circumstances as final law without any challenge to it in future. In **Umayal Achi** case the same federal court had overrule its previous opinion and held that the Hindu women's right to property act 1937 is unconstitutional. The federal court had declined to accept the doctrine of precedent sat by itself in its advisory opinion.

### Conclusion

The Hindu women's right to Property Act 1937 can be seen as reformative measure adopted by the British government under the then prevail stereotype society. The federal court had contributed its valuable contribution through its advisory jurisdiction. The validity of the Act

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was the matter of great difficulty because of the legal technicalities and also with regard to social acceptability. The court had overcome from all difficulties and finally gave its validity.

The Hindu women's right to Property Act 1937 and the reference which was made by the governor general to Federal Court has laid down very classic example regarding advisory jurisdiction in which the federal court has expressed its opinion in favour of the act. After four years of its opinion the Act was challenged before same federal court in **Umayal Achi case**, the Court has come up with new interpretation and conclusion thereby the Federal Court has overruled its doctrine of precedent sat through Advisory Jurisdiction.

The Federal Court has set the principle and example to succeeding Supreme Court of India. The opinion expressed by the court in its advisory jurisdiction is not binding precedent. The court as and when things fit to change its previous opinion the same can be done by the court without any limitation and thereby the federal court overrule its advisory opinion. The Supreme Court of India in **Bengal immunity tigers case 1955** has categorically discuss concept of doctrine of precedent with regard to power of over ruling of its previous decisions. The supreme court of India has interpreted doctrine precedent inclusive with the power of over ruling of its previous decisions and opinions.

The advisory opinion of the federal court in Hindu women's right to Property Act 1937 has given answer to many jurisprudential questions regarding advisory opinion and its value as well as its binding force as the doctrine of precedent. The opinion express by the federal court is still relevant and can be accepted without making any deviation in its letter and spirit with regard to the doctrine of precedent and its overruling.

#### **Footnote**

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**ISSN 0976-0377**

RNI. MAHMUL02805/2010/33461

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# **INTERLINK RESEARCH ANALYSIS**

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# INTERLINK RESEARCH ANALYSIS

**UGC APPROVED, REFEREED & PEER REVIEWED RESEARCH JOURNAL**

**Issue : XVIII, Vol. VI  
Year - 09 (Half Yearly)  
(Jan. 2019 To June 2019)**

**Editorial Office :**

'Gyandeept',  
R-9/139/6-A-1,  
Near Vishal School,  
LIC Colony,  
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Dist. Latur - 413531,  
(Maharashtra), India.

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**Publisher :**

Jyotichandra Publication,  
Latur, Dist. Latur-413531  
(M.S.) India

**Price: ₹ 200/-**

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7

Research Paper - Physical Education

आजचे जीवन हे फार घकायकाचे जीवन आहे. प्रत्येकाचे राहणीमान उंचालवलेले आहे. त्याच बरोबर शारीरिक स्वास्थ्यही बिघडलेले आहे. तटपटीत खाणे, फास्ट फुड कडे असलेला ओढा आणि आज ज्या प्रकारचे अन्न, फळे, दुधीत माज्या आन्ही खातो आहेत त्यामुळे आमचे शरीर विषमय होत आहे. कृत्रीम दुध, कृत्रिमरित्या पिकविलेले फळे, विदेशी खत जे टाकून घान्य व माज्या पिकविले जाते आज शेणखत, सोनखत यांचा वापर तर कोणी करतच नाही व करताना दिसतही नाही. कारण या खताने जास्त माल उत्पादीत होत नाही. परंतु सुफला, गुरिया या सारख्या खताने जास्त माल उत्पादीत होते. त्यात पुन्हा झाडांची कसल जास्त प्रमाणात होत असल्याने वातावरणात उष्णता जास्त प्रमाणात निर्माण होऊन अनेक वेळा अवेळी पाणी येणे, महिना महिना सूर्य दर्शन न होणे किंवा पाऊसच अत्यल्प पडणे या मुळे वातावरण दुषित होऊन मनुष्याला हृदयरोग, मधुमेह, अस्थमा उच्च-कमी रक्तदाब व अन्य व्हायरल इनफेक्शन वा आजारांना मनुष्य कधी बळी पडतो हे कळतच नाही. याचे कारण म्हणजे मनुष्याच्या प्रतिकार शक्तीचा होणारा न्हास. प्रतिकार शक्ती वाढवून या सर्व आजारांशी सामना करण्याची शक्ती निर्माण करणे अत्यंत आवश्यक आहे.

स्त्रियांना पूर्वी जेवढे कष्ट व्हायचे तेवढे आजच्या स्त्रियांना होत नाहीत. पूर्वी स्त्रियांना दळण-काडन, विहीरीचे पाणी ओढणे, धुणे-मांडे ही सर्व कामे करावी लागतात. त्यामुळे त्यांना नैसर्गिकच व्यायाम होत होता. आज या उलट कपडे धुण्यासाठी वॉशिंग मशिन, पाणी भरण्याचे काम मशीन करते, काही घरी स्वयंपाक, झाडझुड, पुसपास या सर्वच कामाकरिता नोकर असतो. मग यात नोकर करणाऱ्या स्त्रिया असोत की, श्रीमंत घरच्या स्त्रिया असोत. स्त्रियांनी स्वतःच्या आरोग्या कडे लक्ष देणे जरूरी आहे.

प्रत्येक स्त्रीला आपण सुंदर दिसावे, आपले शरीर बांधेसुंद असावे, सडपातळ असावे असे घाटते. मग यात लहान मुली, तरुणी, प्रौढ व वृद्ध स्त्रियाही येतात. सहसा ४० ओलांडली म्हणजे स्त्रीयां जाड व्हायला लागतात मांड्या, पोट, दंड यावर सर्वात जास्त मेद जमा होतो व शरीर वेढव



दिसायला लागते. मग सधेत होऊन स्त्रिया वेळ काढून जीम किंवा यांगाचे क्लॉसिंग ज्यॉइन्ड करण्याचा प्रयत्न करतात यात घरच्या कामाने कधी जाणे होते तर कधी जाणे होतही नाही. कारण घराकडे, मुलांकडे लक्ष द्यावे लागत असल्याने त्यांची तारोबळ उडते. अशा अवस्थेत तर घरच्या घरी पहाते किंवा संध्याकाळी थोड्या वेळात घरच्या घरी व्यायाम होत असेल तर किती चांगले होईल असे वाटायला लागते.

अशा अवस्थेत 'घागर मे सागर' या म्हणीप्रमाणे छोट्या प्रमाणात परंतु संपूर्ण शरीराला व्यायाम देणारा व्यायाम म्हणजे सूर्यनमस्कार होय. या सूर्यनमस्कारात एकूण १२ आसने येतात व ही आसने अशीच आहेत की एकट्या सूर्यनमस्काराने शरीराला संपूर्ण व्यायाम मिळेल. या सूर्यनमस्काराला अष्टांगसूर्यनमस्कारही म्हणतात. कारण सूर्यनमस्कारामध्ये शरीराच्या आठही अंगांना जमीनीला स्पर्श होऊन व्यायाम मिळतो.

औषधे राजे श्रीमंत मगवानराव संतप्रतिनिधी यांनी या व्यायामाचा पुरस्कार केला होता. ४० - ५० वर्षांपूर्वी नमस्काराच्या व्यायामाची महाराष्ट्रात एक फार मोठी लाट आली होती. तशी लाट पुन्हा येणे ही आजच्या काळाची गरज आहे. कारण आजचे तरुण व तरुमीही दिशाहीन आहेत. व्यायामापासून दूर आहेत व त्यामुळे आकारहीन आहेत. शरीराला आकार देणारा सूर्यनमस्कारच आहे. सूर्यनमस्कार हा छाती उठावदार करणारा व स्नायु बळकट करणारा आहे. सूर्यनमस्कार सहज एखादे सवित्र योगात्म्याचे पुस्तक घेतल्यास उपलब्ध होणारा व स्वतः करता येणारा असा व्यायाम आहे.

**महिलांनी सूर्यनमस्कार घालण्या आधी काही गोष्टी लक्षात ठेवाव्यात.**

- १) फोट स्वच्छ असावयास हवे.
- २) ताप असतांना सूर्यनमस्कार घालू नयेत.
- ३) मसिक घर्म सुरु असतांना सूर्यनमस्कार घालू नयेत.
- ४) मन शांत व विचार-तनाव रहित करूनच सूर्यनमस्कार घालावेत.
- ५) सूर्यनमस्कार सूर्योदयाच्या वेळेस किंवा सूर्योदया आगी घालावेत. शक्य न झाल्यास जेवणानंतर चार तासांनी घालावयास हरकत नाही.
- ६) आठ वर्षांच्या मुलींपासून पुढे वृद्ध अवस्थे पर्यंत सूर्यनमस्कार घालता येतात. या संदर्भात ऋषभप्रदीपिका मध्ये पहिल्या अध्यायात एक सूत्र दिलेले आहे.

**युवा वृद्धोऽतिवृद्धो वा व्याधितो दुर्बलोऽपि वा ।**

**अभ्यासात् सिद्धिमाप्नो सर्वे योगेष्वतन्दितः ॥ १**

तरुण असो, वृद्ध असो, अतिवृद्ध असो, रोगी असो किंवा दुर्बल असो आळस सोडून अभ्यास करणाऱ्याला यश प्राप्त होऊ शकते.



- ७) सूर्यनमस्कार हा शरीराला इष्टके व वेदा संव गतीने घालावेत.
- ८) सूर्यनमस्कार करण्याआधी शीतसर कपडे परिधान करावेत. जसे खोळाकृष्या ट्रेकसुट, पंजाबी ड्रेस किंवा स्लॉपर.
- ९) महत्त्वाचे म्हणजे बाळांतपण जर सामान्य झाले असेल तर दिठ ते दोन महिन्यांनी सूर्यनमस्कार घालण्यास सुरवात करावी. जर शस्त्रक्रिया झाली असेल तर सहा महिन्या नंतर कोणताही त्रास राहिला नसेल तर सूर्यनमस्कार घालण्यास सुरवात करावी.\*

### सूर्यनमस्कार कुठे घालावेत ?

- १) भगीच्यात खुली व स्वच्छ जागा असल्यास तेथे घालावेत.
- २) घरात एखादी मोठी खोली व मोकळी अशी जागा असल्यास तेथे सूर्यनमस्कार घालावेत. झिडकी उघडी ठेवावी. पंखा वेगास ठेऊ नये. शरीराला धाम रोणे गरजेचे असते. त्यामुळे शरीराची छिद्रे मोकळी होऊन शरीराला प्राणवायू मिळू शकतो.
- ३) घराच्या किंवा अपार्टमेंटच्या दर गळी असल्यास व त्यास कठडे असल्यास त्यावर सूर्यनमस्कार घालावेत.

### सूर्यदेवाची १२ नावे व त्यांचा अर्थ \*

- १ ऊँ मित्राय नमः। (सर्वांचा मित्र अशा सूर्याला नमस्कार)
- २ ऊँ रवये नमः। (चमकणाऱ्या सूर्याला नमस्कार)
- ३ ऊँ सूर्याय नमः। (सूर्याच्या कृपेकरिता नमस्कार)
- ४ ऊँ मानेव नमः। (प्रकाश देणाऱ्या सूर्याला नमस्कार)
- ५ ऊँ खगाय नमः। (आकाशात भ्रमण करणाऱ्याला नमस्कार)
- ६ ऊँ पुष्णे नमः। (शक्ती प्रदान करणाऱ्याला नमस्कार)
- ७ ऊँ हिरण्यगर्भाय नमः। (स्वर्ग व ब्रह्मांडाच्या स्वामीला नमस्कार)
- ८ ऊँ मरिचये नमः। (दिवसाच्या भगवंताला नमस्कार)
- ९ ऊँ आदित्याय नमः। (अदितीच्या पुत्राला नमस्कार)
- १० ऊँ सवित्रे नमः। (निर्माण करणाऱ्या देवतास नमस्कार)
- ११ ऊँ अर्काय नमः। (सुधात्र अशा सूर्यास नमस्कार)
- १२ ऊँ भास्कराय नमः। (प्रकाश निर्माण करणाऱ्या देवतास नमस्कार)

अशा प्रकारे एक सूर्यनमस्कार १२ आसनात व १२ अंकात घालतात.

सूर्यनमस्कार म्हणजे भगवान सूर्यनारायणाला अष्टांगानी घातलेला नमस्कार होय. प्रातःकाली पूर्व दिशेला तोंड करून अत्यंत शांत चित्ताने भगवान सूर्यनारायणाची स्तुती करीत सूर्यनमस्कार घालण्याची परंपरा आहे. अशा प्रकारे या व्यायाम पध्दतीला धार्मिक अधिष्ठानही आहे.\*



एक सूर्यनमस्कार घालताना सूर्याची १२ नावे घेतल्यास सूर्यनमस्कार स्मृती करीत सूर्याची १२ नावे घेतल्यास सूर्यनमस्कार जास्त परिणाम कारकरित्या होत असतो, परंतु हे १२ नावे घेत सूर्यनमस्कार करताना कठीण वाटत असेल तर हात जोडून सूर्यदेवाला नमस्कार करून सूर्यनमस्कार घालण्यास सुरुवात करावी. सूर्यनमस्कार किमान १२व कमाल १०८ सूर्यनमस्कार घालतात. आपली कार्यक्षमता वाढली म्हणजे आरोग्याच्या दृष्टीने जास्त सूर्यनमस्कार घालण्यास सुरुवात करावी. म्हणजे शरीरास धाम यायला लागेल व शरीरातील व्याय्य पदार्थ घानावाटे बाहेर पडेल.

सूर्यनमस्कारात एकूण १२ आसने असल्याने संपूर्ण शरीराला व्यायाम मिळतो शरीर ताणल्या जात असल्याने उंची वाढण्यास मदत होते व कुठ लोकांना त्यांचा शरीराचा डाळांचा दबाव जसाचातसा राहण्यासाठी मदत होते. घोट, मांडया दंड यावरील मेंदू कमी होण्यास वा १२ आसनांनी मदत होईल. कंबर, मान, पाठीचा कणा हा ताणल्या जात असल्याने त्यातील रोग किंवा दुखणे दूर होण्यास मदत होईल. जसे कंबर व मानेचा स्पॉन्डिलायटीस शरीरातील अन्य अवयव जसे किडनी, फुफ्फुस, हृदय, आतडे, जठर व अन्य अवयव यांना आराम मिळून त्यांची कार्यक्षमता वाढेल.

सूर्यनमस्कार घालीत असतांना श्वास व उच्छ्वास जास्त प्रमाणात होऊन शरीरात प्राणवायु जास्त प्रमाणात मिळेल व ऊच्छ्वासा द्वारे कार्बनडॉय ऑक्साईड बाहेर पडण्यास मदत होईल. यातील भुजंगासनामुळे छाती उठावदार होते. ४० वर्षां नंतर स्त्रियांचे पडलेले शरीरातील अवयव मजबूत होण्यास मदत होते. हात-पाय, गुडघे मजबूत होऊन घापघवाची क्रिया सुधारण्यास मदत होईल व मुकही चांगली लागेल.

ऊँ च्या उत्थाराने मेंदू उत्तेजित होतो. रक्त शुद्ध होऊन रक्ताभिसरण उत्तम होण्यास मदत मिळेल. सांधे, हाडे लवचिक बनतील. संपूर्ण शरीर सूर्यनमस्काराने ताणल्या गेल्याने पाठीच्या कण्यातील मुख्य नस व अन्य नसा मोकळ्या होऊन त्यांचे काम सूचारू रूपाने होण्यास मदत होते. मास्तिष्क ताजे होऊन स्मरणशक्ती वाढेल, रजोदोष दूर होतील व वयोमानाने होणारी चिडचिडही कमी होण्यास मदत होईल.

या व्यायामाने प्रतिकार शक्ती वाढून रोग नाहीसे होण्यास मदत होते व येणाऱ्या रोगांचा प्रतिकार करण्याची क्षमता वाढते. प्रदूषित वातावरणामुळे येणारे व्हायरल इनफेक्शन होण्यापासून बचाव होईल. सांधीवात, लकवा, हार्टअट्याक, ब्लड प्रेशर व अर्वागवायु या सारखे आजार सूर्यनमस्कार नियमित केल्याने होणार नाहीत.

सूर्य हा उर्जा देणारा ग्रह आहे. तर पृथ्वी हा एक गुरुत्वाकर्षणाचा ग्रह आहे. यामुळे १२ आसनातील एक महत्वाचे आसन म्हणजे अष्टांगनमस्कारासन (सांस्टांगनमस्कारासन). या आसनात कपाळ, छाती, दोन्ही हात, दोन्ही पाय व दोन्ही पायांचे गुडघे असे ८ अंग जमीनीला स्पर्श करतात तेंव्हा शास्त्रीय दृष्ट्या आपल्या शरीरात काही बदल होत असतो. जमीनीला जेव्हा आठ अंगे टेकतात





तेव्हा मानवी शरीरात अधिक प्रमाणात निर्माण झालेला विद्युत प्रवाह पृथ्वी आकर्षित करून घेते व विद्युतने प्रमाण कमी करते. जर हेच विद्युत प्रमाण शरीरात कमी झाले असेल तर ते या आसनात शरीरात प्राप्त होते.\* अशा तऱ्हेने आरोग्य संवर्धनास या क्रियेमुळे मदत होते. सूर्यनमस्काराची संख्या वाढविण्याचा प्रयत्न करताना व रोग व डॉक्टर दूर ठेऊन पैसे वाचवून फुफट मिळणारे फायदे उचलावेत. सूर्यनमस्कार महिलांना नवजीवन देणारा आहे.

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SRJIS

ISSN -2319-4766



An International Peer Reviewed

Referred Quarterly

# SCHOLARLY RESEARCH JOURNAL FOR INTERDISCIPLINARY STUDIES

OCT-DEC, 2018, VOL.7, ISSUE -38

EDITOR IN CHIEF : WASHPALDI INETRAGAONKAR, PHD

*AN INTERNATIONAL, PEER REVIEWED, QUARTERLY*  
**SCHOLARLY RESEARCH JOURNAL FOR INTERDISCIPLINARY  
STUDIES**

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An International, Peer Reviewed, & Referred Quarterly  
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## **GENDER NEUTRALITY CHALLENGES TO SECTION 497 OF IPC AND MIND SET OF PATRIARCHY SYSTEM IN CONTEMPORARY SOCIETY**

**Asst. Prof. Mitha. M. S**

*Rajarshi Shahu Law College Barshi Solapur*

Gender neutrality (adjective form: gender-neutral), also known as gender-neutralism or the gender neutrality movement, describes the idea that policies, language, and other social institutions should avoid distinguishing roles according to people's sex or gender, in order to avoid discrimination arising from the impression that there are social roles for which one gender is more suited than another.

Section 497 states that if a man has sexual intercourse with a married woman without her husband's consent, he is punishable by law and could be imprisoned for five years or more and fine.

The petitioners want the adultery law to be made gender neutral as the man to be punished in case of adultery, but no action is suggested for the woman

As per Section 497, a woman whose husband has had sexual intercourse with another woman cannot file a complaint because the law makes no such provision for her.

However women are an object because no consent of the married woman is required for a man to have sexual intercourse with her. If the woman's husband agrees, the act is not a crime and hence it is anti-women law and violated Articles 14 and 21 of Constitution of India.

Adultery can be ground for civil action with dissolution of marriage but it cannot be a criminal offence. The Justice Verma Committee of 2012 underlined the need for India to recognize different sexual orientations and recommended inclusion of transgender along with other genders, i.e. men and women while drafting gender-neutral laws. But each should be distinctly and separately as victims.

In western countries, women are also perpetrators and it gets reported there.

There is violence against women in India and offence against women is increasing day by day but conviction rate is less. Which reflects the imperfect enforcement system.

Also there is dominance of patriarchy system in society. Even though there are beneficial laws in favour of women in de jure but in de facto they are always secondary to men for example succession laws in favour of daughter. Rape, gang rapes, sexual harassment, domestic violence, custodial violence, adverse sex ratio, dowry-related murders of young brides, molestation are among the forms of violence that women face in India.

In the garb of gender neutrality the dominant patriarchal system wants to take benefit. There is no change in mind set of society towards women, no equality is followed. Without changes in society, gender neutral language in law will amount to injustice to vulnerable women. Positive discrimination jurisprudence of our Constitutional will defeated if special protection is not granted to women. In western Countries there is equality in all spheres which does not exist in India. So that criteria can not be applicable to claim equality. There should be reasonable classification depending on the women situation in society, crimes against women. The aim of law is to give justice to all. If suppose the laws are misused by women that can be restrained by making perfect laws.

If one requires equality, then change should be made in tradition about the going of wife to husband's house after marriage. Many offences against women will end and men can know about the difficulties which are facing by present women. After such change one should speak about gender equality and neutrality in all laws.

This campaign will not stay here only, it will continue in all sphere of law. This campaign will oppose domestic laws, all crimes where they want gender neutrality. Women are always

secondary to men. She has less bargaining powers. This campaign reflects the dominance of patriarchal system which does not want to protect the women.

The criminal laws are misused in the garb of equality. There is a contradiction about the behaviour of the society which demands gender neutrality in criminal laws but not interested to give the gender justice in society to the women's in other laws of property reputation empowerment to the woman. One can argue supporting the gender neutrality in criminal laws from the point of view of punishment but one should think the rate of conviction under women beneficial laws.

Then only one will come to the conclusion about the proper time to introduce gender neutrality laws. The patriarchy system does not campaign against injustice to the woman because it is against there philosophy the campaign of gender neutrality represents another way of exploitation by introducing equal laws in in adultery laws one should easily observe that Womens are insecure in society and men are not raped. If general neutrality is applied in criminal laws then we have to change all other criminal laws for example rape ,domestic laws. etc.

One cannot deny that men also victim by the women in many offence. Due to position of women in society and the rates of crime against women which is more compared to man it is to be considered to codify each victim separately and burden of proof is the very difficult question in such cases even though if one considers that it is right time for introducing gender neutrality in criminal laws then other side of the society should also treat women equally in decision making powers property and same matrimonial rights after marriage such as she can demand the husband should reside at wife's house it is observed that claim of the daughters are surrendered in favour of sons and it is not observed vice versa. In such situation the woman has less bargaining powers so she needs positive discrimination and dignity should be prevailed and protected respected which is mentioned in Preamble of our constitution. This campaign of gender neutrality if applied in and supported in de fact of situation and used for in society for empowering the womens and then apply it in criminal laws then it is the better idea.

**Academic Year 2019-20**



Impact Factor - 6.625

ISSN - 2348-7143

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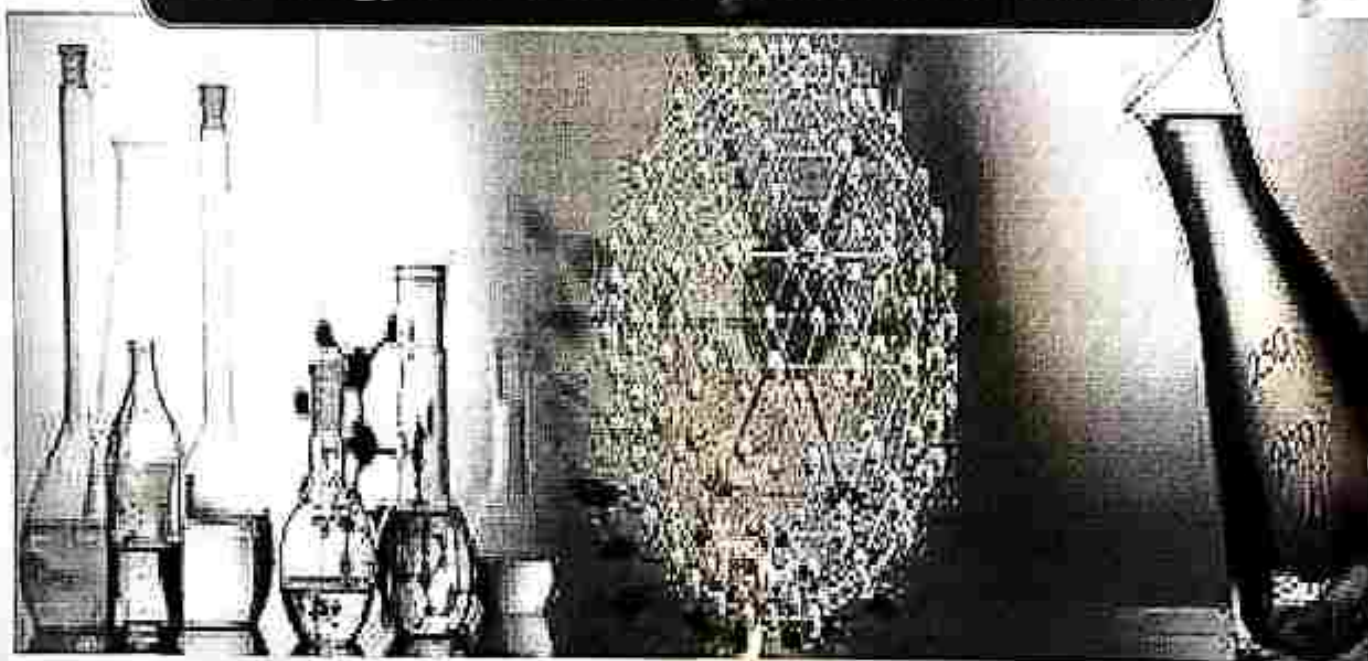
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## Law and Judicial Interpretations of The Right to Water

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### Abstract:

Present paper would discuss the legal position of right to water in India. The constitution of India has provides right to life under article 21, but the constitution is silent on right water. The present paper would trace out the right to water under the constitutional system in India. Paper also evaluates the judicial approach towards right to water in India.

