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INDEX

3.2.3 Number of books and chapters published per teacher during last five year

Year	2022-23	2021-22	2020-21	2019-20	2018-19
Number	-	9	-	-	-

$$= 9 \div 9.6$$

$$= 0.93 \%$$



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3.3.3 Number of books and chapters published per teacher
during last five year

Name of the teacher	Title of Book	Title of the Paper	Year of Publication	ISSN Number	Name of Publisher
Dr. Pooja Narwadkar	The Maharashtra Stamp Act. 2021,	-	2021-22		Hind Law House, Pune. India
Dr. Pooja Narwadkar	The Real Estate (Regulation and Development) Act, 2016 India in 2021	-	2021-22		Hind Law House, Pune. India
Dr. Pooja Narwadkar	Criminology, Penology and Victimology “	-	2021-22	ISBN no 978-93-92404-34-4	National SS Publication
Dr. Pooja Narwadkar	Associate Editor of book Third Gender: Issues to be Tackled with	-	2021-22	ISBN no 978-81-95233-5-5	National Ryan Publications
Dr. Pooja Narwadkar	“Women Empowerment: Issues and Challenges	Journey of Elderly woman towards Silver innings:	2021-22	ISBN 978-93-93253-17-0	National Ryan Publications

Dr. Pooja Narwadkar	Female InFeticide/Feticide Causes and Impact	Girl Child in Maharashtra: Issues and Prospects'	2021-22	ISBN : 978-93-5566-219-4	Shivaji University press ,Kolhapur
Asst. Prof. Manisha Kale	Female Feticide A Social Evil: Causes and Impact in Rural Area	Girl Child in Maharashtra: Issues and Prospects'	2021-22	ISBN : 978-93-5566-219-4	Shivaji University press ,Kolhapur
Asst.Prof. Shreyash Mohite	Political Science III Organization and Administration of State Governments			ISBN 978-93-92404-09-2 SS Publication Kolhapur	National Publication
Asst.Prof. Shreyash Mohite	Political Science IV Political theory and Political Organisation			ISBN 978-93-92404-09-2 SS Publication Kolhapur	National Publication



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PPN-20-21 Book Author
Maharashtra Stamp Act

Dr. Pooja P. Narawadkar

THE MAHARASHTRA STAMP ACT

(Bom. Act LX of 1958)

As amended by Order No. Mudrank-2020/CR. No. 136/M-1 dated 29.8.2020 (w.e.f. 01.09.2020),
subsequently amended by Order dt. 21.12.2020

Highlights

- The Bombay Stamp Rules, 1939
- The Bombay Stamps Supply and Sale Rules, 1934
- The Bombay Stamp (Refund) Rules, 1963
- The Bombay Stamp (Determination of True Market Value of Property) Rules, 1995
- The Bombay Stamps (Payment of Commission to the Department of Posts on Sale of Revenue Stamps) Rules, 2004
- The Maharashtra E-Registration and E-Filing Rules, 2013
- The Maharashtra E-Payment of Stamp Duty and Refund Rules, 2013
- The Maharashtra Filing of True Copies of Documents and Notice Rules, 2013
- Table of Registrations Fees
- Important Notifications

2021

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PUNE, INDIA

Dr. Pooja P. Narawadkar

THE MAHARASHTRA STAMP ACT

(Bom. Act LX of 1958)

As amended by Mah. Act No. 21 of 2019 dated 23-7-2019

- The Bombay Stamp Rules, 1939
- The Bombay Stamps Supply and Sale Rules, 1934
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**2021
Edition**

HIND LAW HOUSE

Showroom No. 28-B, Budhwar Peth - Pune - 2

2021 Edition

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Price Rs. 1170/-

Published with the Blessings of "Mata Vaishno Devi"

by

Ramesh Sethi

Hind Law Publications

28-B, Budhwar Peth, Pune - 2

Tel. : (020) 24453920 / 24456535 / 24478788

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HIND LAW PUBLICATIONS

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THE MAHARASHTRA STAMP ACT CONTENTS