**Key words;** Water, Right, Constitution, Judiciary, Interpretation, Law, etc.

### Introduction;

National water law is more complex issue at national and international level. In India the water is a subject of concurrent list on which both central government and state governments are capable to make law. The water law framework in India is characterized by the coexistence of a number of different principles, rules and acts adopted by the different governments. These include common law principles and irrigation acts from the colonial period as well as more recent regulation of water quality and the judicial recognition of a human right to water. The lack of a uniform legislation at the union level has ensured that the different state and central legal interventions and other principles do not necessarily coincide and may in fact be in opposition in certain cases.<sup>1</sup>

The water law is mainly state based. The Government of India Act, 1935 has in principle given power to the states to legislate in water. States have exclusive power to regulate water supplies, irrigation and canals, drainage and embankments, water storage, hydropower and fisheries. There are restrictions with regard to the use of inter-state rivers. The Union is entitled to legislate on certain issues. These include shipping and navigation on national waterways as well as powers to regulate the use of tidal and territorial waters.

The Constitution also provides that the Union can legislate with regard to the adjudication of inter-state water disputes. The constitution has not adapted any substantive clauses at the time of the adoption of the Constitution. The Inter-State Water Disputes Act was adopted in 1956. This introduces a procedure for addressing disputes among states concerning inter-state rivers that have not been solved through negotiations. It provides for the establishment of specific tribunals to adjudicate such conflicts and has been used in several cases.<sup>2</sup>

The Parliament has enacted the River Boards Act, which provides a framework for the setting up of river boards by the Central Government to advise state government concerning the regulation and development of an inter-state river or river valley. River boards can advise state governments on a number of issues including, conservation, control and optimum utilization of

<sup>1</sup> Water Law In India Overview Of Existing Framework And Proposed Reforms Philippe Cullet Idrc Working Paper, 2007.  
<sup>2</sup> ibid



water resources. The promotion and operation of schemes for irrigation, water supply or drainage or the promotion and operation of schemes for flood control. This act has, however, never been used in practice. The water pollution is major issue of concerned; the Parliament has adopted an act in 1974, the Water Act. This act seeks to prevent and control water pollution and maintain and restore the wholesomeness of water.

#### Relationship between Men and Environment.

There is an inseparable relationship between man and environment which is created by nature. It imposes duty on all human being to protect our environment for the peaceful survival of the mankind as well as flora and fauna. In order to protect the environment and the ecology of man, a special strategy has been initiated since stock home-conference on Human<sup>2</sup> Environment, 1972. The government India has also taken several legislative and executive measures, along with the constitutional amendments to protect and preserve the environment. The judiciary has also played vital role for the environmental protection through its dynamic interpretation of Articles 21, 48A and 51 A (g) of the Indian Constitution. The Indian scenario with regards to the availability of water is a paradox.<sup>3</sup>

Article 21 of the Indian Constitution guarantees to the citizens and non-citizens a fundamental right to life. The Supreme Court has interpreted right to life in a broad manner which extends right to live with basic human dignity. Article 21 of the constitution embraces the protection and reservation of the nature without which life cannot be enjoyed. The court has further observed that protection of environment is not only the duty of the citizens but is also the obligation of the state and all the state organs including the courts". The Supreme Court while dealing with Article 21 of the Constitution has held that the need for a decent and civilized life includes the right to food, pollution free water and a decent environment for human survival.

The Supreme Court observed that the drinking water is the most basic use<sup>2</sup> of water and this need is very much basic that it cannot be made subservient to any other use of water, like industry, irrigation. Right to use of water for domestic purpose would prevail over other needs. The water law in India is largely state based. This is due to the constitutional scheme, which since the Government of India Act, 1935 has in principle given power to the states to legislate in this domain. The states have the exclusive power to regulate water supplies, irrigation and canals, drainage and embankments, water storage, hydropower and fisheries etc.

The Constitution of India has not specifically recognized a fundamental right to water; the Supreme Court has interpreted right to water as an integral part of article 21. Article 39 (b) mandates that the State shall, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.<sup>4</sup> Article 51-A (g) creates a fundamental duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures. The directive principle of state policy and fundamental duties imposed by the constitution can be understood with the judicial interpretation<sup>2</sup> to understand exact nature of right to water mentioned under constitution of India.

The duty of the State in this regard is clearly mentioned by the Apex Court in *M.C. Mehta v. Kamal Nath*, which says that the every citizen is duty bound to protect the natural

<sup>2</sup> *Water Management – Law And Policy In India*, by: Mohit Singhvi ,M. S. Ramaiah , Bangalore

<sup>4</sup> *Constitutional law of India*, Dr. J N Pande, Central law publication.



environment including lakes etc. The Supreme Court has described the necessity to limit the construction activities in the close vicinity of the lakes, rivers. The practical situation is unfortunate that decades have passed with laws already governing the field being put to disuse by the apathy of the authorities to actively involve themselves in protection and preservation of water-bodies. The interim orders made in these petitions have, however, goaded them into some action and the final responses on behalf of the State Government, the Urban Development Authorities and the Municipal Corporation have raised a distinct ray of hope that may in near future glitter on the surface waters of the water-bodies that are promised to be reinforced and preserved.<sup>5</sup>

Green Tribunal- Protection of environment and to Prevent Water Pollution, new concept of compensation.

The green tribunal is playing very important role in the protection of environment. The water pollution is one of the major areas of concerned by the civil society. We now discuss a recently enacted law, which for the first time recognizes the right of the victims of environmental damage and pollution, including water pollution, to claim damages and compensation. The National Green Tribunal Act, 2010. First time power is provided to the green tribunal for 'relief and compensation to the victims of pollution and other environmental damage', 'for restitution of property damaged' and 'restitution of environment' (Section 15). The Schedule appended to the Act makes it clear that the National Green Tribunal shall have jurisdiction and power over cases and violations under the Water (Prevention and Control of Pollution) Act, 1974. The Act creates an enforceable right to claim damages and compensation for all victims of water pollution. This is a sharp departure from the provisions under the existing Water (Prevention and Control of Pollution) Act, 1974 where apart from closing down a polluting industry, cutting its water and power etc.<sup>6</sup>

#### Conclusion;

Right to Water in India is not expressly guaranteed either by Constitution or any legislation. It is an implied right, asserted through a set of laws which confers a duty upon the state through its various agencies to prevent and control water pollution. The Right to clean water is guaranteed under article 21 of Constitution of India and no one can be deprived of clean water. The right to water is implicit in article 21 of the constitution of India. The judiciary has played very important role to interpret right to water as basic right, which imposes an obligation upon the state.

<sup>5</sup> Supra ref. no.1

<sup>6</sup> <http://www.idfc.com/pdf/report/2011/Chp-5-Water-Rights-And-The-New-Water-Laws-In-India.pdf>

ISSN 2229-6190

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UGC APPROVED, REFEREED & PEER REVIEWED RESEARCH JOURNAL

Issue : XVIII, Vol. V

Year - IX (Half Yearly)

(May 2019 To Oct. 2019)

**Editorial Office :**

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## Investigation of Before-Competition State Anxiety of Baseball Players

**Prof. S. D. Gadhave**

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*Research Paper - Physical Education*

### Introduction :

Anxiety plays a paramount role in sports. It is the challenge in sports participation, which produces anxiety. How an athlete handles the anxiety determines how successful he would be? Anxiety may be a positive motivating force or it may interfere with successful performances in sports events. Anxiety is likely to be greater in higher competitive sports than in relatively noncompetitive sports, because in the competitive sports, participants are expected to win and greater demands are made upon them to succeed. The purpose of the study was to investigate the Before-competition state anxiety of inter collegiate players. It was hypothesized that there will be no significant difference between pre-competitive anxiety of winner and loser - baseball player in both male and female categories.

### METHODOLOGY

Forty-five Baseball players who participated in Inter collegiate baseball Tournament held at Delhi University were randomly selected to serve as subjects for this study. Out of the 27 men baseball players, 18 players were those whose teams qualified to participate in the Semi Final matches and 27 players were those who participated from their teams in their pre Quarter finals. Out of the 18 women baseball players, 09 players were those whose teams qualified to participate in the Semi Final matches and 27 players



were those who participated from their teams in their pre Quarter finals. The men and women baseball players who participated in any of their matches from their teams from pre Quarter final, were randomly selected for the study.

The Sports Competitive Anxiety Test (SCAT) questionnaire prepared by Rainer Martens has fifteen items out of which five were spurious questions, which have been added to the questionnaire to diminish response bias towards the actual test items. These five questions were not being scored. The subjects were instructed to respond to each item according to how they generally felt before the competitive sports situation.

Players were required to respond the questionnaire 30 minutes before his/her matches. However, no time limit was set for filling up the questionnaire. The subjects were asked to respond as quickly as possible without brooding over any question/statement once the instructions were understood clearly beforehand.

#### **OBSERVATIONS AND DISCUSSION**

To determine the significance of difference between means of winner and loser players' Before-competition state anxiety of men and women baseball players, t-test was applied and the data pertaining to this have been presented in Tables 1 and 2.

Table 1 revealed that there was no significant difference between winner and loser players Before-competition state anxiety of Semi-final matches as perceived by men baseball players as the obtained t-value of 0.70 was much less than the required value to be significant at  $t_{005}(34) = 2.03$ . There was no significant difference between winner and loser players Before-competition state anxiety who participated from their teams in their matches from pre Quarter finals as perceived by men baseball players as the obtained t value of 1.04 was much less than the required value to be significant at  $t_{005}(70) = 2.00$  (Table. 1).



**Table 1 : Significance of difference between means of winners and losers Before-competition anxiety of men baseball players.**

Table 1 : Significance of difference between means of winners and losers Before-competition anxiety of men baseball players.							
Round	Result	N	$\mu$	$\sigma$	M.D.	$^{\circ}$ DM	t
Matches (Semi Final)	Winner	18	20.44	2.33	0.05	0.71	0.70*
	Loser	18	20.44	2.85			
Matches Pre Q.F.	Winner	36	20.38	2.35	0.53	0.51	1.04*
	Loser	36	20.91	1.76			

\*Not Significant at 0.05 level tab 0.05(34) = 2.03 tab 0.05 (70) = 2.00

Table 2 revealed that there was significant difference between winner and loser players Before-competition state anxiety of Semi-final matches as perceived by women baseball players as the obtained t value of 2.52 is much more than the required value to be significant at  $t_{0005}(18) = 2.12$ . There was no significant difference between winner and loser players Before-competition state anxiety who participated from their teams in their matches from pre Quarter finals as perceived by women baseball players as the obtained t value of 0.17 was much less than the required value to be significant at  $t_{.05}(28) = 2.00$ .

**Table 2 : Significance of difference between means of winners and losers Before-competition anxiety of men baseball players.**

Table 1 : Significance of difference between means of winners and losers Before-competition anxiety of men baseball players.							
Round	Result	N	$\mu$	$\sigma$	M.D.	$^{\circ}$ DM	t
League Matches (Semi Final)	Winner	09	18.55	2.50	2.67	1.06	2.52*
	Loser	09	21.22	1.92			
Knockout Matches Pre Q.F.	Winner	28	20.39	2.45			
	Loser	28	20.50	1.97	0.11	0.64	0.17

\*Significant at 0.05 level tab 0.05 (16) = 2.12 tab 0.06 (54) = 2.00



Analysis of descriptive data on Before-competition state anxiety indicated that inter collegiate baseball men winner (20.44) and loser (20.38) players of Semi-final matches have high level of Before-competition state anxiety. Winner men (20.38) and loser (20.91) players who participated from their teams in their matches from pre Quarter final have high level of Before-competition state anxiety. In women, the winner players of Semi-final matches have moderate level (18.55) and loser players have high level (21.22) of Before-competition state anxiety. Winner women players (20.39) who participated from their teams in their matches from pre Quarter final and loser players (20.5) have high level of Before-competition state anxiety (Table 2).

$t$  value of 0.70 and 1.04 was not found to be significant between the means of winners and losers Before-competition state anxiety in Semi-final men baseball players and the players who participated from their teams in their matches from pre Quarter finals indicating that winner and loser players experienced high level of Before-competition state anxiety. However  $t$  value of 2.52 was found to be significant between the means of winners and loser Before-competition state anxiety in Semi final women baseball players indicating that winner players have moderate Before-competition state anxiety, whereas loser player indicated high level of anxiety, which may be attributed to the fact during tough competition, these players suffer with high level of anxiety. Further  $t$  value of 0.17 was not found to be significant between the means in winners and losers Before-competition state anxiety who participated from their teams in their matches from pre Quarter Finals between women baseball players indicating that winner and loser players exhibit high Before-competition state anxiety.

#### CONCLUSION:

Within the limitations of the present study, the following conclusions were drawn: Before-competition state anxiety has no significant difference between winners and losers Inter collegiate Semi-final matches men baseball players, Before-competition state winners players who participated from their teams in their matches from pre Quarter Finals, Before-competition state anxiety has significant difference between winners and losers Inter collegiate Semi Final matches women baseball players and Before-competition



state anxiety has no significant difference between winners and losers women players who participated from their teams in their matches from pre Quarter Finals.

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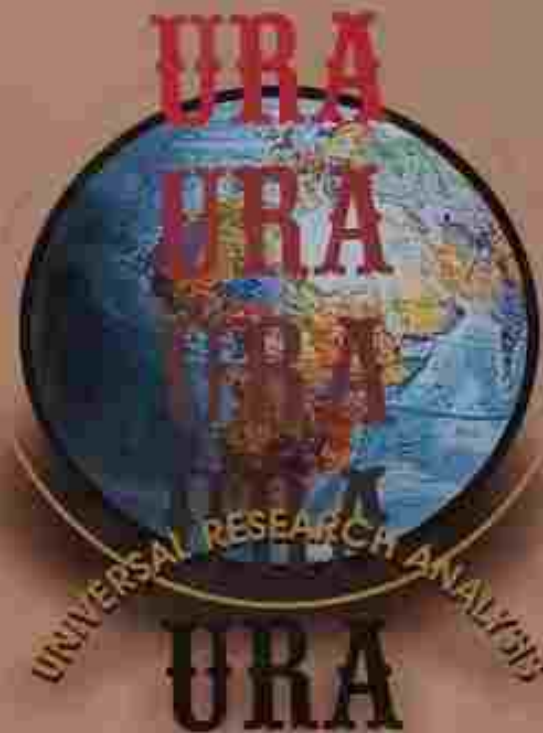
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Issue - XIX, Vol. V  
Year - X (Half Yearly)  
Sept. 2019 To Feb. 2020

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## Higher Education : Challenges and Issues

*Prof. S. D. Gadhave*

Director, Physical Education,  
Rajarshi Shahu Law College,  
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### Research Paper - Physical Education

#### Introduction :

In our national development process, Higher education plays an important role. It faces various challenges in all areas of development. After our Independence, we wanted to build a modern, strong, dynamic and self-reliant India. In our country rapid industrialization and predominantly agricultural economy had been faced. We had to create wide based infrastructure in higher education, research laboratories and covering a wide spectrum of disciplines. While doing so, restructuring economy, new industrial trade. Policies and liberalization was exposed to domestic and global competition. In order to dominate and determine the course of the 21st century, we have to increase scientific capability, research efforts and technology requires with respect to world standards.

We cannot also forget basic research our higher Education system should identify the emerging challenges adequately. Higher education faces various challenges like liberalization, Privatization and globalization knowledge. Fundamental sources of wealth is knowledge and information rather than raw materials and labor. Tomorrow industry will be knowledge industry where knowledge workers may be quite expensive one.

The present scenario of higher educational institutions has many drawbacks. Our basic strategy is to maintain basically curricular and pedagogic reformation. The battle of quality has to be fought in the minds of all men and women connected with education.

Everybody should make the educational system qualitative one. Every body should become a watchdog on the quality of the educational system. The students and administrators should monitor the quality of teaching and teachers. The parents must also monitor the quality learning.

Today, onwards we have to build a vast higher education system which is one of largest in the world. Otherwise we will be lack behind in our knowledge and skill. There are at present more than 200 universities, 50 deemed to be universities, 10,000 college and the total enrolment in higher education system is around 50 lakhs. At the end of 2020, we will find the total student enrolment that will be around 150 lakhs. In addition to these, there is a vast network of technical education, including colleges, institutions, offering courses like engineering, Management, pharmacology etc. Due to extensive higher and technical education system and human resource, India is perceived to the biggest producers of scientific and technical manpower.

We have been seen that plan wise approved outlays for educations is including higher and technical education. The percentage of higher education is varied from 20.89% in the sixth plan and 11.20% in the eight plans. It was done a commendable job with all limitations, in fulfilling its role as powerful for social, political and economic change in the source of new knowledge.

### **Challenges :**

While dealing with problems and challenges in the field of higher education we have to consider the entire scenario in totality.

While viewing the prospects of higher education in our country, we have to consider the socio - cultural, political, economic and technological advancements. These advancements should be analyzed systematically and carefully.

### **Fanatical crisis :**

we see that there are different sources of educational finance in In India such as central and state governments, local bodies, and private sector including the students who are its potential beneficiaries. As the higher education system gradually grew in sage, it required increased funds for its maintenance. Due to successive reduction in the private contribution, its dependence on governments for funds also increased it caused



to increase from about 57% in 1950-51 to about 90-95% during 1990s. The contribution of students fees during these period got decreased from about 20% to less than five percent. There is no noticeable improvement in funds during the last different five year plans. A speedy vehicle for upward social mobility is now higher education. It also helped the socially and economically deprived and underprivileged sections. Poor people do not demand better quality because they are not paying for it.

It has also been seen that the more expensive course such as medicine, engineering and management. 50% of the cost in general education is to be reduced so as to lighten the students. In professional education, the fee may even higher because these courses lead to higher returns. Due to financial crises, there is the difference in the fee structure as well as in the facilities provided by the different institutions.

#### **Privatization :**

As we can see the Indian higher education system is one of the largest in the world, it is inadequate for meeting the increasing demand for private college. Privatization of higher education is inevitable. Now days India's school education is already partially privatized with a large number of high fee charging public schools functioning all over the country. The dear system of school education causes to damage the social fabric of the nation. But, university system has so far been common to all capable and motivated youths. The private university proposed to set up also follow the policy of public schools. In that case we will have a dual higher education system also, one for rich and the other for the poor. The net result will be that poor and deprived sections of the society will be further marginalized. In order to safe guard the interests of the poor people, the state policy is supported adequate for them.

#### **Poor Technology :-**

Universities and colleges do not have yet adequate ICT facilities for teaching. In the outer world there is a move from primitive and print media to modern electronic and multimedia. Our colleges are still compromising with chalk and talk method due to lack of computer labs, ICT labs there media are not property utilized. There is a very little convergence of perspectives of higher education among state Government and central Government. Rarely the academic staff colleges have inputs of ICT for orienting and

refreshing higher education teachers.

**Poor Evaluation System :**

In our country, most of the universities have annual evaluation and marking system. Some of the universities have semester and grading system. There is a progressive shift from marking to grading system. We have been observed that there are imbalances among curricula and modes of transaction and evaluation. There should be a change in the curricula as per the society needs. Modes of transaction of curricula need to be perfected and updated as per the techno-pedagogic methods and modes of transaction. The evaluation should be continuous, comprehensive, valid and Reliable.

**Picks, places and promote criteria :**

There should be a need to perfect the recruitment, placement and promotion criteria for the higher educations teachers. Comprehensive and up to date. There should be a scientific system design considerations such as whether the recruitment should be centralized or decentralized. In this age of resource crunch, what is the role of administration, management and governance can be made democratically.

**Self- financing colleges :**

There have been repeated statements made by various funding organizations that the educational institutions devoted to higher education should review their position with respect to the grants that they have been getting so far. At present, there is another undesirable aspect of running a self- financing course which must be mentioned. The regular department which runs a self financing course is bound to ignore the work of its own to some extent. In order to meet the requirements of the self-financing course and having changed a high amount of fees, the department is morally bound to care for them.

**Corpus Fund :**

Creation of 'corpus fund' for each university or institution would be an appropriate mechanism to achieve the objective self reliance. The corpus will be in the form of an endowment fund. Revenue obtained from such fund can eventually be used to reduce the required support from the government. Corpus fund could be created with contribution from industry, alumni, charitable trust etc. As well as from government Indian institute of technology, Indian institute of science and Indian Institute of

management have already accepted concept and they are in the process of creating corpus funds with the support of government.

#### **Resource Mobilization :**

In the present inadequate resources scenario, university and other institution of higher learning must take up measures for resource generation. The time has come when the government alone cannot bear the total burden of fencing of higher education. Additional resources are to be mobilized to share the cost. If the universities have to manage their financial affairs more professionally, they will require finding ways and means of raising additional resources without government intervention.

#### **Some other problems and weakness of higher Education :**

The present scenario reflects serious weakness of our higher education system as follows:

- \* Examination reforms have been miserably slow-paced.
- \* Curricula reforms and pedagogic reforms are not coping with the rate of advancement of knowledge.
- \* Lack of involvement of teachers, administrators in system.
- \* No provision to check excellence in universities or colleges.
- \* Admission of underserving students.
- \* Caste, community or money base opportunities of teachers.
- \* Widespread indiscipline among teachers.
- \* Poor quality of teaching. Poor performance by college teachers. Most of them have poor motivation.
- \* Negative attitude towards research among college teachers.
- \* The evaluation system is qualitatively poor and corrupt.
- \* Examinations are not conducted according to schedule and the results are not announced in reasonable time after the examinations.
- \* Conduct of examinations has become too costly, hazardous and dangerous.
- \* Poor finances to colleges and universities resulting in inadequate facilities to students and teachers.
- \* Political interference in the autonomy of higher education.

- Poor leadership at higher levels of administration both in colleges and universities.

#### **Suggestions :**

- Parents, administrators, politicians, reformers, planners and educationists should be fully involved in the development of education ranging from primary level to higher level.
- To fulfill the need of thousands of people at their doorstep, open universities should be fully developed for which networking at national and international level is required.
- Enhancing the quality of teaching, learning and Evaluation methods.
- Encouraging innovations in practical teaching, enhancing the productivity of teachers.
- Focus on continuous development of faculty.
- Removal of knowledge obsolescence to provide relevant and advanced information.
- Implementation of internal quality assurance systems.
- Promotion of inter- disciplinary teaching.
- Promoting cross flow of teachers and scientists through interaction between universities.
- Creation of knowledge connectivity map across the country.
- The norms of higher education - input, process, product, placement and promotion are all need to be validated and perfected.
- Higher education should integrate modern methods and media.
- Along with information, there should be focus on life skills, such as, decision making.

#### **Creative thinking, critical thinking and problem solving.**

- All the higher education teachers should be ICT literates.
- There should be networking of universities and affiliated colleges.
- The orientation and refresher courses organized by the universities for higher education teachers should be enriching.



- There should be state wise surveys to ascertain the needs of higher education, coordinated by the entire to facilitate induction into and recognition of higher education institutions.
- The administrators of the universities should be essentially from the academic streams.
- There is the need of national Educational Council in higher education to integrate the functioning of apex bodies such as UGC, NCTE, AICTE and BCI.
- There should be interface among the open universities and conventional universities in India.
- Admission to university course should be highly selective and based strictly on merit.
- The 10+2 system should be made more effective and job oriented to dissuade average students to go in for higher education.

**Conclusion :**

The institutions of higher educations that can accept the challenges and implement the process of change will lead the system in the 21st century. Once this change is accepted the institutions of learning in the years to come. The concentrated effort is needed on the part of higher learning institution to make a transition from the traditions of the past to the challenges of the present. The institutions will be necessitated to adopt the modern mechanism of change in terms of:

- Making teaching programmers more relevant.
- Programmers to meet the society needs relevant to present day society.
- Constant updating of its program and courses.
- Encouraging student mobility and program diversity.
- Accepting Credit transfer system.
- Developing strategic partnership within universities and with the industry.
- Establishing networks and alliances with private funding institutions.
- Floating foundation to meet the demands of higher education in terms of research needs and infrastructural development.
- Valuing the talent and quality requirements.

\* Keeping motivation high on agendas.

The higher education system of the 21st century should accept the challenges of change and motivate their faculty and the society to do the same. The institutions of higher learning preparing to enter the new era will have to accept the fact that the systems of today are demanding, competitive and accountable. The higher education system in the country is now being put to test. University should undertake intensive introspection. One should keep in mind it is important to free the system from unnecessary constraints and political interference and provide the needed academic and administrative system which is accountable.

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## आधुनिक युगात शारीरिक शिक्षणाची गरज

प्रा. शशिकांत देविदास गाडवे

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### Research Paper - Physical Education

#### प्रास्ताविक:

आधुनिक युगात मानव हा एका यंत्राप्रमाणे झालेला आहे. त्यामुळे त्याला स्वतःच्या आरोग्या विषयी काळजी नसते. आज मानव यंत्रावर इतका अवलंबून राहिला आहे की त्याला थोडीही शारीरिक हालचाल करावीशी वाटत नाही. त्यामुळे तो आपले शरीर म्हणजे निरनिराळ्या आजारांचे माहेर घर करून घेतो. पुर्वीची जर परिस्थिती आमण पाहिली तर व्यक्तीचे आयुर्मान हे जवळजवळ शंभर वर्षांचे होते. त्याला या यंत्रापर्यंत कोणतीही व्याधी जडलेली नसे. परंतु आजच्या मानवा विषयी जर विचार केला तर चाळीसाव्या वर्षा नंतर त्याला वेगवेगळ्या व्याधींनी घासलेले असते. त्याची दिवसाची सुरुवात ही कोणत्या ना कोणत्या आजाराच्या औषधाने झालेली दिसते याला कारण म्हणजे त्या व्यक्तीने आपल्या आयुष्यात व्यायामाला व शारीरिक हालचालींना कुठेही महत्त्व दिले नाही. यास्तव त्याला निरनिराळ्या आजारांचा तोंड घावे लागते.

#### शारीरिक शिक्षणाचा अर्थ:

शिक्षण व शारीरिक शिक्षण हे एकाच नाण्याच्या दोन बाजू आहेत. शारीरिक शिक्षणामध्ये व्यक्तीच्या शरीराची काळजी घेतली जाते. कारण जर व्यक्ती शारीरिक दृष्ट्या निरोगी व सशक्त असेल तर त्याच्या शिक्षणामध्ये विद्यार्थ्यांच्या सर्वांगीण विकासावर जास्त भर दिला जातो. त्याचा शारीरिक आवृत्तिक, सामाजिक व बौद्धिक विकास कसा होईल याचा विचार केला जातो. जोपर्यंत विद्यार्थी हा शारीरिक क्षमतेत परिपूर्ण होत नाही तोपर्यंत त्याचा कोणत्याही प्रकारचा विकास होऊ शकत नाही. शारीरिक शिक्षण हे मुसते शरीराचे शिक्षण नसून नैतिक व आत्मिक शिक्षणही आहे. शारीरिक शिक्षणाचा पुरस्कार शरीराचा विकास करणारे शिक्षण म्हणून न करता नितीमत्ता व शिल यांचा विकास करणारे शिक्षण आहे असे म्हटले जाते.



शारीरिक शिक्षणाचे ध्येय उद्दिष्टे व स्वरूप :

अ) ध्येय :

ध्येय उद्दिष्ट हेतु, लक्ष उद्देश इ. शब्द समानार्थी आहेत असे वादतात. व्यवहारात त्यांचा एकाच अर्थाने वापरही केला जातो. परंतु या शब्दांमध्ये सूक्ष्म फरक आहे. ध्येय, व्यापक, उच्च व उदात्त असते. नैतिक ध्येय सहसा साध्य होत नाही. ते साध्य झाल्याचा मास होतो इतके ते व्यापक व उच्च आहे. शारीरिक शिक्षणाचे ध्येय खालील प्रमाणे आहे.

१) व्यक्तीचा सर्वांगीण विकास :

व्यक्ती हा एक समाज प्रिय प्राणी आहे. समाजात कसे राहावे त्याचा सामाजिक, मानसिक व भावनिक विकास कसा होईल हे सा. शिक्षणामुळे व्यक्तीला समजते.

२) शरीर संवर्धन:

व्यक्तीला आपले शरीर हे निरोगी ठेवणे गरजेचे आहे. त्यासाठी त्याला शरीराची काळजी घेणे आवश्यक आहे व निरोगी शरीरासाठी त्याला बरिल कारणाकरीता वेळ देवून आपला शारीरिक विकास करता आला पाहिजे.

३) व्यक्तीमध्ये केवळ शारीरिक व्यक्तीमत्त्व निर्माण न करता त्याचा भावनिक, शारीरिक, सामाजिक गुणांचा विकास करत. व त्याला समाजात राहण्यायोग्य व्यक्ती तयार करणे हेच शारीरिक शिक्षणाचे महत्त्वाचे उद्दिष्ट आहे.

४) बालकाचा शारीरिक, बौद्धिक व नैतिक विकास करून त्याच्या वैयक्तीक व सामाजिक गरजांची पूर्ती करण्यासाठी त्याचा सर्वांगीण विकास करणे बालकाच्या शारीरिक व मानसिक स्वास्थ्याचा विकास करून सामाजिक जीवनात कुशल नेतृत्व करू शकते असा नागरिक बनविणे हे शारीरिक शिक्षणाचे ध्येय आहे.

ब) शारीरिक शिक्षणाची उद्दिष्टे :

उद्दिष्टे हे ध्येय प्राप्तीचा मार्ग आहे ध्येय प्राप्त करण्याची अनेक मार्ग आहेत. समाजात त्यांना उद्दिष्ट असे म्हणतात. शारीरिक शिक्षणाची उद्दिष्टे खालील प्रमाणे सांगता येतील.

१. शारीरिक विकास :

शारीरिक विकास म्हणजे व्यक्तीचा सर्वांगीण विकास होय. प्राचीन काळी स्नायू संवर्धन म्हणजे शारीरिक विकास समजला जाई. अलिकडच्या काळात मात्र शारीरिक सुदृढता, इंद्रियांचा विकास, मानसिक विकास, शरीर धारणा अद्ययांची कार्यक्षमता भावनिक बाबी इ. अनेक घटकांचा शारीरिक कार्यक्षमतेस समावेश केला आहे.

२. मज्जा व स्नायू यांचा सहकार्याचा विकास -

स्नायू संस्था व मज्जा संस्था यांचे सहकार्य हे योग्य वयातील सरावाने प्राप्त होते.



मुलांमध्ये शारीरिक हालचाली करतांना ते चुकामधून शिफत असतात. त्यामुळे त्यांचा भावनिक व शारीरिक विकास साधला जातो. यामुळे शारीरिक विकास होवून दम शक्ती यांचा विकास होतो. शारीरिक हालचाली करतांना व्यक्तीच्या बौद्धिक व मानसिक क्रियाही होत असतात. त्यामुळे शरीराची चांगली स्थिती ठेवणे हे स्नायू व मज्जा संस्था यांच्यावर अवलंबून असते.

3) बौद्धिक विकास - एखादा खेळ खेळतांना खेळाडू हा त्या कौशल्याचा अभ्यास करून शिफत असतो. खेळांमध्ये कोणत्या वेळाला कोणते कौशल्य करणे वापरणे म्हणजे त्याचा योग्य परिणाम दिसून येईल. हे तो आपल्या बुद्धिमत्तेचा वापर करून सिद्ध करतो व चुकामधून शिकून आपला बौद्धिक विकास साधतो.

4) भावनात्मक विकास :

शारीरिक शिक्षणातील क्रिडा प्रकारांमध्ये जय पराजय यामुळे आनंद किंवा दुःख या भावना निर्माण होतात. स्पर्धेत मिळालेल्या यशामध्ये आनंदाची विजयाची भावना निर्माण होते. संस्था, राष्ट्र, देश यासाठी खेळ खेळण्याची भावना जागृत होते. व त्यातूनच संस्था, गाव, जिल्हा, राष्ट्राबद्दल निष्ठा निर्माण होते. स्नेह, समता, बंधुत्व, सहयोग, खिलाडू वृत्ती इ. भावना शारीरिक शिक्षणाच्या माध्यमातून निर्माण होतात.

शारीरिक शिक्षणाची व्याप्ती :

शारीरिक शिक्षण हे फक्त शारीरिक विकास करण्याचे साधन नसून व्यक्तीचा सर्वांगीण विकास करण्याचे साधन आहे. त्यामुळे त्याची व्याप्तीही वाढून त्याचा अनेक क्षेत्रांशी संबंध येत आहे.

1. वैयक्तीक बाबी :

यामध्ये घावणे, फेंकणे, उड्या मारणे, दंडबैठक, सुचं नमस्कार यांसारखी वैयक्तीक क्रिडा प्रकारचा समावेश होतो.

2. सांघिक बाबी :

यामध्ये संघनिहाय क्रिडा प्रकार येतात. उदा. कबड्डी, खो - खो, फुटबॉल, हॉकी इ.

3. तालबद्ध किंवा नृत्यप्रधान क्रिडाप्रकार :

लेझीम, भांगडा, लोकनृत्य, झिम्बा इ. प्रकारचे खेळ येतात.

4. पाण्यातील क्रिडा प्रकार :

पोहणे, पाण्यातील उड्या मारणे, नाव चालवणे इ. व्यायाम प्रकार येतात.

5. योग विद्या :

आसणे, प्राणायाम, शुद्धी क्रिया इ.



६. झुंजीचे प्रकार: कुस्ती, गुरूती, दूध लाठी, जूडो कराटे यांना आत्मसंरक्षक असेही म्हणतात.

### ७. सहल व शिबीरे:

वनसंभार, चांदणी भोजन, गीर्यारोहण इ.

या वरिल प्रमुख नावी नरोवरच आरोग्य शिक्षण आहार शास्त्र, शरीर शास्त्र, क्रिडा वैद्यक शास्त्र, स्नायु हालचालीचे शास्त्र, पंचकार्य व मार्गदर्शन नियोजन व्यवस्थापन इ. अनेक विषयांचाही शारीरिक शिक्षणात अंतर्भाव झाला आहे.

### शारीरिक शिक्षणाची उपयुक्तता:

शिक्षण व शारीरिक शिक्षण हे दोघेही एकमेकांना पुरक आहेत. कारण दोघांचीही गरज आज प्रत्येक व्यक्तीला आहे. कारण आज प्रत्येक व्यक्तीचा जीवनाकडे पाहण्याचा दृष्टीकोण बदललेला आहे तो फक्त भौतिक सुखाच्या मागे धावतो. व आपले आरोग्य बिघडवून घेतो. म्हणून प्रत्येक व्यक्तीला शारीरिक हालचाली व्यायाम, खेळ इत्यादी शारीरिक क्रिडा प्रकार करणे गरजेचे आहे. त्याचा शिवाय त्याचा शारीरिक, भावनिक, मानसिक, बौद्धिक, सामाजिक विकास होवू शकत नाही.

शिक्षणामध्ये शारीरिक शिक्षणाला आज जे महत्व प्राप्त झाले आहे ते त्याच्या चांगल्या कामामुळेच आहे. कारण त्याचा सर्वांगीण विकास व शैक्षणिक विकास व्यायामामुळे होतो. शरीर बलवान तर बुद्धी ही चांगली राहते. त्यामुळे विद्यार्थ्यांचा सर्वांगीण विकास शारीरिक शिक्षणामुळे साधला जातो. शारीरिक शिक्षणाचे समाजामध्ये महत्त्वाचे योगदान आहे. आदर्श नागरिक तयार करून समाजामध्ये कसे वागावे याचे शिक्षण दिले जाते. आदर्श नागरिक हा देशासाठी चांगले कार्य करू शकतो. व त्यामुळे देशाला प्रगती करणे सोपे जाते. देश बढविण्यामध्ये अशा नागरिकांचा मोठा सहभाग लाभतो. अशा प्रकारे शारीरिक शिक्षण हे व्यक्तीच्या सर्वांगीण विकास करते.

### समाज व शारीरिक शिक्षण :

व्यक्ती हा समाजप्रिय प्राणी आहे. प्राचीन काळापासून व्यक्ती गटागटाने राहतो. समाजात कसे रहावे याचे ज्ञान त्याला शारीरिक शिक्षणामध्ये मिळते. त्याला समाजामध्ये वागतांना ज्या काही मर्यादा, नियमित पणा, सहकार्य व एकीची भावना सचोटी व क्रिडा वृत्ती याचा वापर जीवनातून जाणे शक्य नाही. व त्याची भावनाही बोधवट होणार नाही. विद्या विनयन शोभते या ज्ञायाने मनुष्याच्या महत्त्वाच्या गुणांचा विकास होत राहिल.

सांघिक भावना व सहकार्य यामध्ये वाढ होते. व्यक्ती भावना व्यक्तीमध्ये निर्माण होते. समाजात दुसऱ्यावरोवर वागतांना विचार देवाण - घेवाणीची वृत्ती बावीस लागते.



आपल्या अंगी असलेल्या कसबच्या व कौशल्याचा पूर्ण वापर करून उत्तम प्रकारे सहाकार्याची भावना मानवात जागृत होते. शारीरिक शिक्षणामुळे व्यक्तीला खेळतांना साधिक भावना चांगले संस्कार, चांगल्या सवई जडतात. स्वभाव व समभाव वर्तनाची घडण होते. शारीरिक शिक्षणातील निरनिराळी उपक्रमामुळे मिळालेल्या अनुभवातून समाजाचा एक घटक या नात्याने कसे वागावे. आपली जबाबदारी कशी ओळखावी व ती कशी पार पाडावी. दुसऱ्याच्या इच्छांना व विचारांना कसा मान द्यावा. आपल्या सोईबरोबर दुसऱ्याची सोय कशी पाहावी मतभेद कसे मिटवावे. मनाचा समतोल पण कसा राखावा कठीण प्रसंगांना घेयाने कसे तोंड द्यावे वडील धाऱ्यांचा आदर कसा करावा तसेच खेळतांना प्रामाणिक पणा कसा दाखवावा. इत्यादी गुण शारीरिक शिक्षणाद्वारे मिळतात.

शारीरिक शिक्षणाचा अभ्यासामुळे शारीरिक कौशल्याबरोबर तानुदायिक, सामाजिक, गुणांचा विकास होण्यास मदत होते. व सामाजिक वृत्ती वाढीस लागते. व्यक्ती ही आपल्या देशाची व राष्ट्राची उत्तम नागरिक असावी शारीरिक शिक्षणामुळे आदर्श व सर्वांगीण उन्नती झालेला नागरिक निर्माण होऊ शकतो. अशा नागरिकाचा समाज हाच आदर्श समाज होय. विविध वयोगटासाठी व्यायाम प्रकार :

प्रत्येक व्यक्तीची वया नुसार शारीरिक ठेवण ही वेगवेगळी असते. त्यामुळे त्यांची शारीरिक स्थिती कुवत क्षमता ही वेगवेगळी असते त्यामुळे प्रत्येकाला एकाच प्रकारचा व्यायाम देता येत नाही म्हणून वयोगटानुसार व्यायाम प्रकार खालील प्रमाणे देता येईल.

#### १. शैशवावस्था :

या अवस्थेत बालकाचे वय हे ६ वर्षा पर्यंत आकारण्यात आले आहे. त्यासाठी त्याला विविध प्रकारची खेळणी, खेळणे घसरगुडी, ओके पक्षी व प्राणी यांच्या आवाजाच्या नकला, चालणे, धावणे, उड्या मारणे, चेंडू फेकणे इत्यादी व्यायाम प्रकार करावयास लावणे.

#### २. बाल्यावस्था :

या अवस्थेत ७ ते ११ वर्ष वयोगटातील मुलांचा समावेश होतो. त्यासाठी त्यांना १. छोटे खेळ वर्तुळात उभे राहून रिले व शर्यती २. स्वच्छंद हालचाली व क्रिडा प्रकार ३. नकला अभिनय गीते व गोष्टी ४. कोलाट्या उड्या मारणे व अन्तःपचारीक व्यायाम प्रकार इत्यादी खेळ या वयोगटासाठी उत्तम असतात.

#### ३. कुमारावस्था (पौगंडावस्था) :

हा वयोगट प्रामुख्याने १२ ते १८ वर्ष वयोगटाकरीता आहे. यामध्ये शारीरिक बदल घडून मित्र लिंगी विषय कुतमुहल व आकर्षण निर्माण होते. शरीरात बदल जाणवतात. या वयोगटा करीता खालील व्यायाम प्रकार सांगितला आहे. दंडवैठक, आसणे, सुर्यनमस्कार.





लाठी, लेझिम, कवायत, संचलन, मल्लबाच, जिमनॅस्टीक कुस्ती, धायणे सर्व प्रकारचे वैयक्तीक व सांघिक खेळ

#### ४. युवावस्था -

हा गट १८ ते २४ वयाच्या तरुणांचा आहे. त्यांचा जास्तीत जास्त शारीरिक मानसिक बौद्धिक विकास हा महत्त्वाचा आहे. तरुणांमध्ये काहीतरी नविन करण्याची जिद्द निर्माण होते. त्यांच्या कुवती व क्षमतेनुसार त्यांना खालील क्रिडा प्रकार घ्यावे.

१. कुस्ती, बॉक्सींग, लाठी जांबिया, डबल बार, सिंगली बार, दंड बैठका, आसन, सुर्यनमस्कार, धावण्याचे, फेकिची व उडीचे व्यायाम करतात.

#### ५. प्रौढावस्था :

या अवस्थेमध्ये २५ ते ६० वयोगाटतील व्यक्तींचा समावेश होतो. तरुण ठळकठळक उत्तर वयाकडे वाटचाल करतो त्यामुळे त्याला आपल्या व्यावसायिक व कौटुंबिक जबाबदारी पार पाडावी लागते व त्यासाठी त्याला शारीरिक क्षमता ही टिकवावी लागते. म्हणून त्याच्यासाठी खालील प्रमाणे व्यायाम आवश्यक आहे. फिरावयास जाणे, सुर्यनमस्कार करणे, पोहणे, वन संचार, शारिरीक व्यायाम व मनोरंजनात्मक प्रकारात भाग घेणे. कुवतीनुसार वैयक्तिक व सांघिक खेळात भाग घेणे.

#### ६) वृद्धावस्था :-

या अवस्थेत व्यक्तीचे वय ६५ ते ७० च्या पुढे असते या वयात शारिरीक मानसिक, बौद्धिक विकास थांबलेला असतो. या वयात व्यक्तिला आपल्या आहार व विहार यांच्यावर काटेकोरपणे लक्ष दिले पाहिजे. या वयात व्यक्तिले चांगले योगासने, प्राणायाम, वागकाम, वासारखे व्यायाम प्रकार केले पाहिजे.

अशा प्रकारे आजच्या आधुनिक व धकाधकीच्या जीवनात व्यक्तिला शारिरीक शिक्षणाची किती आवश्यकता आहे हे लक्षात येईल. कारण व्यक्तिले शारिरीक, मानसिक, भावनिक, सामाजिक, बौद्धिक विकास हा शारिरीक शिक्षणामुळे होवू शकतो. त्यामुळे प्रत्येक व्यक्तिले आपल्या जीवनात इतर गोष्टी इतकेच शारिरीक शिक्षणाला व व्यायामाला महत्व दिले पाहिजे. त्यामुळे डॉक्टरांकडे जाण्याची गरज राहणार नाही व व्यक्तीही शारिरीक व मानसिक तंदूरुस्त राहील.



## संदर्भ सूची :-

- १) शारीरिक शिक्षणाची तत्वे इतिहास प्रा. जे. पी. शंळके आरोग्य शिक्षण व प्रशिक्षण पध्दती
- २) शारीरिक शिक्षण तत्वे व स्वरूप प्रा. श्रीपाल जर्दे प्रा. सी. सुनिता जर्दे
- ३) व्यायामाचे शरीर क्रिया शास्त्र डॉ. श्रीमती विजया द. जोशी
- ४) शारिरीक शिक्षणाचे सैध्दांतिक प्रा. मोहनकुमार उ. सरपाते खडकीकर ऐतिहासिक आणि सामाजिक पैलु
- ५) शारिरीक शिक्षणाचे तत्वे व मानोरंजन श्री. दी. गो. वाखारकर निवृत्त संचालक क्रिडा व युवक सेवा संचलनालय
- 6) Health and Physical Education Saroj Kanta Bhehari & Prasanna Kumar Choudhury
- ७) शरिररचना क्रिया व त्यावर आघारीत रोग डॉ. विवेक साठे

## Collection Development and Resources in Digital Era

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### Abstract

A good collection of documents is the base of any library, which needs building up and improving the collection of material readily available in the library. Collection can be developed by librarians and library staff by buying of collections according to various needs or a period of time. Buying documents is an immediate of the information needs of the library's users. To build a good collection of documents in a library, the guidelines in the form of a policy is very essential. The policy should always be in written form. A written collection development policy is essential tool for any library. The collection development policy has been modified to include the digital content in a collection. The efficiency of library services is governed largely by the number and quality of its collection. If library collection is sufficient, latest and satisfactory in the needs of the readers, the usage of library will automatically enhance. Electronic resources are becoming popular due to they. The present paper deals with collection development in digital era.

**Keywords:** Collection development, collection development policy, E-resources.

### Introduction

Library collection is essentially undergoing rapid and dynamic evolution, leading to new generation of libraries with an emphasis on e-resources. Collection development includes the selection of policies to guide current selection replacement of work or to set criteria removal of obsolete or no longer needed in the collection planning for new collections or collection areas. Collaborative decision-making with other libraries or within library systems, is today's strategic requirement, collection development is becoming collection management, which is much wider in scope. The librarian must act as a knowledge manager, applying the skills right from collection planning, analysis, analysis and evaluation to make it unique. The librarians of book print and electronic. They need to think about the availability and accessibility of electronic resources. Librarians are about many things. But, collections have always been at the heart of libraries, electronic collections will meet the role in the future as well. Any academic library that aims to satisfy the information needs of students and researchers must take good care with the development and management of its collection. It is generally considered that both the quantity and quality of a library's collection depend almost directly upon the library's acquisition program including its acquisition policy, its acquisition procedures and all those impressions, its selection methods. The new concept of a digital collection is requiring incorporating adaptation of many of business and scientific, and creation of new broad resources. The concepts and practice of collection development and collection management are undergoing a fundamental as well. This is new processes and tools for collection development has emerged, used for development and management of both traditional and digital collections. In addition, the process of collection management became more directly associated than ever with issues, ways, and political for access, adding and additional dimensions. Collection development is a term that is used by the library community to refer to the selection and acquisition of material for an organized collection and depends on the material to be included in that collection. Guidelines from the JPLA (International Federation of Library Associations) Acquisition and collection development activities say that the primary function of collection development policy is to provide guidance in selecting and describing resources for a collection. Collection development includes everything that goes into acquiring material including selection, ordering and receipt. It is made of items that include planning, administration, and control. Collection management is becoming increasingly complex, dependent on electronic publishing and resource sharing. Electronic resources represent an technology dependent component of the collection building activities of libraries. It. Electronic only is full text database, e-journals, e-books, full text databases, and electronic journals, digital collection (e-journal, e-journal, e-journal, etc.). Electronic resources will of itself demand the issues (computer access, security through a proper computer, or another means). They may also be accessed remotely via the Internet or locally. Definition of collection development "According to International Dictionary of Library and Information Science Library collection is the total body, number of books, manuscripts, serials,

manuscript, government documents, serials, serials, map collections, serials, etc. but could be the ability of particular library? Collection Development Policy: Before the 1990s, librarians focused on the purchase of a good of library collections in that book is low-maintenance but have proven to be difficult to quality. Library resources, services and technical support, and cost, the cost per page the quantity of work of those concepts have changed and the context in which they operate has also changed drastically. From library development process, librarians' selection decisions will vary depending on a library's specific needs as reflected by its mission statement and collection development policy. Many library professionals should determine some of their underlying issues while defining the terms. Terms selection analysis is assessing the optimal format for a particular resource. Decisions should be made about their organizations, a collection development policy in a final document is best created as new formats are introduced as well to reflect the changing needs of users. A collection development policy practice general and specific format selection criteria (e.g. print, microform, format, retention, access, deletion, etc.) (RDF) helps data, and books.

**A) Functionality and format:** One of the primary reasons libraries subscribe to electronic resources is functionality. With databases and periodicals support, it want that price and availability cannot duplicate other resources also generally more to access, more cost (not just one copyright subject or one section or other with a single link of the same content of collecting the same before someone started of searching through various print volumes to arrive at a certain number.

**B) Longevity:** An important and inevitable issue in selecting format is determining longevity. Librarians could balance the needs of current users with that of future generations. Longevity is judged by several factors like the ability of the product to withstand obsolescence and media a library owning, the increasing availability of the article in the appropriate format, and the needs of primary users.

**C) Cost:** Price is both complex and market factor. It is complex because, the more features, functionality will determine when one is not to go for the purchase. However, with online products, formatted, it less enough. Librarians can offer discounts if a library purchases from multiple vendors or if it purchases a certain cluster bundle of products. The price commitment may be very clear and suggestive for the information professional's either to submit a request price or not just matter.

### D) Challenges in collection Development E-resources

The major challenges that are faced today in this regard are. Completed procurement and procurement system. There are a very few reliable sources of digital documents to build. The lack of interoperability and so to add selection tools for digital documents, similar with the problem of libraries. Hardware and software needed to process today's documents and also their bundles like any one work. The hardware used to give access to digital collections change rapidly and quite frequently. This means that procurement program must not involve continuous needed in items in future.

### E) Challenges regarding Technological up gradation

Financial benefits of digital content from the hardware/software configuration is limited at first and generation of computer technology, a subsequent generation is given a common world and a big challenge to evaluation development. The purpose of this program is to present the insights of digital objects and to make the study for classes in content, display and presentation on the basis of constantly changing technology. To access large file of the digital information a continuous development and up gradation of infrastructure change and access packages and technology is work. Most of the libraries due to their following reasons become a great hindrance in the way e-collection development (i.e. Non-availability of full time highly skilled computer professional in libraries, Lack of coordination between computer professionals, writers and network the organization, lack of interest keep track with the ever changing information seeking behaviors of library users, Lack of interest in add value in their services, Lack of interest to interact with users, Lack of interest to collect financial report of the library, and the developing digital environment development users a major issue. We cannot think of digital library, which can work off efficiently without power for several hours. The other related problems like poor quality of telecommunication services, Lack of technology standards and legal requirements are also there.