Introduction	1
CHAPTER I PRELIMINARY	
1. Short title, extent and commencement	12
2. Definitions	17
CHAPTER II STAMP DUTIES	
3. Instruments chargeable with duty	125
4. Several Instruments used in single transaction of development agreement sale, lease mortgage or settlement	135
5. Instruments relating to several distinct matters	140
6. Instruments coming within several descriptions in Schedule I	145
7. Payment of higher duty in respect of certain instruments	149
8. Bonds or securities other than debentures issued on loans under Act IX of 1914 or other law	152
9. Power to reduce, remit or compound duties	154
10. Duties how to be paid	156
10A. Duties to be paid in cash, by demand draft or by pay order by Government controlled bodies, Insurance Companies and Banks	161
10B. Stock exchange etc., to deduct stamp duty from trading member's account	163
10C. Duties to be paid in cash, or by demand draft or by pay order by notary	163
10D. Certain departments, organisations, institutions etc., to ensure payment of stamp duty	164
11. Use of adhesive stamps	165
12. Cancellation of adhesive stamps	166

[13.	Instruments stamped with impressed stamps how to be written	170
14.	Only one instrument to be on same stamp	173
14-A.	Alterations in instruments how to be charged	175
15.	Instrument written contrary to section 13, 14 or 14A deemed not duly stamped	178
16.	Denoting duty	179
17.	Instruments executed in State	180
18.	Instruments executed out of State	182
19.	Payment of duty on certain instruments [or copies thereof] liable to increased duty in [Maharashtra State]	185
20.	Conversion of amount expressed in foreign currencies	188
21.	Stock and marketable securities how to be valued	189
22.	Effect of statement of rate of exchange or average price	189
23.	Instruments reserving interest	190
24.	Certain instruments connected with mortgages of marketable securities to be chargeable as agreements	191
25.	How transfers in consideration of debt or subject to future payments, etc. to be charged	192
26.	Valuation in case of annuity, etc.	198
27.	Stamp where value of subject matter is indeterminate	200
28.	Facts affecting duty to be set forth in instrument	204
29.	Direction as to duty in case of certain conveyances	208
30.	Duties by whom payable	211
30-A.	Duties payable by financial institution	217
CHAPTER III		
ADJUDICATION AS TO STAMPS		
31.	Adjudication as to proper stamps	219
32.	Certificate by Collector	226
32A.	Instrument of conveyance etc. undervalued how to be dealt with	230

32B.	Appeal	246
32C.	Revision	247

CHAPTER IV**INSTRUMENTS NOT DULY STAMPED**

33.	Examination and impounding of instruments	249
33A.	Impounding of instruments after registration	261
34.	Instruments not duly stamped inadmissible in evidence, etc.	263
35.	Admission of instrument where not to be questioned	285
36.	Admission of improperly stamped instruments	294
37.	Instruments impounded how dealt with	297
38.	Collector's power to refund penalty paid under section 37, sub-section (1)	301
39.	Collector's power to stamp instruments impounded	302
40.	Instruments unduly stamped by accident	308
41.	Endorsement of instruments on which duty has been paid under sections 34, 39 or 40	310
42.	Prosecution for offence against stamp law	313
43.	Persons paying duty or penalty may recover same in certain cases	314
44.	Power of Revenue authority to refund penalty or excess duty in certain cases	317
45.	Non-liability for loss of instruments sent under section 37	319
46.	Recovery of duties and penalties	319

CHAPTER V**ALLOWANCES FOR STAMPS IN CERTAIN CASES**

47.	Allowance for spoiled stamps	322
48.	Application for relief under section 47 when to be made	326
49.	Allowance in case of printed forms no longer required by corporations	328
50.	Allowance for misused stamps	329