### F) Challenges regarding Essential considerations for collection development

Cost involved in the creation and maintenance of digital library environment is quite high. The budget allotted to most of the libraries, however, remains static year after year. Though the problem of shrinking budget is a universal one, it is quite serious in India on many counts.

#### 4) Challenges regarding IT skill Manpower)

Traditional library science education with less emphasis on IT skills still continues in Indian universities. As a consequence of it, the library personnel in most of the libraries in India are happy with the existing routine procedures and services. In the recent years many librarians have hired computer professional to handle the purchase and other issues related to digital documents. It has happened to become many a time librarians have given responsibilities of selecting and bundling electronic resources to computer professionals. Some complication is also there due to the advent of new resources. All these changes have happened quickly, and adapting to them is not always easy comfortable. There are no opportunities for continuing professional education for the collection development methods.

#### 5) Challenges of user service

Librarians need not to teach readers how to browse a hard copy book, but they may have to teach users how to use an internet browser. The situation will be improved substantially if librarians take a more-practice role to help users, especially newcomers. Subject reference librarians can make use of advanced tools, from search engine to knowledge mining kit, in order to find an answer to the specific question rather than an article in certain journals. Conclusion: Collection development in libraries is an important activity, and selection policies and practices play fundamental role in developing strong collection so as to provide effective services to the clientele based on their requirements. However, it is very essential that the librarians and the teaching faculty must play a prominent role in the collection development of the libraries through active involvement in the selection process. Our environment is fast changing, driven by rapid developments in it, but most of the college libraries have no automation, some of the libraries are not even connected with internet, only few libraries involve in resource sharing activities, and majority of the librarians are not members to any consortium. Libraries are to be change up to date services and developments in the modern era. Collection development deals with reinterpretation of traditional library mission and practices for the professionals have to actively develop, maintain and manage wide range of resources. If libraries do not adopt this change, they will become museum of old information.

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**Academic Year 2020-21**

Peer reviewed Journal

Impact Factor:5.13

ISSN-2230-9578

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*Multidisciplinary International Level Referred Journal*

**February-2021. Special Issue-11, Volume-4**

*Physical and Human Dimensions of Environment, Climate Change, and Sustainable Development*

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## **The Impact of Climate Challenge on Marginalized Population; - Issues & Challenges**

**Dr Ratnadeep Yaduvrao Sonkamble**

Assistant Professor, Rajarshi Shahu law College, Barshi, Dist. Solapur, Maharashtra, India.

### **Abstract:-**

The present paper is based on climate change and its effect on marginalized population. Climate change has a negative impact on human society but it has severe impact on the poor, disadvantaged community. The paper would discuss the impact of climate change on marginalized populations. The impact of climate change on different sections of the society is varied in nature and varied degrees. Paper would focus on the impact of climate change on the socially & economically disadvantaged section of society. Paper would also highlight the role of climate change in widening social inequality.

**Keywords:** - Climate Change, Social Inequality, Marginalized, Population, Flood Disadvantaged.

### **Introduction**

The Earth temperature has increased about 1.1°C and it is increasing day by day. The world has already witnessed difficult climate situations at different places all over the globe. This is already caused various forms of disaster, including more frequent and intense forest fires, heat waves, droughts, storms, cyclones, sudden heavy rainfalls resulting in frequent floods, melting glaciers causing flash floods, landslides, dying coral reefs, reducing food productivity and nutrition value, unprecedented forms of virus infections, bug attacks, and climate-induced migration and conflicts resulting in violence and tragedy. Those without resources to cope with climate-caused challenges are at far greater risks than what we imagine.[i]The climate change will create more disastrous occurrences more frequently and of much severe intensity. One event will trigger another and so on, causing multiple effects, which is a chain of interlinked disastrous events posing us multiple challenges all at the same time. There will be nothing that, human society would be able to stop or delay these catastrophes in a significant manner to avoid the damage it would cause.[ii]

### **Impact of climate change on marginalized people.**

Climate change has created many issues in relation to the poor and marginalized community of the world; there are inequalities such as gender, race, Caste, ethnicity, religion, age. Second type of inequality is regarding assets and income and the third type of inequality is regarding public decision-making and access to public resources, such as publicly financed health, education, housing, financing, and other services. The social inequality is to refer to all the different types of within-country inequalities. The inequality within a country often overlaps with inequality regarding race, caste, ethnicity, and religion, and finds expression in the form of inequality in income and assets. Hence, within-country spatial inequality can also be subsumed under social inequality.[iii]The broader social impacts of climate change and their feedback effects received more attention over time climate change was expected to increase poverty owing to its effects on agriculture, flooding, malnutrition, water resources and health. The 2007 /2008, Human Development Report devoted a chapter to the discussion of vulnerability and risks arising from climate change in different parts of globe.

### **Interlinkage of climate, poverty and inequality.**

The discussion of the impact of climate change on poverty often extended to the impact of climate change on inequality. Socially and economically disadvantaged and marginalized people are disproportionately affected by climate change. The climate change impacts tend to be regressive, falling more heavily on the poor than the rich. It notes that socially and geographically disadvantaged people, including people facing discrimination based on gender, age, race, class, caste, indigently and disability – are particularly affected negatively by climate hazards. As noted above, exacerbation of inequality can happen through disproportionate erosion of physical, human, and social assets.

The evidence suggests that inequality aggravates the position of the disadvantaged groups of the society in relation to climate change impact, increase in the exposure to climate hazards, increase in the susceptibility to damage caused by climate hazards, and decrease in the ability to cope with and recover from the damage. To have a preliminary idea about how these channels work, consider the following example. One of the consequences of climate change is increased flooding.

The evidence shows that inequality often compels the disadvantaged groups to live in areas that are more prone to flooding, thus increasing their exposure to flooding caused by climate change. Second, among all living in the flood zone, the disadvantaged groups prove to be more susceptible to the damages caused by flooding. For example, the houses of the poor get damaged seriously, because



these are often made of flimsy materials. By contrast, the houses of the more well to do suffer less damage because these are generally made of sturdier materials, such as brick and concrete. The disadvantaged groups have less ability to cope with and recover from the damages caused by floods. The rich may buy insurance and thus get compensated for the damages. By contrast, the disadvantaged groups may not be able to afford such insurance and thus have to absorb the entire loss, leading to greater loss of their asset position.

#### **Impact of climate change on the agriculture sector.**

Climate change has worsened the farmer's life and livelihood, climate change has a multidimensional effect on crops. The climate change has affected adversely on the natural cycle of climate, which causes untimely rain, increase in temperature, often drought situation is created. Climate change has disturbed the formal structure of farming.

#### **Impact on the unorganized sector**

Many informal workers are employed in work conditions that can get far worse due to climate crisis. For example, construction workers, agricultural laborers are among the most affected by heat waves if their regular work hours are followed. However, because of lack of regulation in the informal sector, not much is done to protect the workers exposed to climate hazards during work. [iv] The workers working in an unorganized sector are at loss their income, and sometimes even employment, if they fall sick or are withheld from reporting to work due to climate hazards or disasters, as also observed during the lockdown to contain the Covid-19 pandemic.

The World Economic and Social Survey 2016: Climate Change Resilience—an Opportunity for Reducing Inequalities found that governments can play a significant role in reducing the risks of climate change to vulnerable populations.

#### **Conclusion**

Evidence is increasing that climate change is taking the largest toll on poor and vulnerable people, and these impacts are largely caused by inequalities that increase the risks from climate hazards. The relationship between social inequality and climate change shows that this relationship is characterized by a vicious cycle, whereby initial inequality makes disadvantaged groups suffer disproportionate loss of their income and assets, resulting in greater subsequent inequality. It shows that inequality exerts the disproportionate effects through three channels, Number one increased exposure of disadvantaged groups to climate hazards; number two increased susceptibility to damage caused by climate hazards, and number three decreased ability to cope with and recover from the damage. The climate discussion has proceeded through successive stages. At the initial stage, the focus was on the physical effects of climate change. At the next stage, more attention was paid to the social effects. The discussion at this stage frequently drew inferences regarding inequality but did not quite focus on it. The key here is inequality reduction, which can help to contain the adverse effects of climate change. Moreover, through the feedback effect, it may mitigate climate change itself. Thus, a virtuous cycle may replace the current vicious cycle. At a more concrete level, the distinction made among exposure and susceptibility and ability to cope and recover should be of much help in formulating policies that can address these different inequality-enhancing effects. The state role is far important to deal with climate change and related hazards and its mitigation. The social inequality can only be effectively minimize by the state. The empowerment of marginalized population is the fundamental aspect to deal with the climate change and its adverse impact on the human society in general and on marginalized population in particular.

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*A Multidisciplinary International Level Referred Journal*

April-2021 Volume-11 Issue-9

*Recent Trends in Social Sciences*

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## **India Justice Report 2020 via-a-vis Justice Delivery System in India- Issues & Challenges.**

*Dr. Ratnadeep Yadavrao sonkamble*

*Assistant professor, Rajarshi Shahu Law College, Barshi, Dist. Solapur, Maharashtra.*

Justice consists not in being neutral between right and wrong, but finding out the right and upholding it, wherever found, against the wrong [i]

Theodore Roosevelt

### **Abstract:-**

*Present paper is based on the Indian justice report 2020, the report has taken the comprehensive analysis of the Police, Prison, Legal aid, and the judiciary. The paper would discuss the present position of the justice delivery system in India in the light of the Indian justice report. Paper focuses upon the deficiencies of the system and suggests the solutions to overcome the shortfalls.*

**Keywords:-** Police, Prison, Legal aid, Judiciary, Report, Representation, Budget, Shortfalls, Strength, etc.

### **Introduction**

The India Justice Report (IJR) focuses on similarities and monitoring the rise of the Indian legal system, and falls in each state's institutional and financial capacity to provide justice, based on the most up-to-date information figures from the government. In November of this year, the first-ever ranking was issued. The ranking is based on a number of factors. Budgets, human capital, facilities, workload, and diversity all have quantitative metrics. The India Justice Report 2020 examines the institutional potential of the country's justice system. It ranks states based on defined criteria across four pillars of justice—judiciary, police, jails, and legal aid—following the practice established in the 2019 study. The Report does not pit one state against another when ranking states; rather, it highlights the strengths and weaknesses of each state. The Report is timely in that it compiles a large amount of digested information in one location, particularly in light of an exceptional year in which we experienced a full lockdown followed by a cautious opening up with physical distancing requirements—all due to the highly infectious COVID-19 virus.[ii]

The pandemic was unforeseen, but none of the country's sub-systems were running at maximum capacity, and when the pandemic struck, they were found to be woefully inadequate. Based on the flaws found in the previous study, one is forced to ponder what would have happened if the many had come together? The Law Commission's findings the Government of India, the National Police Commission, and the Mulla's All India Committee on Jail Reforms Committee as well as a number of other committees the four foundations had been introduced consolidated The police, for example, would have The judiciary has been better linked to the communities it serves, the jails have been better handled without the major shortfalls in medical care that they face today, and all first responders, including police and legal aid workers, have been better educated and qualified. Even in the midst of the pandemic, justice delivery may have looked different.

The first comprehensive analysis of Indian police, prisons, and judiciary in justice delivery has been taken by the Tata Trust. An unwelcome picture of the Indian justice delivery system has come out from the scientific study undertaken by the Tata Trust, Mumbai. The country's capacity to deliver justice has serious deficits with under-capacity and gender imbalance plaguing these three pillars and a funding crunch affecting state services like free legal aid, according to a ranking of states based on official data compiled by Tata Trusts partnered with the Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, DAKSH, TISS- Prayas, Vidhi Centre for Legal Policy, and How India Lives on the India Justice Study. In 2019, the first India Justice Report was issued.[iii]

The Tata Institute of social sciences, Mumbai has done outstanding work to understand the present status and effectiveness of the police, prison, legal aid, and judiciary in India through the Justice Report. The Indian justice report 2020 is prepared by applying the scientific method. The Report has taken cognizance of all the stakeholders working towards the improvement of the Indian justice system. The commendable purpose of the Report is to attract the attention of the stakeholders in the system to two important areas of national concern—access to justice, and the health of our institutions responsible for justice delivery. The Preamble of the Constitution guarantees the people of India Justice, Social, Economic, and Political, for the fulfillment of the constitutional obligation various institutions are created through the constitutional mechanism. The functioning of any legal system is based on its internal mechanism. The aspirations of the people towards a law or legal system can only be strengthened if that system is not working in a vacuum. The strength of any legal system is always connected to various factors such as Social, political conditions of the legal system in which it is functioning. The Indian justice Report has highlighted the various factors in the justice delivery system, the report has given a strong message of caution to all who are connected with the system. The issues addressed in the report address a series of topical and urgent issues. They give us an overview of the core actors in the Indian justice system – the police, the prisons, and judiciary and law enforcement. It analyses the different pillars of the justice system specifically in line with their budgets, infrastructure, human resources, workload, and diversity. The study of the justice system in India has made an important contribution. It contains many systemic defects and weaknesses, including the abysmally low priority granted in State budgets to the judicial machinery, the

persistence of average budgetary requirements. While stressing how inefficiencies in the functioning of any organization in the justice system have a negative impact on the functioning of other institutions and ultimately impede access to and delivery of justice, the report also provides a comparison of how widespread such issues are in different states across India. It shows how state machinery has changed over time and identifies a major stumbling block to fully comprehending how it works. The stereotyped, top-down approach of public institutions has become banal, preventing any fresh perspective on the issues plaguing the justice system. Any light from outside the system is not only unwanted, but it is often widely regarded as a threat to the state's functioning. What's important is that you're exposed to scientific methods with an open mind. Those who are in positions of power that control critical issues that obstruct access to and implementation of justice must have the foresight to pay attention before it is too late. In India, The police force is diverse. The police force has a low representation of SCs, STs, OBCs, and women, with several vacancies in the reserved categories. Court trials that are still pending Training for the police force Just 6.4 percent of the police department have received in-service training in the last five years on average. That means that over 90% of those who work with the public lack current training. Women make up just 7% of the 2.4 million police officers in the country, but they make up 6% of the officers. Similarly, they make up 28% of the lower courts, but just 12% of the High Court. Detainees awaiting trial in 2016, 67.7% of people voted. Under-trial detainees made up a significant portion of India's jail population.[iv]

This figure is higher than the 66 percent it was a decade earlier. Correctional officers, there are only 621 correctional officers employed in India's 1,412 jails. In India's subordinate courts, there are 28 million cases pending, with 24 percent[v] of them pending for more than five years. At least one out of every four cases in Bihar, Uttar Pradesh, West Bengal, Odisha, Gujarat, Meghalaya, and the Andaman and Nicobar Islands has been pending for more than five years. More than 2.3 million lawsuits have been pending for more than ten years.

#### **Conclusion**

On the one hand, the data on the police, prisons, legal aid, and the judiciary that the India Justice Report has brought together provides strong evidence that the whole system requires urgent repair. On the other hand, the segmentation of the data into budgets, human resources, infrastructure, workload, and diversity helps to pinpoint areas of infirmity where quick improvements can be made with relative ease and On the one hand, the India Justice Report's data on the police, jails, legal aid, and the judiciary provides compelling proof that the entire system needs urgent repair. The segmentation of the data into budgets, human resources, facilities, workload, and diversity, on the other hand, aids in identifying areas of infirmity where rapid changes can be made with relative ease and have the real potential to spur improvements down the road. Ensure that underrepresented groups, such as women, SCs, OBCs, STs, and religious minorities, are better represented in the justice system when filling vacancies (and elsewhere) to ensure that the justice system represents the diversity of the population it serves. Ensure the publication of checked, disaggregated, reliable, and timely data that is seamlessly serviceable for informing policy and practice through governance to improve accountability in the justice system. Each cog of the criminal justice system will start by complying with Section 4 of the Right to Information Act, 2005, which requires visible and full compliance with the duty of proactive disclosure. The budgetary allocations to every segment of the justice system (particularly the judiciary and prisons) keep pace with cost increases, are proportionate to cost increases elsewhere, and do not lag behind other allocations. Increase the provision of justice facilities in rural areas, including access to and infrastructure in courts, police stations, and legal aid clinics, to address the current gap in access to justice. There is a divide between the rural and urban populations. This involves putting a premium on the availability of qualified lawyers and paralegals in underserved areas. Ensure that the government authorizes objective analytical studies on various aspects of India's justice system on a regular basis in order to ensure a more educated and evidence-based approach to policy making.

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- [ii] Indian Justice Report, 2020, by Tata Trust, Mumbai.
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प्रा. शशिकांत देविदास गाडवे  
संचालक, शारीरिक शिक्षण,  
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### Research Paper - Physical Education

#### प्रस्तावना :

आजच्या संगणकाच्या काळात मानवाच्या शारीरिक हालचाली कमी झाल्या आहेत. सर्व व्यवहार एका जागेवर बसून केले जातात. परिणामी मानवाचे शारीरिक व मानसिक स्वास्थ्य ढासळत चालले आहे. म्हणून या विज्ञान युगाच्या काळात जगातील सर्व राष्ट्रांमध्ये किंवा समाजामध्ये शारीरिक शिक्षणाच्या माध्यमातून क्रीडा शिक्षक शालेय स्तरावर, महाविद्यालयीन स्तरावर, क्रिडांगणावर, समाज प्रबोधनाचे कार्य करतो व हे प्रबोधन खेळ, स्पर्धा या माध्यमातून केले जाते. म्हणूनच समाज घडविण्यात क्रीडा शिक्षकांचा मोलाचा हात असतो.

समाजाचा कायापालट अनेक घटकामुळे होतो. त्यात क्रीडा शिक्षक महत्त्वाचा घटक आहे. समाजाचे शिक्षण आणि शिक्षण बाह्य असे दोन स्तर असून शिक्षण क्षेत्रात क्रीडा शिक्षक महत्त्वाची भूमिका बजावतो. शिक्षण बाह्य क्षेत्रात देखील नैतिकता म्हणून क्रीडा शिक्षकांनी शारीरिक क्रीडाविषयी उद्बोधन, प्रबोधन, प्रचार व प्रसार इ. माध्यमातून समाजाचा कायापालट करण्याचा प्रयत्न करत असतो. शिक्षण क्षेत्रात प्राथमिक, माध्यमिक, उच्च माध्यमिक, विद्यापीठ स्तरावर क्रीडा शिक्षक विद्यार्थ्यांचा सर्वांगीण विकास करण्याचा प्रयत्न करत असतो. म्हणजेच विद्यार्थ्यांचे आरोग्य निरोगी राहण्यासाठी शारीरिक हालचाली, पुरक व्यायाम प्रकार, सांघिक खेळ, वैयक्तिक खेळ माध्यमातून शरीर बलवान करण्याचे कार्य करत असतो. विद्यार्थ्यांचे मन व आरोग्य निरोगी राहण्यामध्ये क्रीडा शिक्षक सिंहाचा वाटा उचलतात. म्हणूनच शालेय किंवा शिक्षण स्तरावर मोलाची जबाबदारी उचलण्याचे कार्य करतात.



शारीरिक शिक्षणासंबंधी तज्ञांची मते :

१) प्लेटो :

\* ० ते ७ या वयात भावी आयुष्याची पायाभरणी करण्यासाठी कष्ट केले पाहिजे. खेळाच्या माध्यमातून मुलांवर प्रेमाचा वर्षाव घडवून आणणे व त्यांचा सर्वांगीण विकास घडविणे हे या वयातील शिक्षणाचे ध्येय आहे. तर ७ ते १७ या वयोगटात शारीरिक शिक्षण व संगीत हे दोन विषय सक्तीचे असावेत असे मत प्लेटो या शिक्षण तज्ञाने मांडले आहे.\*

२) डॉ. जे. नॅश :

\*शारीरिक शिक्षण हे संपूर्ण शिक्षणाचाच एक महत्त्वाचा भाग आहे. ज्याचा संबंध शरीराच्या महत्त्वाच्या स्नावुशी व त्यांच्याशी संबंधित असणाऱ्या क्रियांशी आहे.\*

३) जेम्स फिरींग विल्यम्स :

\*शारीरिक शिक्षण म्हणजे माणसाच्या निवडक शारीरिक हालचालींची, त्यातून प्राप्त होणाऱ्या कार्याची महत्त्वाची जाणिव करून देणारी योजना.\*

क्रीडा क्षेत्रात विद्यार्जन करण्यासाठी कुठेही जाण्याची तयारी ठेवा, यश निश्चित, क्रीडा शिक्षणाचा घर्म क्रीडा क्षेत्रात विद्यार्थी घडविणे असून विद्यार्थ्यांनी क्रीडा क्षेत्रात करिअर म्हणून पहावे असे मत त्यांनी व्यक्त केले. यांनी पालकांच्या मानसिकतेवर प्रकाश टाकला आहे.

शिक्षण क्षेत्रत जे विद्यार्थी खेळात सहभागी होतात. त्यांना तर क्रीडा शिक्षक मार्गदर्शन करतातच, परंतु इतर जे विद्यार्थी खेळात सहभागी होत नाहीत. अशांना ही नैतिकतेच्या आधारावर मार्गदर्शन करावे. उदा. शाळांना प्रार्थनेच्या वेळी शाळेत विद्यार्थी उपस्थित असतात. त्यांना देखील खेळाविषयी माहिती, फायदे सांगून त्यांनाही या क्रीडाविषयी ज्ञानात समाविष्ट करून घ्यावे हे योगदान क्रीडा शिक्षकच करू शकतात.

आजच्या विज्ञान युगात समाजातील प्रत्येक घटक एकमेकांपासून दूर जात आहेत. पण मोठमोठ्या स्पर्धा आयोजित केल्यास विभक्त समाज एकत्र येतो. देश आनंदात राहतो हे आपण परवाच झालेल्या विश्वकप क्रिकेट स्पर्धेत पाहिजे आहे. आपल्या देशाच्या क्रिकेट संघाचा संघप्रमुख महेंद्रसिंग धोनी व मास्टर ब्लास्टर सचिन तेंडुलकर यांचे व्यक्तिमत्त्व समाजापुढे आदर्श म्हणून उभा राहिले आहे. या दोघांच्याही व्यक्तिमत्त्व विकासात त्यांच्या क्रीडा शिक्षकाचे मोठे योगदान आहे. अशा रितीने समाजात राहणाऱ्या बालकांपासून, वयोवृद्ध व्यक्तिपर्यंत खेळाविषयीचा संदेश देण्याचे कार्य क्रीडा शिक्षक करीत असतात. म्हणूनच समाजाचे आरोग्य सुधारण्यासाठी क्रीडा शिक्षकाचे मोठे योगदान आहे.



सर्व समाजास क्रीडा शिक्षकांनी सामावून घेताना शहरी, ग्रामीण, वाडी, वस्त्रा, उपडपट्ट्या येथील व्यक्तीस सहभागी करून घ्यावेत व त्यांच्या कुवतीनुसार खेळाविषयी प्रबोधनातून स्पर्धा आयोजित करण्याचे कार्य क्रीडा शिक्षक करत असतो. समाजामध्ये याद्वारा, प्रदर्शने वामध्ये कुस्तीस्पर्धा, सायकल रेंस, धावणे इ. स्पर्धा होतात ही स्पर्धा घेण्याचे कार्य क्रीडाशिक्षकच करू शकतो.

औद्योगिकीकरण, आधुनिकीकरण, लोकसंख्या वाढ इत्यादी कारणांमुळे जगात अन्न, प्रदूषण, आरोग्य यांच्या समस्या वाढल्या असून बालके रोगग्रस्त तसेच भरकटलेली, तर पुरुष शरीर व मनातून खचत आहे. या अर्जावर एकच प्रभावी व जालीम उपचार म्हणजे शारीरिक शिक्षण होय व उपचार करणारा डॉक्टर म्हणजे क्रीडा शिक्षक होय. अशा रितीने समाजातील व्यक्तीचे आरोग्य, निरोगी, मनोरंजन, घडवून आणण्याचे कार्य केले पाहिजे.

### क्रीडा शिक्षकाचे सामाजिक योगदान :

शिक्षणवाह्य क्षेत्रात देखील नैतिकता म्हणून क्रीडा शिक्षकांनी शारीरिक क्रीडाविषयी उद्बोधन, प्रबोधन, प्रचार, प्रचार या माध्यमातून समाज सुधारणांचा प्रयत्न केला जातो.

#### १) उद्बोधन :

शारीरिक क्रीडा विषयीचे उद्बोधन करणे म्हणजे क्रीडा प्रेमींना खेळाविषयी उद्युक्त करणे. त्यांचा त्या खेळातील उत्साह वाढविणे, त्यांचे महत्त्व पटवून देणे.

#### २) प्रबोधन :

प्रबोधन म्हणजे त्या खेळाविषयी शास्त्रोक्त माहिती सांगणे. या शास्त्रोक्त माहितीमुळे त्या खेळाचे शरीरावर चांगले परिणाम होतात. त्यांचे परिणाम साध्य व्हावेत असे प्रबोधन असावे.

#### ३) प्रसार :

शारीरिक शिक्षणाचे प्रचार करताना खेळ व खेळाडूविषयी लेखन साहित्य प्रसिद्ध करावे. त्यात त्यांची उपयोगिता सांगायची.