Schedule II	436
Notes on Articles	439-535
APPENDIX I	
The Bombay Stamp Rules, 1939	538
APPENDIX II	
The Bombay Stamps Supply and Sale Rules, 1934	555
APPENDIX III	
The Bombay Stamp (Refund) Rules, 1963	584
APPENDIX IV	
The Bombay Stamp (Determination of True Market Value of Property) Rules, 1995	585
APPENDIX V	
The Bombay Stamps (Payment of Commission to the Department of Posts on Sale of Revenue Stamps) Rules, 2004	600
APPENDIX VI	
The Maharashtra e-Registration and E-Filing Rules, 2013	602
APPENDIX VII	
Relevant Sections of The Indian Stamp Act 516	606
APPENDIX VIII	
The Maharashtra E-Payment of Stamp Duty and Refund Rules, 2013	637
APPENDIX IX	
The Maharashtra Filing of True Copies of Documents and Notices Rules, 2013	647
APPENDIX X	
Package Scheme of Incentives, 2013	651
APPENDIX XI	
Table of Registration Fees	688
APPENDIX XII	
Important Notifications	715

LATEST BOOKS OF INTEREST

Author	Name of the Book	Price
Divakar's	Practical guide to Deeds and Documents (2015 Edn.)	200
Gupte & Dighe	Maharashtra Land Revenue Code, 1966 (2019 Edn.)	200
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Gupte	Bye-Laws of The Co-operative Housing Societies (Maharashtra) (2017 Edn.)	100
Dighe	The Maharashtra Public Universities Act, 2016 (2016 Edn.)	100

Dr. Pooja P. Narawadkar

The Real Estate (Regulation and Development) Act, 2016

With
Maharashtra Rules and Regulations, 2017

alongwith

- The Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaints and Appeal, etc.) Rules, 2017
- The Maharashtra Real Estate Regulatory Authority (Form of Annual Statement of Accounts and Annual Report) Rules, 2017
- The Maharashtra Real Estate Regulatory Authority, Chairperson, Members Officers and other Employees (Appointment and Service Conditions) Rules, 2017

- The Maharashtra Real Estate Appellate Tribuna (Members Officers and Employees) (Appointment and Service Conditions) Rules, 2017
- The Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017
- Maharashtra Real Estate Regulatory Authority (General) Regulations, 2017
- Maharashtra Real Estate Regulatory Authority (Recruitment and Conditions of Service of Employees) Regulations, 2017

2021

**THE REAL ESTATE
(REGULATION AND
DEVELOPMENT)
ACT, 2016**

**WITH
MAHARASHTRA RULES
&
REGULATIONS, 2017**

- ◆ Salient Features of the Act
- ◆ Act At a Glance

2021

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Showroom: 28-B, Budhwar Peth, Appa Balwant Chowk, Pune - 2

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Published with the Blessings of "*Mata Vaishno Devi*"

by
Ramesh Sethi
Hind Law Publications

Pune - 2
Tel. (020) 24453920, 24456535
Fax : (020) 24453492

Typeset at . Hind Law Publications, Pune
Printed & Bound in India

CONTENTS
THE REAL ESTATE
(REGULATION AND DEVELOPMENT)
ACT, 2016

Salient Features of the Act	1.1
Act At a Glance	1.7
The Real Estate (Regulation and Development) Act, 2016	2.1
1. Short title, extent and commencement	2.3
2. Definitions	2.3
3. Prior registration of real estate project with Real Estate Regulatory Authority	2.14
4. Application for registration of real estate projects	2.15
5. Grant of registration	2.20
6. Extension of registration	2.21
7. Revocation of registration	2.22
8. Obligation of Authority consequent upon lapse of or on revocation of registration	2.24
9. Registration of real estate agents	2.24
10. Functions of real estate agents	2.25
11. Functions and duties of promoter	2.27
12. Obligations of promoter regarding veracity of the advertisement or prospectus	2.30
13. No deposit or advance to be taken by promoter without first entering into agreement for sale	2.30
14. Adherence to sanctioned plans and project specifications by the promoter	2.31
15. Obligations of promoter in case of transfer of a real estate project to a third party	2.32
16. Obligations of promoter regarding insurance of real estate project	2.33
17. Transfer of title	2.34