#### ४) प्रसार करणे :

प्रसार करणे म्हणजे तो खेळ समाजातील प्रत्येक लोकांपर्यंत पोहचला पाहिजे. त्यासाठी विविध स्तरावर स्पर्धांचे आयोजन करावे. या स्पर्धांसाठी जनतेपुढे, सरकारपुढे, विद्यार्थ्यांपुढे, क्रीडाशिक्षकांनी वामपणे आपली मते मांडायची. या माध्यमातून क्रीडा शिक्षक समाजातील व्यक्तींचा सर्वांगीण विकास करण्याचे कार्य करतो.



खेळामुळे समाजातील व्यक्तींना होणारे फायदे :

- १) व्यक्तीचे शरीर बलवान होते.
- २) सांघिक खेळामुळे एकोप्याची भावना निर्माण होते.
- ३) खिलाडूवृत्ती वाढून व्यक्तिमत्त्वाचा विकास होतो.
- ४) शरीर आकारबद्ध व रेखीव दिसते.
- ५) रनाकुक्षमतेची कार्यक्षमता वाढून सर्व शरीराची कार्यक्षमता वाढते.
- ६) फुफ्फुसे, हृदय, बळकट होतात.
- ७) विद्यार्थ्यांचा, व्यक्तीचा सर्वांगीण विकास होतो.

खेळ खेळल्यामुळे विद्यार्थ्यांना, समाजातील व्यक्तींना बरील फायदे होतात व हे क्रीडा शिक्षकांमुळेच शक्य होते.

**निष्कर्ष :**

- १) क्रीडा शिक्षक हा समाजाचा शिल्पकार आहे. कारण त्यावरच समाजाचा सर्वांगीण विकास अवलंबून आहे.
- २) क्रीडा शिक्षकांनी लोक विश्वासाला पात्र ठरण्यासाठी जास्तीत जास्त लोकांना ज्ञान दिले आहे.
- ३) निरोगी आरोग्य बनविण्यासाठी खेळ हे पहिले माध्यम असून त्या माध्यमाची घुरा क्रीडा शिक्षक सांगतात.
- ४) क्रीडा शिक्षकांनी क्रीडा दिन म्हणून एक दिवस साजरा करणे. ह्या दिवशी वेगवेगळ्या खेळांच्या स्पर्धा घेऊन बक्षिस देणे.
- ५) प्रदर्शनाद्वारे व्यक्तींना, विद्यार्थ्यांना योगासनाची चार्ट दाखविणे, त्यापासून शरीरावर कोणते चांगले परिणाम होतात ते सांगणे.

**संदर्भ सूची :-**

- १) शारीरिक शिक्षणाची तत्त्वे व : सौ. शोभा व्यंकटेश बांगवाड, पार्वती मनोरंजन प्रकाशक प्रकाशन, पुणे पृ.क्र. ९
- २) शारीरिक शिक्षणाचा इतिहास आणि : कुंभार सी.एस.  
पाया समर्थ पब्लिकेशन्स, वजीराबाद, नांदेड पृ.क्र. ९५,९६,९८

SPECIAL ISSUE No. 102

Vol. - IV

ISSN 2349-638x  
Impact Factor 7.149



AAYUSHI INTERNATIONAL INTERDISCIPLINARY  
RESEARCH JOURNAL

PEER REVIEW & INDEXED JOURNAL

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# **Aayushi International Interdisciplinary Research Journal (AIIRJ)**

Peer Reviewed And Indexed Journal

ISSN 2349-638x

Impact Factor 7.149

Website :- [www.aiirjournal.com](http://www.aiirjournal.com)

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## A Study of Study of Well-Being Life After Covid

Dr. Gadhive Shashikant Desai  
Director of Phy. Edu.  
P. S. Law college, Barshi

### Abstract

*The aim of this study was to examine the effects of COVID-19 lockdown on the community's physical, mental and psychosocial health. The COVID-19 pandemic is a major health crisis that has changed the face of nations globally. The purpose of this study was to assess the effect of the pandemic on mental health and quality of life among the general population in the Middle East and North Africa region. Psychological impact was measured using the Impact of Event Scale-Revised, and the social and family support impact was measured with questions from the Perceived Support Scale.*

### Introduction

The novel coronavirus, later designated as COVID-19, is an infectious disease that can spread among humans. It emerged initially in the city of Wuhan in China in late December 2019, when cases of pneumonia of unknown etiology were reported. By May 2021, almost 142 million people had become infected with over 3 million associated deaths. By contrast, the Western Australian community of 2.6 million people had fewer than 1000 infections and only nine deaths. A recent systematic review confirmed that quarantine confinement due to infectious disease outbreaks can result in negative psychological outcomes, including insomnia, depression, anxiety, post-traumatic stress, and emotional exhaustion. In response to this global health crisis, quarantine and lock-down measures were implemented by international and government health organizations to contain the rapid spread of the virus. Further measures included suspension of flights, avoidance of large gatherings, mandatory use of face mask in many countries, social distancing, teleworking, home-schooling of children and health orders to stay at home.

### Discussion :

This study aimed to investigate the impact of the COVID-19 outbreak on mental health and quality of life among residents of the MENA region. The survey was conducted after two months of lockdown measures implemented in the MENA region. In the present study, the effect of a three-month lockdown, aimed at reducing the spread of COVID-19, on the community's physical activity, nutrition and mental well-being was examined. The biggest impact, as measured by effect size, was the sense of loss of control respondents had over their lives, followed by an increase in loneliness and alcohol consumption.

The biological, social and cognitive processes underlying gender differences in the susceptibility to psychological disorders have not yet been fully understood. However, some evidence indicates that fluctuations in ovarian hormone levels may be responsible for altered sensitivity to emotional stimuli among women. Additionally, studies suggest that greater brainstem activation to threat stimuli may contribute to the greater prevalence of PTSD among women; and greater hippocampal activation in men may enhance their capacity for contextualizing fear-related stimuli. Telehealth services such as telephone counseling helplines, are useful to provide support to the vulnerable groups and is an appropriate tool for the delivery of mental health services. Additionally, implementing community-based strategies for support psychologically vulnerable individuals during the COVID-19 pandemic is essential. Likewise, awareness about self-relocation and self-care measures for participants and their families can be encouraged to (lessen social) isolation.

### Conclusions:

While advice on infection control measures were appropriately provided, there is a need for concurrent health promotional information to help combat the changes in physical, mental and psychosocial well-being observed during quarantine to prevent negative health consequences in the community even if there are minimal effects of the pandemic itself. There is a need to increase the awareness among the various media platforms about psychological challenges during pandemics and highlight the importance of seeking help and engaging in physical activity for the management of mental health disorders. However, it also recognized some positive impacts on family support and mental health awareness.

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# Journal of Research and Development

*Multidisciplinary International Level Referred Journal*

**February-2021. Special Issue-11, Volume-6**

*Physical and Human Dimensions of Environment, Climate Change, and Sustainable Development*

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No-23, Mundada Nagar, Jalgaon (M.S.)  
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*Multidisciplinary International Level Referred and Peer Reviewed Journal*

February 2021

Special Issue-11, Volume-6

On

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## **Concept of Sustainable Development and Judicial Response in India.**

**Ms. Shikare M. P.**

Asst. Professor, Rajarshi Shahu Law College Barshi, Dist. Solapur (MS)

### **Abstract -**

Sustainable development is the development that meets the needs of the present without compromising the ability of the future generations to meet their own needs. Development involves a progressive transformation of economy and society. Sustainable development does not imply absolute limits to growth and it is not a new name of environmental protection but it's a new concept of economic growth. It is a process of change, in which economic and fiscal policies, trade and foreign policies all aim to induce development paths that are economically, socially and ecologically sustainable.

This paper tries to discuss the concept of sustainable development and the provisions of Indian legislation which are in relevance of the concept of sustainable development.

*Key words: - Sustainable Development, Environmental Protection, Ecological sustainability*

**Introduction:** -The term sustainable development was used at the time of Cocoyoc Declaration on Environment and development in the early 1970s. Since then, it has become the trademark of international organizations dedicated to achieving environmentally benign or beneficial development. Sustainable development means an integration of developmental and environmental imperatives. To be sustainable, development must possess both economic and ecological sustainability. The environment and development are means not ends in themselves. The idea of sustainable development is that for the benefit of future generations, present generations should be modest in their exploitation of natural resources. The whole concept is based on the idea that natural resources are not the fruits of labour of present generations that's why the resources can only be exploited with adequate consideration of the rights of future generations. In India like any other developing country, there has been environmental degradation due to over exploitation of resources, industrialization, urbanization and population explosion. India has always been in the forefront of taking all steps for the protection and improvement of the environment and aiming at sustainable development. Since man is the creator and moulder of his environment his conduct can be regulated by the instrument of Law.

### **Concept of sustainable Development**

The term sustainable development was used at the time of Cocoyoc Declaration on Environment and Development in the early 1970. The concept of sustainable development further received impetus in the Stockholm Declaration on Human Environment resulting from the United Nation Conference on Human Environment in 1972. Principle first of the declaration provides that man has the fundamental right to freedom, equality and adequate conditions of life in an environment of quality that permits a life of dignity and wellbeing and he bears the responsibility to protect and improve the environment for present and future generations. The concept of sustainable development received further boost in the world conservation strategy which was prepared in 1980 with support of United Nations Environment Program and world wild Fund.

### **The Brundtland Report**

The term sustainable Development was brought into common use by the world commission on Environment and Development (the Brundtland Commission). The Brundtland Report has given a very comprehensive definition of sustainable development that, Sustainable development is development that meets the needs of present without compromising the ability of the future generations to meet their own needs. The concept of sustainable development contains within it two key concepts first is the concept of needs. In particular the essential needs of the world's poor to which overriding priority should be given and second is the idea of limitations imposed by the state of technology and social organizations on the environments ability to meet present and future needs. Sustainable development is a new concept of economic growth. It is a process of change, in which economic and fiscal policies, trade and foreign policies, energy, agricultural and industrial policies all aim to induce development paths that are economically, socially and ecologically sustainable. The United Nations conference on Environment and development was held in June 1992 popularly known as Earth Summit this conference put the world on the path of sustainable development. Which aim at meeting the needs of the present without compromising the ability of future generations to meet their own needs. In principle 8 of the declaration, it is provided that in order to achieve sustainable development and a

higher quality of life for all people state should reduce and eliminate the unsustainable patterns of production and consumption.

#### **Salient principles of sustainable development**

Some of the salient principles of "sustainable development" as called from Brundtland Report and other international documents are as under.

- 1) Intergenerational Equity
- 2) Use and conservation of natural resources
- 3) Environmental protection
- 4) The Precautionary Principle
- 5) The Polluter pays Principle
- 6) Obligation to assist and co-operate
- 7) Eradication of poverty
- 8) Financial assistance to developing countries

#### **Intergenerational Equity**

The central theme of the theory of Intergenerational Equity is the right of every generation of human beings to benefit from the cultural and natural inheritance of the past generations as well as obligation to preserve such heritage for future generations. Intergenerational Equity requires conserving the diversity and quality of biological resources, and of renewable resources such as forest.

#### **Use and conservation of natural resources**

In order to meet the needs on sustainable basis, it is absolutely necessary to use the Earth's natural resources carefully and the natural resource base must be conserved and enhanced. It is part of our moral obligation to other living beings and future generations. The resources must be conserved and enhanced. It is part of our moral obligation to other living creatures and future generations.

#### **Environmental protection**

The protection of the environment is an essential part of sustainable development. Without adequate environment protection development is undermined.

#### **The Precautionary Principle**

The main purpose of the precautionary principle is to ensure that a substance or activity posing a threat to the environment is prevented from adversely affecting the environment. The words substance and activities imply the substances and activities introduced as a result of human intervention.

#### **In *Vellore citizens welfare forum v. Union of India*, (1995) 5 SCC 647**

this case is popularly known as Tamil Nadu Tanneries case. The Supreme court expressed the view that the precautionary principle and the polluter pays principles are essential features of sustainable development and they have been accepted as part of the law of land. The court had no hesitation in holding that the precautionary and the polluter pays principle are part of environmental law of the country.

#### **The Polluter pays principle**

The polluter pays principle as interpreted by the supreme court of India means that the absolute liability for harm to environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Thus, it includes environmental cost as well as direct cost to people or property.

#### **Obligation to assist and co-operate**

The environmental problem is not the problem of an individual or that of the country but it is a global problem and it can be tackled only with the assistance and cooperation of all. Principle 27 of the Rio declaration expects the people and the states to cooperate in good faith and in the spirit of partnership in the further development of the international law in the field of sustainable development.

#### **Eradication of poverty**

The sustainable development has to address the problem of the large number of people who live in absolute poverty and who cannot satisfy even their basic needs. The Brundtland Report has rightly pointed out that poverty reduces people's capacity to use resources in the sustainable manner and hence it intensifies the pressure on the environment.

#### **Financial Assistance to developing countries**

Developing countries face poverty as the worst pollutant. The people in the developing countries strain their natural resources and over exploit them to meet their basic needs. The developing countries do not have the financial resources and modern technology to follow the path of development which is

sustainable. The financial assistance and transfer of technology from the developed nations to the developing nations is necessary if we want to achieve the sustainable development. **Sustainable Development and Judicial response in India**. In India, like any other developing country, there has been environmental degradation due to over-exploitation of natural resources, industrialization and urbanization and population explosion. On the wake of the 21<sup>st</sup> century it is neither feasible nor practicable to have a negative approach to the development process of the country but that does not mean, without any consideration for the environment. **R.I. & F. Kendra, Dehradun v. State of U.P AIR 1985 S.C. 652** Popularly known as **Doon Valley case** was the first case of its kind in the country involving issues relating to environment and ecological balance. In this case mining which denuded the Massoorie Hills of trees and forest cover and accelerated soil erosion resulting in landslides and blockage of underground water channels which fed many rivers and springs in the river valley. The court ordered the closure of number of limestone quarries. The court observed that this would undoubtedly cause hardship to the people, but it is a price that has to be paid for protecting and safeguarding the right of the people to live in healthy environment with minimal disturbance of ecological balance. **Kinkri Devi v. State AIR 1988 H.P. 4** a public interest litigation was filed in which it was alleged that the unscientific and uncontrolled quarrying of the limestone has caused damage to the Shrawāh hill and posing danger to the ecology, environment and inhabitants of the area. The Himachal Pradesh High court relied on the Doon Valley case and pointed out that if the just balance is not maintained between environment and development by proper tapping of natural resource, there will be violation of articles 14, 21, 48-A and 51-A(g) of the constitution. **A.R.C Cement Ltd v. State of U.P 1993 supp. (1) SCC 57** in this case supreme court did not permit the cement factory to run in the Doon Valley area where the mining operation had been stopped. **M.C Mehata v. Union of India (1992) 3 SCC 256** the Supreme Court of issued directions for stopping mechanical stone crushing activities in and around Delhi, Faridabad and Ballabhgarh complexes. However, keeping in view, the sustainable development, directions were also issued for allotment of sites in the new crushing zone set up at village Pali in the state of Haryana.

#### **Conclusion**

The process of Sustainable Development must be participatory in order to be successful and sustainable. The argument, which connotes the systems theory, is premised on the notion that Sustainable Development cannot happen through the efforts of only one person or organization but it is a collective responsibility all, which requires the participation of all people of the state. Sustainable Development is built on the principle of participation, which requires positive attitudes of the people so that meaningful progress can be achieved with responsibility and accountability for stability.

The ultimate aim of Sustainable Development is to achieve a balance among environmental, economic and social sustainability, by making these the pillars on which Sustainable Development rest. Sustainability of society can be said to depend on the availability of proper health systems, peace and respect for human rights, decent work, gender equality, quality education and rule of law. Sustainability of economy, on the other hand, depends on adoption of appropriate production, distribution and consumption while sustainability of the environment is driven by proper physical planning and land use as well as conservation of ecology or biodiversity.

All people must be aware and acknowledge that their survival and the survival of the future generation depend on responsible behaviour of consumption of all-natural resources and environment protection and progressive social values.

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Peer reviewed Journal

Impact Factor: 5.13

ISSN-2230-9578

## *Journal of Research and Development*

*Multidisciplinary International Level Referred Journal*

**February-2021. Special Issue-11, Volume-5**

*Physical and Human Dimensions of Environment, Climate Change, and Sustainable Development*

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# **Journal of Research and Development**

*Multidisciplinary International Level Referred and Peer Reviewed Journal*

February 2021

*Special Issue-11, Volume-5*

*On*

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In sustainable development collective desire of the people for peace, independence, development and environment. UNEP introduced in 1972 in Nairobi for thinking about to environmental problems. The World Conservation Strategy published in 1980 by the International Union for the Conservation of Nature and Natural Resources (IUCN), and Our Common Future published by the UN appointed World Commission on Environment and Development seven years later, provided the answer as "sustainable development" – and thus the concept of sustainable development was born. The United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992, with the heads of 179 states and representatives of numerous countries, confirmed that humanity could no longer treat the environment separately from economic development. The conference accepted a world action plan called Agenda 21, an action programme spanning the next 100 years. The Rio Declaration contains the basic principles that must underline future state decisions and policies. After ten year of Rio de Janeiro summit Johannesburg Summit 2002 held in Johannesburg and stressed. Alleviate poverty and disease, manage natural resources rationally, and promote responsible consumption and production. The main emphasis was to use the benefits of globalization to establish a balance between development and environment. Agriculture is expanding rapidly, eating into forest. Forest supplies vital fuel wood used for cooking and heating. As forest is displaced, people are forced, for energy needs, to use oil, which is imported and expensive. Emissions are increasing as the carbon

#### **Challenges of sustainable development**

Following are major challenge for the sustainable development.

1. Population
2. Shortages of drinking water and arable land for food production.
3. Inequality continues with suffering from undernourishment.
4. In many regions of the world arable terrains are limited, and the creation of new ones has a destructive effect on the remaining ecosystems.
5. Consumption of energy Consumption of all forms of energy is continually rising.
6. Socio-economic inequality
7. environmental degradation etc.

#### **Strategies for Sustainable Development**

The conceptual meaning of sustainable development is not to create an obstacle in development process but it relates to how we utilize our resources so that an inter-relationship can establish among present and future generation.

1. Human development has to use opportunities created by globalization. Better management of capital flows and macroeconomic regulations may be necessary and coherence between national development strategies and global decision-making is important. The reallocation of resources to investments to enhance labour productivity and in formal education, investments in training and the adoption of the skills necessary to design, deploy and maintain sustainable energy systems are key components of a big-push approach to sustainable development.
2. While technology will play an important role in the transition to
  1. Sustainable consumption
  2. Conscious efforts to move away from more resource-intensive to less resource-intensive consumption
  3. from a private to a public mode of consumption
  4. from use of non-biodegradable to use of natural and biodegradable material
  5. from unequal to more equitable consumption.
  6. Strengthen links between cities and rural areas Social cohesion and decentralization.
  7. Reduce youth unemployment.
  8. Investment in universal access to affordable water and sanitation
  9. Creation of jobs to reduce growth of slums
  10. Investment in social protection for an effective response to crises.
  11. Improve waste and recycling management
  12. Support consumption of local produce
  13. Change overproduction and overconsumption styles improve
  14. Incentives to local communities to improve recycling systems and improve waste and recycling management.

3. Some developing countries have been implementing initiatives directed towards sustainability and provide real leadership in the transition to sustainability.
4. Strengthen links between cities and rural areas. Social cohesion. Reduce number of urban poor and disease risk; reduce youth unemployment. Investment in universal access to affordable water and sanitation; creation of jobs to reduce growth of slums. investment for effective response to crises.
5. Improve waste and recycling management; support consumption of local produce; change overconsumption patterns of high-income households; incentives to local communities to improve recycling systems. Change overproduction and overconsumption styles.
6. Global institutions have to consider the special needs of developing countries. The global agenda seek human rights, conflict prevention, good governance and reduction of inequalities.
7. Investment in green industry, green infrastructure adaptation to climate change, improve access to food; increase productivity. Investment in urban agriculture, local crops, storage facilities; Reduce food waste. Reduce impact on livelihoods; strengthen regional cooperation for green technology transfer.
8. The policy focus should be on clusters and based on integrated assessments. A policy package of carbon taxes and regulations placing caps on emissions could have positive sustainability effects. Implementation problems need to be overcome which is known to require complementary policies designed to neutralize or compensate for negative impacts on vulnerable population groups. Examples of integrated approaches to energy policies are the water-energy-food nexus (NEXUS) and the climate-land-energy-water (CLEW) interlinkage. The improvement of access to reliable, sustainable and environmentally friendly energy sources and services, as well as the creation of national programmes for energy effectiveness, is a particularly important task. The Summit emphasized the need to realize the decisions of the Kyoto Protocol for reaching an agreement on emissions norms for greenhouse gases in developed countries.
9. The revenue of oil, instead of financing the budget deficit, is used for financing investments in public infrastructure such as roads, bridges and electricity networks (Tax-oil-infrastructure) and may extend to increase spending in education (Tax-oil-education). Public infrastructure and a larger pool of better-educated workers result in productivity growth in service delivery and increase attendance and promotion in all school cycles.
10. The United Nations Conference on Sustainable Development reaffirmed the political commitments of the international community to pursue sustainable developments. It is clear that economic, social and environmental implementation efforts need to reintegrate.
11. An important sustainable development challenge arises from unsustainable consumption and production patterns that have evolved in developed countries, a pattern that is increasingly being followed by developing countries. For example, per capita greenhouse gas emissions levels in developed countries are 20-40 times greater than needed for stabilization of the atmospheric greenhouse gas concentration. The developed countries should apply the sustainable development policies in their own country and then it will be enforced in developing countries. Policymakers have to deal with market public sector failures and interventions, as proposed in the OECD, World Bank and UNEP green economy strategies.
12. Sustainable developments should prefer about poorest and most vulnerable. Developed countries can facilitate cooperation for example, through technology adaptation and transfer. Thus, both developed and developing countries can enter into a virtuous cycle of cooperation and engagement to ensure global sustainable development. Protection of climate and environment will be pursued as a universally shared goal.

Input Efficient Technology can be reducing the exploitation of resources. Example Delhi Transport Corporation's initiative to CNG Buses. It will be beneficial for the country like India, where is enough sun light, to Convert Sun light into solar Energy and Solar Energy in Electricity for green development.

Public awareness about sustainable development is to be increased. For the same there should be sensitization about it. Sustainable development cell should be introduced at academic level and at every industrial level. There should be attitude of one family in world.

### **Conclusion**

Sustainable development is a vision and a way of thinking to secure the resources and environment for our future generation. It will not be brought about by policies only it must be taken up by society at large as a principle guiding the many choices each citizen makes every day, as well as the big political and economic decisions that affect much i.e. collective desire is want. Future generations inherit a poor quality of life, having no security voice in present decisions and planning. Ultimately, the vision will become reality only if everybody contributes to a world where economic freedom, social justice and environmental protection go hand in hand, making our own and future generations better off than now.

Moreover, there is some obstacles in achieving the sustainable development such as individual interest conflict with collective interest, and conflict between countries, economic growth versus ecological limits, adaptability versus resistance, lack of political will, irresponsible attitude towards the environment, lack of accountability etc.

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**Academic Year 2021-22**

Dr. R T S

ISSN 2349-638x  
Impact Factor 7.149

SPECIAL ISSUE No. 102

Vol. - III



डा. प्रमोद तंदले

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## Impact of COVID- 19 on Legal Education & Profession in India.

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### Abstract.

*This paper is based on the covid-19 pandemic and its impact on legal education and profession in India. The pandemic has caused transforming impact on legal education and profession. Paper analyses the impact made and issues created by pandemic on legal education and profession, and how law colleges, schools and legal professionals have responded to the situation of pandemic is discussed in the this paper.*

*Key Words. Covid-19, Pandemic, Legal Education, Law School, Courts, Legal Profession, etc.*

### Introduction

Coronavirus pandemic is the most transformational event in the history of human society, which has left a huge impact nationally, globally. Different sector has undergone drastic changes, which includes legal education & the legal profession. The courts, judges, litigants and universities, law colleges, students, professors, and the entire process of teaching and learning have been impacted in multiple manners. Legal education is comprised of different laws, practical training, visiting different law enforcement institutes, and research activities. These activities are badly affected as we consider the negative effect of COVID-19 on legal education; the pandemic has compelled the Indian academia to go through some serious issues.

### Centers for Legal Education

The Bar Council of India has considered legal education and issues before it. The bar council of India in consultation with its Legal Education Committee. The apex body of BCI has given their assent for the commencement of online classes by various Centers for Legal Education & National Law Universities. The BCI released detailed promotion guidelines of law students to the succeeding year. However, those in their final year were permitted to appear in online examinations or avail alternate methods as the concerned University deems appropriate. Nevertheless, what was long an illusionary concept got implemented in breath-taking speed during an unanticipated occurrence like COVID-19. It has incited to reconsider the conventional mode of education and adopt innovative approaches, bringing digital learning to the center stage.<sup>1</sup>

The legal profession is a sector that requires skill and the person involved in this sector must always be ready to learn and develop their skills. Law students who are involved in legal education try to gain such form of knowledge and skill since the beginning of their law education. A law student also needs to undergo an Internship as a requirement set up by the Bar Council of India. While the Bar Council of Punjab and Haryana High Court and other bar councils had also provided some high-quality webinars for both young lawyers and law students free of cost. Thus, these interactions between students, senior Advocates, Judges, and other industry professionals can help both the students and young lawyers to learn the tricks and challenges which they might require to face after the completion of their Law degree.

The BCI guideline, many of the prominent law colleges, schools in India and most of the law colleges, national law universities had shifted to conduct their classes online with proper teaching material and teacher training program to conduct their classes on virtual mode. During the process at the same time, there are hundreds of other law schools in India which are located in tier two and tier three cities which do not have the required facilities to conduct online classes, and neither their teacher was well versed with the modern technologies to conduct classes online. The students who are studying in these law schools of tier 2 and tier 3 cities might not be economically capable to bear the cost of online education as online education applications

require a high-speed Internet connection which might not be available in these small towns and cities and can be very costly considering the number of online classes which a student needs to attend every day.<sup>2</sup>

Another impact of the coronavirus pandemic on legal education is that it forced many people mostly students to rethink more about our home country. There was a trend that most students preferred either a world-class legal degree from an international law institute or made it big with law firms outside India. Certainly, Indian lawyers' accomplishments on global platforms are a matter of pride, but now pandemic has created a situation in which we should consider and contributes to the domestic legal system's strength & development. Today, legal education stands on a highly transitional phase where legal education institutions can either embrace the change or tenaciously cling to traditional practices. With the appropriate choice made, law schools can unleash a world of opportunities for lawyers of the post-coronavirus era.

### Judicial Functioning

During the pandemic, the Supreme Court of India is hearing some of its vital cases through the virtual medium. Few High Courts are also undergoing experiments to introduce technology for more accessibility of litigants to the judicial system. The coronavirus pandemic, hence, prompted India's legal system for increased usage of technology. This can be further intensified if the following are implemented:<sup>3</sup>

- Every court is equipped with the appropriate technology to facilitate legal processing.
- More investment is allocated for technology up-gradation to clear the pending cases faster.
- The entire legal system undergoes an overhaul, and the Indian Criminal and Civil Procedure Acts get major changes. The purpose is to empower the legal fraternity and judiciary with the knowledge of using technology and virtual medium.
- The litigant, without being physically present, actively participates in the court proceedings, views everything via virtual media, and gets notified about the daily ruling, date of hearing, etc.
- The introduction of technology calls for robust cyber security systems, preventing cyber threats.

The Supreme Court of India has issued an Order to extend the limitation period with certain restrictions, on March 8, 2021, The Indian Patent Office, abiding by the Order passed by the Honorable Court, extended the limitation period of all pending litigations along with certain norms. The cases whose limitation periods had expired during the period between March 15, 2020, and March 14, 2021, had been extended for the period of 90 days. However, if the actual balance period is beyond 90 days, the longer period will apply. Further the period from March 15, 2020, to March 14, 2021.<sup>4</sup>

The impact of the pandemic has been seen in all the Indian courtrooms as it may be subordinate judiciary or it may be the higher judiciary. In order to adhere to covid-19 norms and to curb the spread of the different waves of this infectious virus, the Indian judiciary & Courts have started Virtual Court Rooms to ensure that the administration of justice shall function uninterrupted. The concept of Virtual Courts is not a new concept to the judiciary in India. In 2003, the Supreme Court of India has held that recording of evidence by a court through video conferencing shall be considered to be as per the procedure established by law. Since then, several subordinate Courts in India have already framed guidelines in this respect and have held judicial proceedings through virtual video conferencing. The Court further mentioned that the recording of evidence by video-conferencing also satisfies the object of providing, in Section 273, that evidence be recorded in the presence of the accused. The accused and his pleader can see the witness as clearly as if the witness was actually sitting before them. In fact, the accused may be able to see the witness better than he may have been able to if he was sitting in the dock in a crowded courtroom. They can observe his or her demeanor. In fact, the facility to playback would enable better observation of demeanor. They can hear and rehear the deposition of the witness. The accused would be able to instruct his pleader immediately and thus cross-examination of the witness is as effective, if not better. The facility of playback would give an added advantage whilst cross-examining the witness.<sup>5</sup>



### Conclusion

The pandemic has created many challenges before legal education and profession. The challenge of pandemic are successfully accepted and responded by the Colleges, Universities, UGC, BCI and Courts in India. The initiatives and efforts to overcome from the pandemic is put out by the different stake holder are appreciable, the efforts no doubt are limited and having many limitations.

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**Online International Conference on "Emerging Trends of Education in Post Covid World"**

### CERTIFICATE

This is to certify that **Dr. Ratnadeep Yadavrao Sonkamble** of **Rajarshi Shahu Law College, Barshi** has participated and presented a paper entitled - **Impact of COVID-19 on Legal Education & Profession in India** in a one day Online International Conference held on 27th November, 2021 on "Emerging Trends of Education in Post Covid World" by Shri Shivaji Shikshan Prasarak Mandal's College of Education, Barshi in collaboration with Punyashlok Ahilyadevi Holkar Solapur University, Solapur.

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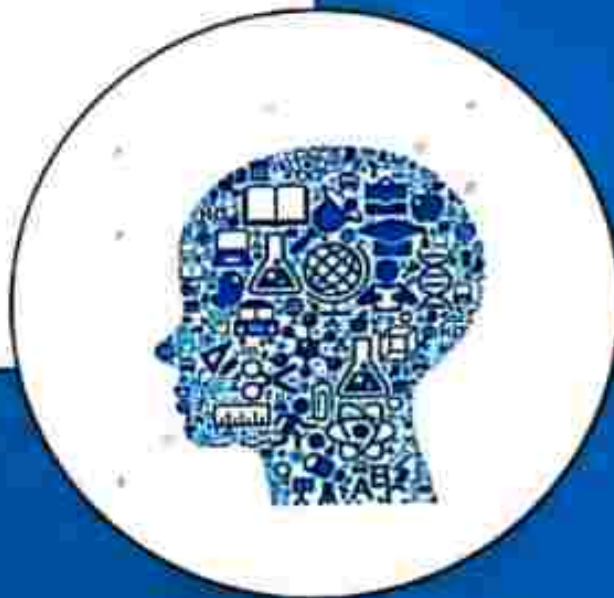
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ISSN No. 2247-2079  
Impact Factor - 7.526  
Volume 2, Issue 1

**INTERNATIONAL  
JOURNAL of  
ADVANCE and  
APPLIED  
RESEARCH**



**Publisher: P. R. Talekar**  
Secretary,  
Young Researcher Association  
Kolhapur(M.S), India

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# International Journal of Advance and Applied Research (IJAAR)

*A Multidisciplinary International Level Referred and Peer Reviewed Journal*

**May-June Volume-2 Issue-9**

*On*

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*Published by- Young Researcher Association, Kolhapur (M.S), India*

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**WOMEN EMPOWERMENT THROUGH THE CONSTITUTION OF INDIA**

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**Abstract:**

Empowerment of women is one of the basic features of the constitution of India, the constitution of India provides various provisions and philosophical bases for gender equality, the constitution not only recognizes various categories of rights for women, but it also prohibits various practices that lower the dignity of women. The present paper focuses on the constitutional provisions concerning the empowerment of women along with the international mechanism for the creation of equal rights and freedoms in all areas, including personal, social, economic, political, and legal fields, etc.

**Keywords:** - Constitution, Empowerment, Women, Gender Equality, Gender sensitivity, Rights, Freedoms, International Law, etc.

**Introduction :**

The principle of gender equality is enshrined in the Indian Constitution of the preamble, basic rights, obligations, and policy principles. The Constitution not only guarantees women's equality but also allows the state to take positive discriminatory measures in favor of women. Within the framework of a democratic regime, our laws, development policies, plans, and programs aim to advance women in a variety of areas. India has also ratified various international treaties and human rights documents that promise to ensure the equal rights of women. Most important is the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993. The Constitution of India not only guarantees women's equality but also takes positive discriminatory measures in favor of women to neutralize the cumulative socio-economic, educational, and political disadvantages they face. It gives authority to the country.

About 50% of India's population is female. Nevertheless, India has an unbalanced sex ratio. This is because women are treated differently than men in different parts of the country. The gender subordination and gender inequality was the part of socio-cultural life of our society. In Mahabharata, Pandavas wife, Draupadi had to face all forms of inequality. This indicates that women were treated worse than men. The ideal idea of society was to marry a girl at a very young age. In 1848 Savitribai Phule became the first female teacher in India. This gave women the courage to be freed from various forms of clutches. During the freedom struggle, women's empowerment was a major agenda for various social reformers and freedom fighters. Various social reformers such as Raja Ram Mohan Roy, Iswar Chandra Vidyasagar, and Mahatma Phule etc. have promoted various other social norms such as educating women, abolishing sati, and banning children's marriage. The initiatives of the social reformers led towards the creation of series of laws for women, such as Hindu Widow Remarriage Act, 1856, Women's Property Rights Act, 1937, etc. After independence, women's status in society began to improve. Dr Ambedkar had introduced Hindu Code Bill to provide equal rights to women in personal laws, which was not accepted by the than parliament of India, later The Hindu Marriage Act of 1955, the Hindu Adoption Act of 1961, and the Dowry Prohibition Act of 1961 were partial reforms implemented to protect women from all forms of social injustice.

**What is Women's Empowerment?**

Empowerment means to have agency over one's life and equal opportunity to participate in society. Women's empowerment, or female empowerment, is the process by which women gain influence and equal opportunity to pursue personal, social and economic endeavors, engaging in all parts of society on the same basis as men.

Women's empowerment is important for improving the future of human society, women have established themselves as equal participants to meet the economic needs of households. Women have also succeeded in establishing an invincible position at the international level, but women are only a handful compared to men. The constant initiatives of women empowerment are needed to change the gender bias in the society.

**The importance of promoting women :**

The Merriam-Webster Dictionary defines empowerment as "the granting of authority, right, or authority to perform various acts or obligations." Empowerment aims to enable individuals to think and act in an autonomous way. It involves managing resources (physical, human, intellectual, economic) and ideology (beliefs, beliefs, attitudes). Women's empowerment is essential to the development of society because it gives women equal status, and the opportunity to think, act freely, and reach their full potential. The United Nations Development Fund for Women (UNIFEM) defines women's empowerment as follows:<sup>1</sup>

1. Gain knowledge and understanding of gender relationships and how these relationships can be changed.
2. Foster self-esteem, belief in the ability to make the desired changes, and the right to control one's life.
3. Acquiring decision-making ability is bargaining power.
4. Develop the ability to organize and influence social change to create a more equitable social and economic order domestically and internationally.

Women empowerment implies, the cap potential in women to make choices in regards to their lifestyles and give the same rights to them in all spheres like personal, social, monetary, political, felony, and so on. We are residing in an age of women empowerment in which Women are running shoulder to shoulder with men. A girl additionally manages stability through their dedication to their career. They are gambling more than one role - at domestic as a mother, daughter, sister, and spouse and at running areas as specialists with high-quality simplicity and compatibility.

Without women's empowerment, we cannot dispose of injustice and gender bias and inequalities. Women empowerment acts as an effective device towards exploitation and harassment of ladies. If now no longer socially and economically empowered, women cannot blossom their personal identification in society and if they're now no longer employed, the worldwide economic system can be adversely affected as women represent a huge volume of the world's population. As women are extraordinarily innovative and sensible this makes it obligatory to obtain their contributions in socio-monetary activities.

#### **Convention on the Elimination of All Forms of Discrimination against Women<sup>2</sup>**

The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly in 1979 and entered into force in 1993. This treaty is called the International Charter of Women's Rights and Empowerment. It sets out the conditions and provisions of discrimination against women. The treaty has 30 articles and sets out the various measures that all states accepting the treaty must follow. These measures include:

Ensuring equality between men and women, abolishing all nationally established discriminatory frameworks, and enforcing legislation prohibiting discrimination against women. Establish courts, courts and other organizations to ensure that women are adequately protected from all forms of discrimination. End all discrimination against women. Countries that accept this Convention are legally bound by the provisions. India has also accepted this treaty.

#### **United Nations Principles for Women's Empowerment :**

The United Nations Women's Principles, enacted in 2010, help people understand how to empower women in all disciplines. The principles are as follows:

1. Integrate high levels of leadership to maintain gender equality.
2. Treat all women and men equally and do not discriminate.
3. Maintain equality in employment for men and women, promote education and provide professional training for women's development.
4. To ensure the health and well-being of women.
5. Promote equality by implementing various initiatives. Create a report on progress towards achieving gender equality.

These principals are playing an important role at national and international level to bring empowerment of women; states are under obligation to achieve all the principles set out the United Nations.

#### **Constitutional provisions :**

The Constitution of India not only recognizes women's equality, but also states the authority to take affirmative action measures in favor of women to neutralize the cumulative socio-economic, educational and political disadvantages they face. The constitution of India provides, guarantees equality before the law and equal legal protection. It prohibits discrimination against citizens based on religion, race, caste, gender, or place of birth and guarantees equal opportunity for all citizens in employment

issues. Of particular importance in this context are Articles 14, 15, 15 (3), 16, 39 (a), 39 (b), 39 (c) and 42 of the Constitution.

#### **Fundamental Rights, privilege and DPSP, etc.**

(Article 14) Equality before the law Under Article 14, the State shall not deny equality before the law or equal protection under the law within India's sovereign territory. (Article 15) Prohibition of discrimination based on religion, race, caste, gender or place of birth. (Article 15 (1)) The State shall not discriminate against any citizen on the basis of religion, race, caste, gender, place of birth, or any of these alone. (Article 15 (3)) The State shall establish special provisions in favor of women and children. (Article 16) Equal opportunity in public services (Article 16 (1)) All citizens have equal opportunities for employment or appointment to state offices. (Article 19 (1) (a)) Freedom of Speech states that all citizens shall have the right to freedom of speech and expression. (Article 21) Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law.

State is having negative duty towards fundamental rights; state should not violate fundamental rights mentioned in part III of the constitution of India.

(Article 39) Directive Principles of State Policy (Article 39(a)) The State directs its policy towards securing for men and women equally the right to an adequate means of livelihood. (Article 39(d)) directs the state to secure equal pay for equal work for both men and women. (Article 39A) Promoting justice on an equal opportunity basis, providing free legal assistance through appropriate law or system, etc. Article 42 of the Constitution contains very important provisions in favor of women. It directs the state to ensure fair and decent working conditions and the benefits of childbirth.

The directive principles of state policy imposes positive obligation on the state to create policy for the effective implementation of the provisions of the part IV of the constitution of India.

(Article 51 (A) (e)) refers to women. It says; it is the duty of all Indian citizens to promote a spirit of harmony and common brotherhood among all Indians, regardless of religious, linguistic, regional or sectoral differences. Refrain from practices that undermine the dignity of women.

Article 243 D: Reservation of seats. (Article 243 D (1)) Seats shall be reserved for - The Scheduled Castes; and the Scheduled Tribes, (Article 243 D (2)) not less than one third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes.<sup>11</sup>

The constitutional provisions are aim at the holistic development of women in all sphere of human life, different provisions mentioned at the different parts of the constitution of India provides complete catalog of women empowerment. The supreme court of India has interpreted these constitutional provisions in various cases through which new rights and freedoms have evolved. And complete mechanism of rights, freedoms is provided for women and their empowerment.

#### **Conclusion :**

The constitution of India is a fundamental living document in women empowerment. Education is one of the important tools through which revolutionary changes can be brought in the life of women. Women empowerment leads to increased economic growth, better health and sanitation, and a better understanding of the causes that oppress women. Increased inequities resulted from the rise of the market economy, industrialization, and globalization, leading in the loss of livelihoods, deterioration of natural resources, and decreased women's access to water, fuel, fodder, and traditional survival resources. New types of exploitation emerged as well, including displacement, tourism, sex trade, and retrenchment, to name a few. Women are being forced into lower-paying jobs. Increased demand for rural resources has increased migration to cities in pursuit of work. People from underdeveloped areas, tribal communities, and lower castes. The constitution of India provides constitutional, legal, institutional basis for eradication of gender subordination and thereby creation of gender equality.

<sup>1</sup> <https://finca.org/our-impact/community-transformation/women-empowerment/>

<sup>11</sup> [https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/unpd-cm7-2008-11\\_p06\\_unifem.pdf](https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/unpd-cm7-2008-11_p06_unifem.pdf)

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SPECIAL ISSUE No. 102

Vol. - II

ISSN 2349-638x  
Impact Factor 7.149



AAYUSHI INTERNATIONAL INTERDISCIPLINARY  
RESEARCH JOURNAL

PEER REVIEW & INDEXED JOURNAL

Email id : [airjpramod@gmail.com](mailto:airjpramod@gmail.com)

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

**Emerging Trends of Education In  
Post Covid-World**

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Shri. Pramod Tandale

**Editor**

Principal Dr. S. S. Gore

**Co-Editor**

Assist Prof. P. P. Narale  
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## Use of Digital Library Services for College Library.

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### Abstract:

Information and communication technology has revolutionized the concept of libraries. A digital library comprises digital collections, services and infrastructure to support lifelong learning, research, scholarly communication as well as preservation and conservation of our recorded knowledge. Digitization is the strategy of adopting recent technologies in it to make the mass of the digital resources available in the enterprise. Also, we have mentioned various fields where digitization has highly marked its importance like digital India, digital culture, digital camera, digital computer, digital education, etc. A paper deals with development of digital libraries in India and library technology and services.

**Keywords:** Digital libraries, Digital Information Services

### Introduction:

Most of the Indian Universities are on the way of digitization using digital cameras and scanners. Many university libraries are complete digitization of manuscripts and rare books. Research and Development on digital libraries is at a very beginning stage in India. Digitization has been made important for every libraries aiming the digitization of manuscripts, theses, dissertation, special collection, which are special in nature and very useful for users. Therefore, it is necessary to concentrate on to compile or collect the information regarding such type of documents which is necessary to be digitized. As you are also aware about some oldest college were having the unique documents which is necessary to be digitized. Digital libraries are integral part of learning environment it is a crucial component of universal information infrastructure adopting current information and communication technology. Digital libraries are networked collections of digital text, document images, sound, data, software and many more that are the core of today's. Digital library also known as research library, electronic library & virtual library.

### Definitions:-

According to Digital Library Federation (DLF) Digital libraries are organization that provides the resources, including specialized Staff, to select the structure offer intellectual access to interpret, distribute preserve the integrity of and ensure the persistence over time of collections of digital work so that they are readily and economically available for use by a defined community.

According to Wide World, A digital library is a popularly viewed as an electronic of a library, where stores is in a digital form allowing direct communication to obtain material and copying it from a master version.

Digital library is a library consisting of digital resources and provides services to users from this collection as well from the group of library collection. Libraries are facing new challenges competitors demands, motions and variety of information series.

### Advantage of Digital Library.

1. Information flow is dynamic and quick due to use of digital media and E-mail facility adopted.
2. Document delivery is fastest.
3. The hypertext and hyper linking is the security of the digital media.
4. Emphasis on access to information.
5. Digital documents have direct access to the users at their desk i.e. publisher to user connectivity.
6. Less space and powerful retrieval.
7. Along with the traditional skills advanced skills, like ICT skills designing skills database E.R. Development skills networking skills, etc. are required.
9. University accessible.
10. Easy access to electronic resources.
11. Ability to deal with large database.
12. Access to latest information.
13. No Storage Problem.
14. Failed information retrieval.



SPECIAL ISSUE No. 102

Vol. - I

smp

ISSN 2349-638x  
Impact Factor 7.149



## AAYUSHI INTERNATIONAL INTERDISCIPLINARY RESEARCH JOURNAL

PEER REVIEW & INDEXED JOURNAL

Email id : [aiirjpramod@gmail.com](mailto:aiirjpramod@gmail.com)

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# Aayushi International Interdisciplinary Research Journal (AIRJ)

Peer Reviewed And Indexed Journal

ISSN 2349-638x

Impact Factor 7.149

Website :- [www.airjournal.com](http://www.airjournal.com)

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Emerging Trends of Education in Post Covid World

( Special Issue No.102 )

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## Impact of Covid-19 on Teaching learning Process in Higher Education

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### Abstract

India has been strengthening its educational system since 2019, when the Right to Education Act was passed which mandates free and compulsory education. But this process has been significantly hindered by the COVID-19 which mandates free and compulsory education. But this process has been significantly hindered by the COVID-19 which mandates free and compulsory education. The work of universities is being changed by the digital revolution. The impact of digitalisation is greater in pandemic. The work of universities is being changed by the digital revolution. The impact of digitalisation is greater in pandemic. The work of universities is being changed by the digital revolution. The impact of digitalisation is greater in pandemic. This article highlights on major impacts of COVID-19 on Teaching Learning process and related issues.

### Introduction:

The spread of pandemic COVID-19 has drastically disrupted aspect of human life including education. It has created an unprecedented test on education. In many educational institutions around the world, campuses are closed and teaching-learning has moved online. In India, about 32 crore learners stopped to reach schools/colleges and all educational activities brought to an end.

Despite of all these challenges, the Higher Education institutions have reacted positively and using the economy of teaching-learning, research and service to the society with some tools and techniques. Due to COVID-19 pandemic, many new modes of learning, new perspectives, new trends are emerged and for some may continue as we go ahead in a new tomorrow. In a world where technology teaches upon virtually all aspects of the human experience, teaching learning process was still in a traditional mode but after this pandemic circumstances blended learning will become widespread. Covid-19 has resulted in a marked increase of blended learning. Blended learning can increase the flexibility and adaptability of universities while increasing learners' digital skills and independence.

Many students from less-privileged circumstances dropped out of schools and colleges, some were forced to take up jobs in order to support their families who were dealing with pandemic-related deaths and income loss.

Although private, urban colleges in India were better adapted to new circumstances, many rural educational institutions have struggled to transition from traditional in-person learning to an online system.

Uninterrupted education relies on the availability of and access to digital infrastructure including the internet, laptops and phones. While students in urban schools tend to have better access than those in rural schools, inequalities across class and gender still impact who can and can't use these tools. What's more, access issues are further compounded by other constraints such as unreliable electricity supplies, home environments and study spaces, etc. In spite of all these things, Universities and college campuses are places where students live and study in close proximity to each other. They are also buzzing cultural hubs where students are brought together from nations around the world. But this pandemic situation has changed the scenario.

### Impact on educational Activities

The institutions got closed with the ceasing of educational activities and created many challenges for the stakeholders. An immediate and effective response to the crisis was to go digital. Activities like admission, examinations, entrance tests, competitive examinations conducted by universities are postponed.

The primary challenge was to continue the teaching-learning process when students, faculties, and staff could no longer be physically present on the campuses. The obvious solution for the institutions was to depend on online teaching & learning. However, within a relatively short time, higher education institutions have been able to provide support to the students through online mediums.

the future as their college exams are cancelled, which might also affect their college admission process in India and abroad.

#### **Impact on employment opportunities:-**

Many entrance tests and job recruitments got cancelled which created a negative impact in the life of students of higher education and those who have been preparing for years. In India, there are no recruitments in Government sector and fresh graduates are under pressure of finding withdrawal of job offers from corporate sectors because of the pandemic situation. With this increase in unemployment, many students might withdraw from higher education and begin their professional journey too early.

The pandemic has both positive and negative sides but in the education sector, it has impacted students and teachers heavily. Many of them have quit studying because of financial constraints whereas many teachers are suffering from financial plight. As unemployment is predicted to increase and the financial capacity of Indian homes comes under stress, it may result in to drop in enrolments and challenges with tuition fees. Public institutions too may face the problem of reduced funding. Pandemic could also prompt reform in the structures and creation of more cost-effective programmes. Covid-19 has impacted or is likely to impact on current and future employment.

#### **Impact on concentration**

Students find difficulty in concentrating on Academic work because of many sources of distraction. Since at homes there is a distractive environment and home is more suitable place for relaxation than for studies. Teaching learning process may be interrupted by the family members and household activities. Other factors affecting loss of concentration are use of social media, internet and other social media related activities. In Online classes students have to stick to computer screen and this prolonged attention to screen may cause the fatigue. It affected on sleep pattern of the students also. Pandemic increased the level of social isolation which decreased the live communication with friends which results into depressive thoughts of students which is the result of loneliness and insecurity, hopelessness, overthinking. Communication with the students is the primary way to deal with stress and anxiety.

#### **Conclusion**

COVID-19 has dramatically reshaped the way global education is delivered. Millions of learners were affected by educational institution closures due to the pandemic, which resulted in the largest online movement in the history of education. With this sudden shift away from classrooms in many parts of the globe, universities had to rapidly shift to virtual and digital strategies. Many believe that the adoption of online distance learning will persist after pandemic. Things have changed due to pandemic situation and it not only effects on the teaching learning process but also it created the unequal circumstances in the education system which was already there in existence.

Students from poor family background facing many problems like lack of gadgets, financial constraints specially for educational purpose. Education system is in need of some solution which may be helpful for students, new hybrid model of education is expected to emerge, and, given the digital divide, new shifts in education approaches could widen equality gaps.

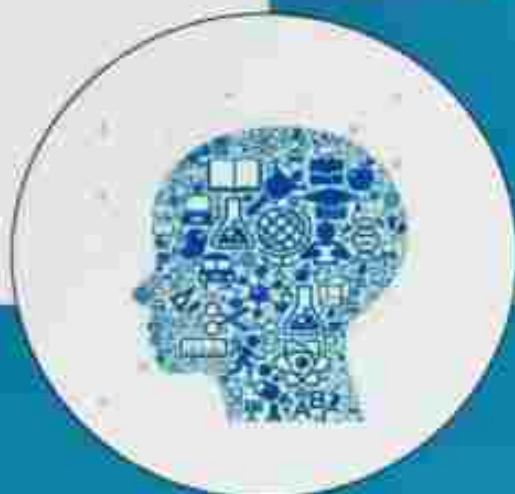
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ISSN No 2347-7075  
Impact Factor- 7.328  
Volume-2 Issue-9

**INTERNATIONAL  
JOURNAL of  
ADVANCE and  
APPLIED  
RESEARCH**



**Publisher: P. R. Talekar**  
Secretary,  
Young Researcher Association  
Kolhapur(M.S), India

**Young Researcher Association**



# International Journal of Advance and Applied Research (IJAAR)

*A Multidisciplinary International Level Referred and Peer Reviewed Journal*

*May-June Volume-2 Issue-9*

*On*

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*Published by: Young Researcher Association, Kolhapur (M.S), India*

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**ROLE OF WOMEN IN ENVIRONMENTAL PROTECTION IN INDIA**

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**Abstract :**

Women and the environment are closely bound and interconnected. Women have been immortalized as powerful symbols of nature like Mother Earth, Earth Goddess, and Earth is considered as mother in Hindu mythology also. Women have personified nature and given nature its infinite meaning. Women are bearers and conservers of life. This paper tries to discuss about sustainable development and role of women in environmental protection.

**Keywords:** Woman empowerment, Sustainable Development, Environment Protection

**Introduction :**

Women play a significant role in the management of natural resources, and they are major contributors to environmental rehabilitation and conservation. Women play a dominant role through their roles as farmers and as collectors of water and firewood, they have a close connection with their local environment and often suffer most directly from environmental problems.

As Women are in direct contact with environment, it gives them deep- knowledge about the environment. Thus, women have served as agriculturalists, water resource manager, and traditional scientists, among others. Women are not only knowledgeable about the environment, but they are also protective and caring. Women have always been the principal conservers of bio-diversity. Even today women perform an important duty in agricultural fields such as seed selection, multiplication and conservation of seeds of traditional vegetables. This on-farm conservation traditions of rural and tribal women, contributed a lot in the preservation of biodiversity.

**Constitutional Provisions Regarding Environmental Protection :**

Constitution imposes fundamental duty upon every citizen of India, that it is the duty of every citizen of India to protect and improve the natural environment and to have compassion for living creatures including forests, lakes, rivers and wild life and to have compassion for living creature<sup>1</sup>

It is the fundamental right of every citizen of India to live in a clean and healthy environment and it is the part and parcel of Right to life<sup>2</sup> conferred by Constitution of India.

The state shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country<sup>3</sup>

However, women in India are playing a crucial role in protection and conservation of environment. Women in our country have brought a different perspective to the environment protection, because of their different experience base. They understand clearly that economics and environment are compatible and this is the concept of sustainable development that economy plus ecology i.e., economic development as well as ecological protection. Their experience reveals to them that soil, water and vegetation are necessary for their day-to-day living, hence it requires, care and good management.

**The Concept Of Sustainable Development And Women :**

Every woman plays her role for the improvement and protection of the natural environment and also, she is the supporter and user of every technological development that changed the life of men and women. It proves that women are contributing towards sustainable development which is the emerging principle. Women have an integral relation with the environment. Therefore, women are essential for any measure aimed at environmental protection and sustainable development. Women have contributed greatly to the conservation movement in the past.

**Green Belt Movement :**

Green Belt movement is the movement, which is one of the biggest in women and environment history. Nobel Prize winner Wangari Maathai founded this movement on the World Environment Day in June 1977. It begins with few women who planted seven trees in Maathai's backyard. By 2005 30 million trees had been planted by participants in the Green Belt movement on public and private lands. The Green

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<sup>1</sup> Article 51A(g)

<sup>2</sup> Article 21

<sup>3</sup> Article 48A

**Radha Bhatt :**

Actively formulating in the Uttarakhand Nadi Bachao Abhiyan in 2008 to oppose the construction of a series of hydel power projects that not only threatened the flow of the Ganga and most of its tributaries but imperilled the fragile, heavily deforested ecosystem of the Himalayan state, Radha Bhatt led 2000 kilometres march to voice for people's water rights. Environmental Movements lead by Women around the World.

**Tulasi Gauda :**

A 72 years old tribal woman from Karnataka belonging to the Halakki indigenous tribe in Karnataka, she never got the formal education but today she known as the encyclopedia of the forest, since the age of 12 she planted and nurtured thousand of trees. She has vast knowledge of diverse species of plants and herbs. Recently she received the Padma shri award for her contribution to the protection of environment and has been involved in environmental conservation activities for the past six decades.

**Kinkri Devi :**

Kinkri Devi was an Indian Activist and environmentalist, best known for waging war on illegal mining and quarrying in her native state of Himachal Pradesh, in 1987 she filed a Public Interest litigation with the support of local voluntary group in Himachal Pradesh High Court against Mining activity on the ground of irresponsible limestone quarrying.

to animals. So she anchored a TV program "Heads and Tails" and authored

**Conclusion :**

Women have an integral relation with the environment. Therefore, women are essential for any measure aimed at environmental protection and sustainable development. In fact, women have contributed greatly to the conservation movements in the past. The world realises, clearly today that real development cannot take roots if it by-passes women. India has been a relentless champion of the success of women at all spheres in international and national forums. The women's movement in India continuously interacts with and inform public opinion. The Indian Parliament has been a front-runner in progressive legislation upholding the status of women.

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ISSN No. 2347-7075  
Impact Factor- 7.328  
Volume-2 Issue-9

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**Judicial Approach towards Women Empowerment in India**

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**“There is no tool for development more effective than the empowerment of women.”  
-Kofi Annan**

**Abstract**

Status of women in the society reflects actual development of nation which is half of total population of our country. In ancient times women were worshiped. But in recent times the women are exploited by this male dominating society. Women are considered as weak. They are socially, economically and politically backward. Thus, the overall development of our country is affected. Women Empowerment is the need as she is also human being. Though adequate laws are existing but due to lack of proper implementation of these laws the women are exploited. This research paper critically analyses the crucial role of judiciary in empowerment of women in India. Article concludes with some suggestion and note that due recognition must be given to women and society and women themselves should come forward to ensure equal status in all spheres of life.

**Keywords:** Constitution, Judiciary and Legislature, Women empowerment, society, Constitution of India, judiciary, Women rights.

**Research Problem**

What is the role of Indian judiciary in women empowerment? Whether the judiciary has been efficient in protecting women's right and empowerment of women?

**Objectives**

To study the various laws for and in favour of Women Empowerment and to analyse the role judiciary in women empowerment by protecting women rights in India.

**Research methodology**

Doctrinal Research is adopted. Doctrinal Research in law field comprises arranging, and analysis of the legal framework, and case laws without any field work.

**Introduction**

Empowerment and dignity of women are desired in present situation. She is humiliated and discriminated in civil and political rights. Her status is subordinate in reality though de-jure she has equal rights and opportunity in all fields. It is a form of exploitation of weaker by superior. Women are human and there should be a radical transmission is required in women's position. It should be just and fair. For this we need a plan, which create atmosphere for women empowerment and equality in just society which is based on norms of equality and liberty. The Universal Declarations of human rights adopted by The United Nations claims that all human beings are born free and equal in dignity and rights. The real and just development of man and women is impossible without social justices which protect weak and inhibits the strong. Beijing Declaration, the world largest conference which is ratified by our India, accepted womanhood as integral part of equalization process. It is mandate to incorporate the Beijing decisions in national laws and it enables the domestic courts to read international legal instruments into municipal laws. Thus, many international instruments have become indirectly part of Indian's justice system. Our judiciary played an important role to evolve the new principles to give justice to women in all sphere through the judicial activism whenever it is required. Supreme Court has used the international instrument where there is vacuum in domestic law. It is possible only because of judicial activism. The Supreme Court of India, in 1997, in the Vishaka Judgment,<sup>1</sup> for the first time, declared sexual harassment at the workplace as a human rights violation. The Supreme Court relied on the Convention on the Elimination of All Forms

<sup>1</sup> Vishakha v. State of Rajasthan [AIR 1997 SC 3011]

Discrimination Against Women, adopted by the General Assembly of the United Nations, in 1979, which India has both signed and ratified. Thus, judiciary made it possible to have universal gender jurisprudence applicable in India and decision of Supreme Court is the law of land under article 141 of constitution of India.

#### **Position of Woman**

In ancient India, women were having equal status with men; but with the coming of Manusmriti, the status of women was subordinate to men. All kinds of discriminatory practices were existed in past like child marriage, devadashi pratha, nagar vadhu system, sati pratha etc. Women's socio-political rights were curtailed. They were made fully dependent upon the male members of family. Their right to education, right to work and right to decide for themselves were taken away. The conditions become worsened in Muslim rulers. The British rule also brought western ideas into the country. A few enlightened Indians such as Raja Ram Mohan Roy influenced by the modern concept of freedom, liberty, equality and justice started to question the prevailing discriminatory practices against woman. Due to his efforts, the British were forced to abolish the ill-practice of Sati. Widow Remarriage Act of 1856 enacted, Indian National Congress supported women's political rights in 1917. The Child Marriage Restraint Act in 1929 was passed. To stop discriminatory practices such provisions are introduced in the Constitution of India which would help in empowering women socially, economically and politically.

The Preamble to the Constitution of India assures justice, social, economic and political; equality of status and opportunity and dignity to the individual. Thus, it treats both men and women equal. Article 14 ensures to women the right to equality. Article 15(1) specifically prohibits discrimination on the basis of sex. Article 15(3) empowers the State to take affirmative actions in favour of women. Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office. Fundamental duties under Article 51 (A) (e) expects from the citizen of the country to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women. Article 21 ensures the right to live with human dignity. The parliament has empowered in real sense by giving reservation of seats to women in elections to the panchayat and the municipalities. Articles 23 and 24 of the constitution ensures to prevent exploitation of human being by human being. The State to make provisions for securing just and humane conditions of work and for maternity relief.

India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993. The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21st century, titled "Further actions and initiatives to implement the Beijing Declaration and the Platform for Action" have been unreservedly endorsed by India for appropriate follow up.

However, women in India continue to face atrocities such as rape, dowry killings, acid attacks, human trafficking, etc. According to a global poll conducted by Reuters, India is the "fourth most dangerous country in the world for women". Gender equality becomes impossible at many times when it intersects with race, class, and sexuality. Gender injustice is occurred under the name of religion or customary practices. even after adopting the Constitution, the Indian women did not get their due share; of Justice-social, economic and political, and Equality of status and opportunity; which they are entitled to. Many times, she has been suppressed in every walk of life.

#### **Concept of women empowerment**

Empowerment may be described as a process which helps people to assert their control over the factors which affect their lives. Educational Empowerment means empowering women with the knowledge, skills, and self-confidence necessary to participate fully in the development process. It means making women aware of their rights and developing a confidence to claim them. Economic empowerment means sustainable livelihoods owned and managed by women. It means reducing their financial dependence on their male and becoming part of the human resource. Legal Empowerment provides effective and supportive legal structures which reduce the gaps between what the law prescribes and what actually occurs. It includes the existence of a political system favouring the participation in and control by the women of the political decision-making process and in governance.

#### **Judicial Approach towards Women Empowerment**

Gender injustice is a universal problem. Indian judiciary feel persuaded of the need for women's empowerment-by law and by legal means. The judiciary has made a revolution by transforming doctrinal approach to the pragmatic approach, which was encouraging to all interests in the society. The Courts have shown greater-zeal in granting the constitutional provisions for all women. Awareness of and sensitivity to the problem of Gender bias are very important in the judicial setting, since women look to our Courts for justice and protection in cases of violence, abuse, or discrimination.<sup>2</sup>

Delhi Domestic Working Women's Forum v. Union of India is a PIL filed under Art 32. Six working ladies were travelling in Muri Express where they were raped by seven Army Personnel. The Supreme court gave Guidelines for rehabilitation and compensation of Working Women who are rape victims.<sup>3</sup>

In a significant case of Gaurav Jain v. union of India,<sup>4</sup> Judicial Guidelines are given for improvement of pathetic condition of Prostitutes and Rehabilitation of their Children

Air India Vs Nargesh Meerza,<sup>5</sup> the Supreme Court struck down the clause of retirement of air hostess on attaining 35 years of age or on marriage within first 4 year of service or on first pregnancy as being arbitrary and unreasonable and clearly violative of article 14 of Indian Constitution.

Vishaka Sawhney Vs State of Rajasthan<sup>6</sup>, (1998) In this landmark judgment the supreme case held that sexual harassment at work place is a violation of article 15 and 21 of the constitution and he laid down the exhaustive guidelines to prevent sexual harassment of working women in places of their work until a law is passed for this purpose. In 2013 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed by the parliament of India.

Sarla Mudgal Vs Union of India 1995<sup>7</sup>, This case about the exploitation of personal laws of women. In this instance, a Hindu male, married under the Hindu law, desirous of taking on a second wife, converted to Islam. After the second marriage he reverted to Hinduism. Second wife pleaded that she had no protection under either of the personal law. In view of this case the Supreme Court directed the union government to implement uniform civil code.

Mohammad Ahmed Khan Vs Shah Bano Begum<sup>8</sup>, Popularly known as the Shah Bano case. The Supreme Court held that the Muslim women have a right to get maintenance from her husband under section 125. After the decision, nationwide discussions, meetings and agitations were held. Then Rajiv Gandhi led government nullified the Shah Bano case decision by enacting Muslim women (Right to protection on divorce) act, 1986, which curtailed and diluted the right to maintenance.

Tuka Ram And Another vs State of Maharashtra,<sup>9</sup> (Mathura rape case) Case of custodial rape of Mathura, a young tribal girl by two policemen. But the Supreme Court acquitted the accused which resulted in public protest, and led to amendments in Indian rape law via The Criminal Law (Second Amendment) Act 1983 (No. 46).

Mackinnon Mackenzie Vs Audrey D'costa,<sup>10</sup> This is first major judgment where Audrey a lady stenographer sued her company under equal remuneration act as she was paid less than the male stenographer.

Apparel Export Promotion Council vs. A.K. Chopra<sup>11</sup> The accused (secretary of chairman of council) tried to molest a women employee a clerk cum typist at Taj Hotel, Delhi. The respondent

<sup>2</sup> Chhabra, S Legislative and Judicial Perspective of Women Empowerment. (n.d.). International Journal of Law and Legal Jurisprudence Studies <http://ijlljs.in/wp-Research-Paper/legislative-And-Judicial-Perspective-Of-Women-Empowerment.pdf>

<sup>3</sup> Delhi Domestic Working Women's Forum v. Union of India [(1991) 4 SCC 406]

<sup>4</sup> Gaurav Jain v. Union of India [AIR 1997 SC 3021]

<sup>5</sup> [(1981) 4 SCC 335]

<sup>6</sup> AIR 1997 SC 3011.

<sup>7</sup> AIR 1995 SCC (3) 1531

<sup>8</sup> 1985 AIR 945, 1985 SCR (3) 844

<sup>9</sup> 1979 AIR 185, 1979 SCR (1) 810

<sup>10</sup> 1987 AIR 1281

<sup>11</sup> AIR 1999 SC 625

persuaded her to accompany him while taking dictation from the chairman, the respondent taking advantage of the isolated place tried to sit too close to her and touch her despite her objections; and tried to molest her physically in the lift while coming to the basement, but she saved herself by pressing emergency button. In appeal supreme court held that "In a case involving charge of sexual harassment or attempt to sexually molest, the courts are required to examine the broader probabilities of case and not swayed away by insignificant discrepancies or narrow technicalities or dictionary meaning of the expression 'molestation' or 'physical assault'.... The sexual harassment of a female employee at the place of work is incompatible with the dignity and honour of a female and need to be eliminated and that there can be no compromise with such violation".

In *Railway Board vs. Chandrima Das*<sup>12</sup> The supreme court held that the employees of union of Indian, who are deputed to run the railways and to manage the establishment, including Yatriniwas and held vicariously liable. The victim was awarded a compensation of Rs. 10 lakhs for being gang raped by employees of union in Yatriniwas of railway. Since the right is available to non-citizens also, the reach of the right is very wide.

*Madhukar Narayan Mardikar vs. State of Maharashtra*<sup>13</sup>, The High Court Even a woman of easy virtue is entitled to privacy and no one can invade her privacy as and when he likes. So also, it is not open to any and every person to violate her as and when he wishes. She is entitled to protect her person if there is an attempt to violate it against her wish. She is equally entitled to the protection of law. Therefore, merely because she is a woman of easy virtue, her evidence cannot be thrown overboard.

Women are already strong; we have to change the way the world perceives that strength. As our society is dynamic, the need of the society is also dynamic. Because of the rigidity of law There is always a gap between the advancement of the society and the legal system prevailing in it. Which sometimes causes hardship and injustice to the people. Now women empowerment is a burning issue and, in many areas, there is no law. only judiciary can give justice by applying its activist power. Thus, judiciary evolved wider labour jurisprudence through the judiciary activism to do complete justice.

#### **Challenges before Women Empowerment**

Society fails to transform the available women base into human resource which automatically hampered the economic development of both women and country' as a whole. Due to delay in legal procedures and several loopholes in the functioning of a judicial system laws are not implemented effectively. Most of the women who are victims of any kind of assault and harassment do not knock the doors of court. They do not even reach to the police station to register a F.I.R. As they think it will socially criticize and their family will have to hear if anybody comes to know about that matter. And other reason is that no man will come with marriage proposal to such woman whose modesty is outraged. Most of the women do not know about what women empowerment is and what are their legal rights as they are uneducated or less educated.

#### **Suggestions**

If judiciary take extra attention in women's cases without prejudicing the interest of men a better environment will create which ensure real equality and feeling of confidence to fight against the suppression of women by male dominated society. So, for that purpose the judiciary should be acquainted with cultural background, understand feelings and have regard towards women, Treat women with dignity and honour, there should be no comment, gesture or action detrimental to the honour of women. inculcate confidence in them. Make sure that women do not face any harassment when they approach the courts. Make efforts to render women victims quick, speedy and cheap justice. The court proceedings should begin on time and in an orderly manner to avoid repeated hearings so that women witnesses are not harassed.

Thus, the Government, Judiciary and Voluntary Social organizations should Organizing education camps by providing knowledge to the women in need about their constitutional rights. Problems of the needy women should be solved by arranging meeting with the advocate. Measures to prevent and punish sexual harassment at the place of work, protection for women workers in the organized/ unorganized sector and strict enforcement of relevant laws such as Equal Remuneration Act and Minimum Wages Act will be undertaken. Recognised, local, voluntary organizations will be authorized to lodge Complaints and facilitate registration, investigations and legal proceedings related to violence and

<sup>12</sup> AIR 2000 SC 98

<sup>13</sup> AIR 1991 SC 207

atrocities against girls and women. Women's Cells in Police Stations, Family Courts, Counselling Centres, Legal Aid Centres and Nyaya Panchayats will be strengthened and expanded to eliminate violence and atrocities against women. legal literacy programmes and rights information programmes

#### Conclusion

The legislations, which take care of rights and privileges of women, are numerous in number. But due to ignorance and illiteracy those legislations cannot be properly enforced. All judicial decisions reflect active positive role when there is lack of adequacy of enforcement machinery.

It is not going to be easy to change the culture of disregard for women which are so deep-rooted in Indian society. It is possible but reforms take their time. All we need is a concentrated effort focused in the right direction that would rest only with the liberation of women from all forms of evil. They have to exercise their judicial powers for protecting the fundamental rights and liberties of citizens of our country. Therefore, in order to achieve this mission, the judiciary has to exercise and evolve its jurisdiction with courage, creativity and circumstances and with vision, vigilance and practical wisdom.<sup>14</sup>

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MIMS

SPECIAL ISSUE No. 102

ISSN 2349-638x  
Impact Factor 7.149

Vol. - III



AAYUSHI INTERNATIONAL INTERDISCIPLINARY  
RESEARCH JOURNAL

PEER REVIEW & INDEXED JOURNAL

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**Emerging Trends of Education In  
Post Covid-World**

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# **Aayushi International Interdisciplinary Research Journal (AIIRJ)**

**Peer Reviewed And Indexed Journal**

**ISSN 2349-638x**

**Impact Factor 7.149**

**Website :- [www.aiirjournal.com](http://www.aiirjournal.com)**

## **Theme of Special Issue**

**Emerging Trends of Education in Post Covid World**

**( Special Issue No.102 )**

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## Blended Education in COVID-19 Pandemic Situation with Special Reference to Higher Education

Asst Prof. Mittha M.S.  
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### Abstract

*The coronavirus disease 2019 (COVID-19) pandemic has transformed the scenery of higher education. So there is a need to deal with and examine approaches to learning methods. This paper deals with blended learning in online teaching in COVID-19 situation. This study helps to identify advantages and disadvantages of online teaching and learning and possible problems faced by faculty and students during the pandemic. Paper also provides how faculty can combine the best of both traditional and online instruction to offer sound participatory e-learning in higher education. This research provides valuable insights to faculty and students who are preparing to teach and learn during a pandemic and making efforts to academically survive it.*

**Keywords :** Online learning, blended learning, COVID-19, Education, face to face learning.

### Introduction

The corona virus disease 2019 (COVID-19) has a deep impact on many institutions including higher education, public, and private school systems around the world. This pandemic has forced all educational institutions to remain closed or operate with extremely limited resources to minimize risk of infection. All human race is afraid of this disease when there is no control on life. Vaccines are a good hope to control the situation.

At the same time extreme caution and scenario planning activities are required in education and educational institutions were closed for some period but all understood that learning cannot be stopped as it affects the next generation. So some middle way approach was started by way of online learning.

Blended learning provides engaging learning opportunities to students by combining face-to-face medium of instruction with online learning opportunities. Blended learning as defined by Dziuban et al. (2004), is an instructional method that includes the efficiency and socialization opportunities of the traditional face-to-face classroom with the digitally enhanced learning possibilities of the online mode of delivery. Students are at the centre and actively involved in the content by interaction with teacher and other students also understanding the very concept and collecting additional material which improves the course contents also.

Students get clarified in the classroom. Students may not enjoy online learning. Classroom learning creates a sense of community and encouragement to students. But rapidly all educational institutions transformed during the pandemic period. Flexibility, ability to work at your own time and place, engaging learning experience, self-directed learning, cost effectiveness, and ability to produce in-depth discussions are some of the most widely cited benefits of online learning Singh &Matthoes, 2021

The COVID-19 pandemic has altered the face of higher education. Both traditional and online mediums of instruction have their pros and cons. Some academic institutions have adopted a blended approach which includes traditional face to face methods and online learning. So there is a need to verify the effectiveness of such methods. This research has the prospective to contribute to the academic knowledge base and have wide practical applications.

### Objective

- To evaluate the traditional and blended method of learning and to apply it for the welfare of students.

### Methodology

This doctrinal based descriptive study attempts to examine blended learning methods and how instructors can combine both face-to-face learning and online instructional methods to enhance learning experiences for students. Identified problems faced by faculty/instructors during the pandemic

and to understand potential of blended learning especially during the COVID-19 crisis and a sound education system. How they may utilize these resources to enhance the effectiveness of classes.

By combining strengths of different technologies, web-based tools. Combination of on-campus and online work is ideal and can prove to be very effective when compared to sole use of one form or the other. The history of blended learning started in the 1840s when Sir Isaac Pitman launched the first distance education course. Shorthand texts were sent to students via postcards and they were required to complete the work and send it back for grading and feedback. During the 1960s and 1970s, employers were able to deliver training to several employees using computers. (Pappas, 2015).

Organizations started to upload learning material on web-based platforms, which could be accessed from anywhere in the world. Because of technology, students have access to vast amounts of resources such as webinars, tutorials, and other tech tools.

### **Weakness**

Fear of technology, limited knowledge of software, time management issues, and feeling of isolation are the challenges for faculty members. Both teachers and students were experiencing grief and personal loss resulting from illness, demise, and sudden loss of friends and family. Jobs were lost due to budget cuts. Lower socio-economic background students have to face problems to complete education. Many faculty members had to serve as frontline workers which led to mental stress. Suddenly a new form of teaching led to stress which resulted in emotional duct to some extent. While video conferencing is a very successful method to connect with students, excessive use of computers and mobile phones led to health risks and psychological fatigue. Limited or no access to appropriate teaching resources such personal computers headsets, and printers. No access to campus resources. Effective online assessments are required to personalize learning experiences to students. And by using content and question banks for online learning, the online method ensures reliability and distinctiveness of the test taking experience. However, designing effective online assessments require training and skill sets that faculty may not possess by some faculty.

The lack of a humanized learning environment, lack of sense of community, lack of students motivation, accessibility problems. Lack of social connectedness in e-learning. Connectivism is required to transform from a traditional approach to online teaching. Creating a flexible interactive learning environment. If the online course is not fully structured or interactive it vitally affects the education. There is no way to determine body language with students. Video interactions via Zoom, recording videos for students to playback at their leisure. Individual learners' integrity may be questionable, the majority of students were highly optimistic and showed increased enthusiasm in regards to online learning. This feeling of loneliness forced quarantine results in loneliness. But this is also now habitual. We have to work in post-COVID-19.

### **Improvement and Assessment**

By adopting a blended method a continuous process of revising to improve course content by evaluation is possible. It should pay attention to improving a culture of access, recognition of mental health support, open conversations, collective responsibility, and supportive action to prepare faculty.

Faculty should send some messages to encourage students personally. Information about all relevant educational resources, university policies, and online library resources should also be made readily available to students. Availability of relevant information, links and documents help to create a good impression on students. It also helps students to plan. In addition, the use of real-world case studies and videos of live lectures or interviews with guest speakers, who work as professionals in academic disciplines, can help in enhancing engagement in blended learning. It is also important to provide comments on all the discussion questions, assignments, and papers in time.

Students should also be encouraged to seek clarification if any. Collaborative activities should be included in online classes such as role-playing exercises, debate sessions on policy changes, team-based case study discussions, and problem-based learning exercises. The faculty used to give some time at the end of online class and ask students to summarize the information presented to them. Furthermore, this will also help in removal of a sense of isolation as students will actively work with

with faculty and students which reflects a sense of collaboration and teamwork, which is a must in education.

Formative assessment methods, such as discussions, team-based activities, group projects, can be effectively used to supplement assessment in blended teaching and make adjustments to the teaching and learning methods.

Major defect in online examination as there is no supervisory at the time of examination students are giving examinations in the form of multiple-choice questions with an open book. The majority of students are not honest when they give online examinations. They sit collectively and give examinations. Such types of malpractices are used in examinations of higher education also. It is unfair to other students who got marks on merit and honestly. because of such malpractices in examination, one cannot call it as true evaluation and assessment. when no proper assessment then no use of such education which does not create skills.

### Conclusion

For effective learning, faculty must be familiar with online learning approaches, e-Learning tools, and usage of innovative technology to facilitate teaching and learning which is aimed at quality assurance methods by evaluation. Faculty can be visibly present in online classes, build connections, demonstrate that they care about students, and can encourage students to think deeply about concepts presented to them.

All should exercise caution and follow federal and state guidelines to avoid risk of transmission of disease such as hand hygiene, physical distancing, and avoiding crowded spaces, should be encouraged to adapt. Blended learning seems to be the future of higher education by improving their course content with satisfaction and connectivity as it corrects the malpractice in examinations. Blended learning supports the assessment process in online time and also in campus assessment.

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**Academic Year 2022-23**

# **Aayushi International Interdisciplinary Research Journal (AIIRJ)**

Peer Reviewed And Indexed Journal

ISSN 2349-638x

Impact Factor 7.331

Website :- [www.aiirjournal.com](http://www.aiirjournal.com)

**Theme of Special Issue**

**Recent Trends in Higher Education**

( Special Issue No.115 )

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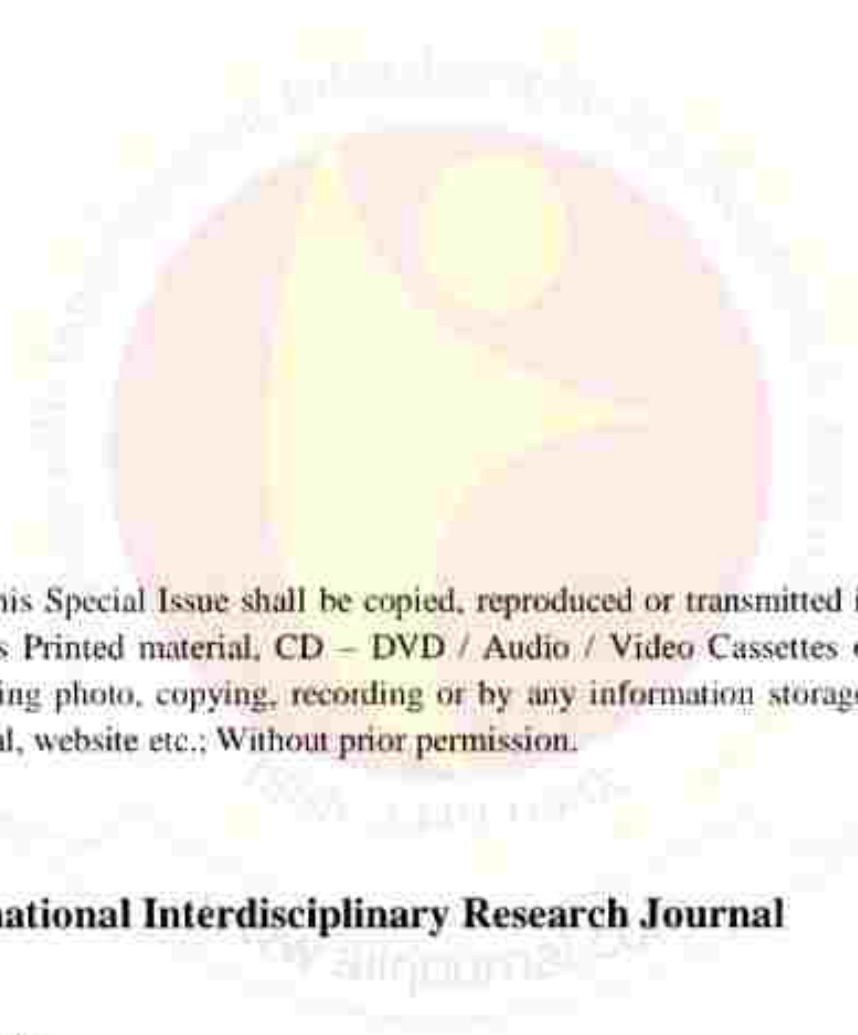
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## **Aayushi International Interdisciplinary Research Journal**

**ISSN 2349-638x**

Special Issue No.115

Nov, 2022

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## Victimology & Victims Compensation in India- Issues and Challenges

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### Introduction.

The contemporary idea of justice has demonstrated great concern by offering victims' compensation mechanisms. Since the Indian Constitution was created, regulations and laws pertaining to victim compensation have been developing. The development of victims' rights has been encouraged, it has been acknowledged that the victim is at the core of the criminal justice system, and ongoing attempts have been made to better their circumstances.

In order to reassure and support the victim, the right to life under Article 21 of the Indian Constitution has played a vital role in creating different avenues for the victim. The state was required by Section 357A of the Code of Criminal Procedure, 1973 to compensate the victims and their dependents who had been hurt as a result of the damage done. Nearly all of the states in the country created victim compensation schemes to offer fair compensation to the victims of crime<sup>1</sup>.

### Who is victim.

UN Declaration of Basic Principles of Justice for victims of crime, including those laws proscribing criminal abuse of power, 1985, has mentioned the persons who individually or collectively have suffered harm including physical and mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights through acts or omissions that are in violation of criminal law.

### Section 2 (wa) - Code of Criminal Procedure- 1973.

A person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression victim includes his or her guardian or legal heir. The Law Commission Report (1996's 154th)The idea of compensation was put up as a well-known kind of defense that provided the victim with instant assistance. According to the report, in some circumstances, compensation may also be given to the victim's relatives.

The Recommendations of the **Malimath Committee from 2003**, It is advised that a victim compensation fund be established, regardless of whether the culprit is caught or not, found guilty or not, the State is required to provide compensation to the victim. This will be structured in a different piece of law. The victim compensation law allows for the establishment of a victim compensation fund, which can include assets seized as a result of organized crime<sup>2</sup>.

### Recent trends.

Each State Government shall develop a plan for allocating funds for the purpose of compensating the victim or his dependents who have incurred loss or injury as a result of the crime and who need rehabilitation, in conjunction with the Central Government. The District Legal Service Authority or the State Legal Service Authority, as the case may be, shall determine the amount of compensation to be awarded under the scheme, whenever the Court recommends compensation, or where the cases result in an acquittal or discharge, and the District Legal Service Authority is satisfied that the compensation awarded under section 357 is not adequate for such rehabilitation. The victim or his dependents may submit an application to the State or the District Legal Services Authority for the award of compensation when the criminal cannot be found or identified but the victim is, and if there is no trial.

The State or the District Legal Services Authority shall, after due inquiry and within two months of receiving such recommendations or a request, provide reasonable compensation on a certificate from a police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or



any other temporary relief that the appropriate authority deems fit, the State or the District Legal Services Authority, as the case may be, may order that the immediate first-aid facility or medical benefits be made available free of charge.

A significant step forward in recognizing victim rights was made by changes made to the Code of Criminal Procedure (CrPC), 1973 in 2008, and by the Criminal Law (Amendment) Act of 2013. The additional Clauses in the CrPC are vital to talk about various aspects of what could be considered compensation to the harmed while addressing the law of victim compensation. This necessitates reading through more CrPC clauses like Section 358. The unorthodox definitions of "victim" and "compensation" for these purposes are addressed in Section 358<sup>9</sup>.

Similar to this, Section 359 covers situations in which a court receives a complaint for a non-cognizable offense and convicts the accused. It states that in these circumstances, a Court of Session, an Appellate Court, or the High Court may order the payment of expenses while exercising their revisional competence. The court may also order the accused to pay the complainant's costs associated with the prosecution, in full or in part, in addition to the punishment that has been imposed. In addition, if the accused doesn't make the payment, the court has the authority to sentence him to simple jail for a period of no longer than thirty days. The CrPC also considers situations in which the accused may be the target of false accusations. Section 237 of the Code addresses compensation for such peculiar victims<sup>6</sup>.

According to section 237, the Court of Session has the authority to recognize an office in accordance with CrPC section 199(2). Subsection (3) of the same provision further states that If in any such case, the court discharges or acquits all or any of the accused and is of opinion that there was no reasonable cause for making the accusation against them or any of them, it may, by its order of discharge or acquittal, direct the person against whom the offense was alleged to have been committed. (Other than the President, Vice President, Governor of a State, or Administrator of a Union Territory) to demonstrate his justification for refusing to compensate the accused, or each individual accused if there are multiple ones.

The growing importance of victims' rights in criminal trials was extensively discussed in the "Victimology" chapter of the 154th Law Commission Report on the Code of Criminal Procedure. It was noted that victimology, the prevention of victimization, and the protection of the various crime victims had gradually come to the attention of criminologists, penologists, and criminal justice system reformers. It brought attention to the fact that crimes frequently resulted in actual harm to people, the harm that went beyond mere allegory regarding the apparent effects on the social order. As a result, the report also addressed the needs and rights of victims, emphasizing the need to give them precedence in the hierarchy of the justice system when examining a crime.

#### **Constitutional Mandate for Victims Compensation.**

The idea of compensation was put up as a well-known kind of defense that provided the victim with instant assistance. In some circumstances, the victim's family may also be eligible for compensation. Constitutional jurisprudence served as the inspiration for victimology's core ideas. The Constitution's Parts III and IV, which deal with fundamental rights and directive principles of state policy, respectively, serve as the cornerstones of a new social order in which social and economic fairness will flourish in the national life of the country. In addition, it requires, among other things, that the State implement provisions that secure the right to public assistance in circumstances of disability and in other cases of unfair lack. Similarly, Article 51-A declares it to be a fundamental responsibility of every Indian citizen, among other things, "to acquire humanity" and to have sympathy for sentient animals. The Law Commission interjects to claim that the jurisprudence of these Articles can serve as the foundation for Victimology provided it is "emphatically constructed" and "imaginatively developed." The Law Commission also lamented the restrictive nature of victim compensation provisions in Indian criminal law. However, Section 357 of the CrPC is the law's saving grace because it gives courts more authority and incorporates victim-supportive jurisprudence<sup>7</sup>.

### Issues of Implementation.

Problems with the implementation of the law's execution, as envisioned by Section 357A, are beset by a number of issues. This is primarily due to the division of labor between the state government's role in legislation, the DLSA, and other implementers. Since they rely on other relief funds that compensate victims, most states usually opt not to notify the public of a specific victim compensation scheme under Section 357A. Failure of states to notify a practical and effective Victim Compensation Scheme under Section 357A is the main obstacle to realizing victim compensation accessibility across the country. Additionally, the amount of compensation granted by various states for the purpose of various crimes varies widely.

Regarding the specificity of the grounds for compensation, there is a gap that has been left open to the possibility of interpretation. Over distribution, there is uncertainty regarding the point at which compensation can be granted, including interim compensation and the victim's requirement to take care of ongoing expenses. In places where victim compensation systems have been announced, either there is a lack of knowledge about their existence or the governmental apparatus fails to offer compensation due to poorly planned fiscal allocation. Due to the application deadline's time constraint, this lack of knowledge also causes a lapse. Additionally, courts fall short of their responsibility to ensure that compensation is not only approved but also by failing to follow up on the claim for compensation, they breach their duty to ensure that compensation is not only awarded but also received by the victim<sup>10</sup>.

### Compensatory Relief to Victim-Judicial Trend (on the violation of provisions of the Constitution)

The Indian Constitution makes no specific provisions for victims. To secure the right to public assistance in cases of disability and other unjustified needs, as well as to have compassion for all living things and to advance humanism, the state is required to uphold Part IV, Directive Principle of State Policy, Art. 41 and Part V, Fundamental Duties, Art. 51A, respectively. These articles have been broadly interpreted in order to find sympathy for crime victims. According to Article 21 of the Constitution, the right to compensation has also been viewed as a crucial component of the right to life and liberty.

No less important is the judiciary's assistance in resolving victim of crime claims. In ensuring that the victim of crime receives compensatory justice, the higher courts have dominated. They used the necessary care and caution when granting such compensating remedies to prevent people's confidence in the legal system from being shaken and to guarantee that their right to victim protection was not violated. The Supreme Court's historic rulings guaranteeing restorative justice to crime victims indicate the judiciary's growing concern with defending victims' rights.

The idea of compensating crime victims was developed by the Honourable Supreme Court on the grounds that the welfare state has a responsibility to uphold citizens' fundamental rights not only from the actions of its agencies but also from those of third parties who may inflict hardship on the victims due to their obligations to social welfare, to protect their subjects, to administer just justice, etc. It should be noted that the Hon'ble Court developed compensation by the State for the action of its official in opposition to the English legal doctrine "King can do no wrong" explicitly stated in the case of Nilabati Behra v. State of Orissa (AIR 1993) that the doctrine of sovereign immunity is only applicable in the case of tortious acts of a government servant and not where there is a violation of fundamental rights. This effectively stated that in criminal matters & if there is a violation of fundamental rights, The most well-known case is Rudal Shah v. State of Bihar (AIR 1983), in which the Hon'ble S.C. ordered the state to pay Rudal Shah compensation of Rs. 35,000 after finding that the state had violated Article 21 by keeping him in prison for 14 years despite being found not guilty due to insanity.

Another significant case is Bhim Singh v. State of J&K (1986). In this case, an MLA named Bhim Singh was detained by the police in order to prevent him from attending the Legislative Assembly. The Hon'ble Court not only heard the wife's writ petition but also ordered the state to pay the victim Rs 50,000 in damages.

Another unfortunate case in which the High Court of P&H supported the victim's plea and granted compensation of Rs 25,000 for the unlawful confinement of the petitioner's kid is Meja Singh v. SHO Police Station Zira. In the case of Ruvikant Patil v. DG Police, State of Maharashtra, where the petitioner was brought

to court while being handcuffed in blatant violation of the law as determined in the case of Prem Shanker Shukla v. Delhi Administration, it was the High Court of Bombay that this time took up the cause of the victim. The most significant case under this heading is Mrs. Cardozo v. UOI, in which the accused was arrested on suspicion of stealing some plastic ware and hospital utensils worth Rs. 1500 but was tortured like a hard-core criminal before succumbing to the torture. Custodial Death is another pressing issue where the courts have awarded compensation to the victims of crime. When the case was presented before the Hon'ble High Court of Bombay, it ordered the state to pay a compensation of Rs. 2,00,000.

The case of Bodhi Satta Gautam v. Subhra Chakraborty (AIR 1996) is the next in line. In this case, the Hon'ble S.C. established the idea of interim compensation and upheld the part third right against a person by stating that: This ruling acknowledges the victim's entitlement to compensation by stating that it shall be granted by the Court upon conviction of the perpetrator subject to the Central Government's completion of the Scheme. There is no reason to deny the Court the ability to award interim compensation, which should also be included in the Scheme if the Court trying a case of rape has jurisdiction to do so at the ultimate stage.

As stated above, rape is an offense against fundamental human rights as well as the Fundamental Right to Personal Liberty and Life. According to the guidelines outlined in the aforementioned decision in Delhi Domestic Working Women's Forum, the jurisdiction to pay interim compensation shall be treated as a part of the overall jurisdiction of the Courts trying the offenses of rape.

In addition, the court said: Taking into account the facts and circumstances of the current case, where there is a serious allegation that Bodhisattwa Gautam married Subhra Chakraborty before the God he worshipped by applying vermilion to her forehead and accepting her as his wife and also having twice impregnated her, resulting in abortion on both occasions, we, on being prima facie satisfied, dispose of this matter by requiring that Bodhisattwa Additionally, from the date the complaint was filed until this date, he will be responsible for paying compensation arrears at the same rate. As a result, it can be seen where the issue of awarding compensation falls under the Cr.P.C. rather than the Constitution, the Honorable Courts have adopted a slightly milder stance (with regard to the financial aspect).

## Conclusion

In order to provide compensation to victims or their dependents who have suffered loss or injury as a result of the crime and who need rehabilitation, all states have put forth the same straightforward goal. This is consistent with Section 357A, which refers to the formation of the VCS and is similarly worded. The constitution of India has provided a clear mandate to provide victims compensation. The supreme court of India has provided a very clear view of the victim's compensation in India which helps to develop the victim's compensation scheme in India.

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Asso. Prof. Gavali A.B.

ISSN 2349-638x

Impact Factor 7.331

SPECIAL ISSUE No. 115

Vol. - III

AAYUSHI INTERNATIONAL INTERDISCIPLINARY  
RESEARCH JOURNAL

PEER REVIEW & INDEXED JOURNAL

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# Recent Trends in Higher Education

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## Role and Challenges of Librarians in Higher Education

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### ABSTRACT:

The role and challenges for librarians have changed over the years as per digital era. They are considered as the user-empowering, information-seeking, leading the skills of traditional librarianship with the skill of traditional librarianship. The virtual library environment necessitates the concept of the digital library but it is more than a collection of digital resources; it is more a multi-media-based challenge. In this library environment, an old term librarianship, meaning a library that has everything necessary for its users to use, should not define its new definition. Librarians need to have the ability to use technology and to use the present paper which has outlined the future vision of library profession, current and future challenges, challenges faced by library professionals.

Key Words: Library, Librarians, Digital Library

### Introduction:

Librarians are no longer the quiet, unobtrusive providers of the corpus of knowledge. Information changes and the use of electronically stored and retrieved information to meet has changed the way users and librarians can interact, access, receive and use of information. The instantaneous access to libraries through the internet has made the amount of information and data available at anyone with a common internet provider. The technology and communication technology has changed the composition of users. Users are no longer silent, they are always a part of the story. Staffers will have a hard task to do. It will have to be said that the world today is an urgent need of the day the restructuring, the sustainability concept of the traditional literature is necessary. It will prove to be. The effective role of librarians in Higher Education. They have to attend more activities of library and digital library involvement in everything in more period. Digital information is changing the role of librarians radically. No longer are they to wait for students to go to the services finding information is a place called a library. They now have to make it imperative for them to access various and necessary resources of users. Here in general. The role of library in the age of ICT resources will remain fundamentally participants in providing short-term support and guidance to the student and research community. The virtual library provides access to an integrated collection of print, digital and multimedia resources delivered seamlessly and transparently. Library technicians either of their physical base or the virtual and remaining of the generation.

### Traditional Role of Librarian:

In the past, a person who works professionally in a library, and may hold a degree in librarianship. Traditionally, a librarian's role was to help patrons find books, to be distinguished by the collection of rare "treasures" found in a library. Today, the role of a librarian is necessary, evolving to meet needs of the modern world. In the library, I would consider the first and most basic of librarianship roles are the profession with a variety of responsibilities and professional services to individuals, ensuring other professions in the 21st century the library is not a waste of space, it is there to support the library's experts and make available to the support needed. However, the last part of the 20th century has seen a dramatic change and growth in technological development. The role of librarians in the new environment has been strongly influenced by these changes. The demand for the 21st century is going to look more as:

- Development of digital information rather than the creation of information.
- Focus on information technology rather than printing books.

- Transition to information technology is coming with the age of the profession; this is not of age-old library techniques.
  - Presence of an information and knowledge-based society and learning.
- Changes to libraries are inevitable, and if librarians do not get actively involved in shaping these changes, it is likely that the 21st-century library will have lost the core mission and values that have historically been associated with libraries.

### Future Role of Librarian:

Though the digital environment is built as a common world, can be library used by its members. Good their thinking, the role of librarians cannot be considered. The responsibility of the librarians and information scientist has increased in terms of packaging and repackaging of information, database publishing, sharing, and about the change in library information services, etc.

### Three Elements we to change library and require more skills and additional roles

#### A) Creating a New and Strategic Role:

The primary role of librarians is to provide leadership and expertise to the change development, and digital management of knowledge-based information systems in order to meet the information needs and obligations of the users. We must build our management skills for acquiring, managing and disseminating a library system.

#### B) IT Skills as Digital Information Provider

Providing information services to users requires a good understanding of the world. It is more necessary to the capability of a virtual library. It should be able to provide all types of users especially internet changing roles of the librarians. It should be able to provide all types of users especially internet changing roles of the librarians. It should be able to provide all types of users especially internet changing roles of the librarians. It should be able to provide all types of users especially internet changing roles of the librarians.

#### C) An Evaluator of Digital Resources

Evaluating the right information at the right time is the most important feature of a virtual library. There is an increasing diversity of information resources from which to choose the most appropriate content and that librarians must make their selection judiciously in order to provide the right content for each situation. Electronic sources of information are available for data which must be used and a critical to support change, such as web-based journals, e-books, e-journals, and e-resources systems. Evaluating electronic sources of information that is able to contribute to the work is more important than what have been designed for the speed and ease of dissemination, and that which is of limited reliability, quality and time to access.

#### D) Classification of Online Information and Taxonomy

The most time in the work of a librarian is necessary and it is good that organizing vast quantities of information is becoming a daunting task. It is good that organizing vast quantities of information is becoming a daunting task. It is good that organizing vast quantities of information is becoming a daunting task. It is good that organizing vast quantities of information is becoming a daunting task.

#### E) Staff Development Programmes

Information services in the past have been with a library environment in the public. Information skills staff should be essential to meet the increased demand of the knowledge society. With a rapidly changing information both within and outside the library, staff development programs are essential to the excellent services of the organization.

#### F) Preserve Information Professional Role:

The modern world is full of the library to ensure that of a person's responsibility and responsibility for making access to appropriate information necessary, towards that of a modern world. Information professionals must not only work and managing information.

#### G) Information Literacy Programmes

Librarians have to change their role in the existing environment by participating in educational programmes and becoming involved in universities' existing system.

#### H) E-Resource Managers

Academics and research libraries staffs might face an anxiety that they will lose their positions because of the changing nature of information and education. Faculty have not become of enough issues and do not know what services is economically available or licensed by the library. Virtual learning systems can be essential in library systems through the development of library systems in the backend via the technology component.

#### I) To provide unrestricted access to information to any format

Providing unrestricted access to information is a role librarians have filled for a long time. Traditionally, librarians have done this via print-based resources. During the recent half of the twentieth century the range of available resources expanded to include microform, video and audio formats. For example, the most important issue is to provide the information or wherever users are in particular, by MASHALL (2008) states that librarians do not attempt to meet the information needs of users with one size library.

#### J) To create available sources of information

There is an increasing diversity of information resources from which to choose. The total appropriate variety, but that librarians must value their traditional processes in order to decide on the right routes for each situation.

#### K) To ensure the preservation of information

The overall preservation of the digital library encompasses a complex web of concerns and needs to be seen from extended conditions and protection for the preservation and transfer of print materials for long-term survival. The preservation of electronic and digital information resources create new dilemmas for librarians and archivists.

#### L) To organize and structure information

Traditionally, librarians have organized and managed resources through classification systems. The retrieval of information through a user's inquiry has been facilitated via classification systems of knowledge resources, such as MARC. It is clear that organizing and managing of information is becoming a challenging task for those involved in the development of the libraries.

#### Challenges faced by librarians in virtual digital library environments and the new skills required

The most pressing issues and challenges that the librarians face in digital are the providing digital information services in the knowledge society are:

- I. Copyright and privacy issues
- II. New generation of users
- III. Technology challenges
- IV. Digital/Physical issues and models
- V. Meta issues
- VI. Skills
- VII. Organizational structure
- VIII. Collection of digital resources
- IX. Preservation archiving of digital resources
- X. Lack of ability to value

#### Conclusion

The virtual library for libraries requires a new technical set of computer skills for librarians which will not necessarily require. Much work is required with paper, including text processing, computer networks, MARC. As the virtual library collection increases in variety, there may be an ever-growing demand for professional

staff skills within computing or library qualifications. Librarians or professionals instead of working organization, network, and dissemination of information tend to adapt and acquire new skills of digital age. The traditional library/print library and traditional library services will not disappear. But, as librarians, we must accept and adapt to the introduction of new techniques and systems. Librarians can learn up with other professionals to develop new strategies. More than ever before, librarians must make themselves more relevant in the digital age.

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