18.	Return of amount and compensation	2.35
19.	Rights and duties of allottees	2.36
20.	Establishment and incorporation of Real Estate Regulatory Authority	2.38
21.	Composition of Authority	2.39
22.	Qualifications of Chairperson and Members of Authority	2.39
23.	Term of office of Chairperson and Members	2.40
24.	Salary and allowances payable to Chairperson and Members	2.40
25.	Administrative powers of Chairperson	2.40
26.	Removal of Chairperson and Members from office in certain circumstances	2.40
27.	Restrictions on Chairperson or Members on employment after cessation of office	2.41
28.	Officers and other employees of Authority	2.42
29.	Meetings of Authority	2.42
30.	Vacancies, etc., not to invalidate proceeding of Authority	2.43
31.	Filing of complaints with the Authority or the adjudicating officer	2.43
32.	Functions of Authority for promotion of real estate sector	2.43
33.	Advocacy and awareness measures	2.44
34.	Functions of Authority	2.45
35.	Powers of Authority to call for information, conduct investigations	2.46
36.	Power to issue interim orders	2.46
37.	Powers of Authority to issue directions	2.47
38.	Powers of Authority	2.47
39.	Rectification of orders	2.47
40.	Recovery of interest or penalty or compensation and enforcement of order, etc.	2.48
41.	Establishment of Central Advisory Council	2.49
42.	Functions of Central Advisory Council	2.49
43.	Establishment of Real Estate Appellate Tribunal	2.51

44.	Application for settlement of disputes and appeals to Appellate Tribunal	2.52
45.	Composition of Appellate Tribunal	2.53
46.	Qualifications for appointment of Chairperson and Members	2.53
47.	Term of office of Chairperson and Members	2.54
48.	Salary and allowances payable to Chairperson and Members	2.54
49.	Removal of Chairperson and Member from office in certain	2.55
50.	Restrictions on Chairperson or Judicial Member or Technical or Administrative Member on employment after cessation of office	2.56
51.	Officers and other employees of Appellate Tribunal	2.57
52.	Vacancies	2.57
53.	Powers of Tribunal	2.57
54.	Administrative powers of Chairperson of Appellate Tribunal	2.58
55.	Vacancies, etc., not to invalidate proceeding of Appellate Tribunal	2.58
56.	Right to legal representation	2.58
57.	Orders passed by Appellate Tribunal to be executable as a decree	2.59
58.	Appeal to High Court	2.59
59.	Punishment for non-registration under section 3	2.61
60.	Penalty for contravention of section 4.	2.61
61.	Penalty for contravention of other provisions of this Act	2.61
62.	Penalty for non-registration and contravention under sections 9 and 10.	2.61
63.	Penalty for failure to comply with orders of Authority by promoter	2.62
64.	Penalty for failure to comply with orders of Appellate Tribunal by promoter	2.62
65.	Penalty for failure to comply with orders of Authority by real estate agent	2.62
66.	Penalty for failure to comply with orders of Appellate Tribunal by real estate agent	2.62

67.	Penalty for failure to comply with orders of Authority by allottee	2.63
68.	Penalty for failure to comply with orders of Appellate Tribunal by allottee	2.63
69.	Offences by companies	2.63
70.	Compounding of offences	2.64
71.	Power to adjudicate	2.64
72.	Factors to be taken into account by the adjudicating officer	2.65
73.	Grants and loans by Central Government	2.67
74.	Grants and loans by State Government	2.67
75.	Constitution of Fund	2.67
76.	Crediting sums realised by way of penalties to Consolidated Fund of India or State account	2.68
77.	Budget, accounts and audit	2.68
78.	Annual report	2.69
79.	Bar of jurisdiction	2.71
80.	Cognizance of offences	2.71
81.	Delegation	2.71
82.	Power of appropriate Government to supersede Authority	2.71
83.	Powers of appropriate Government to issue directions to Authority and obtain reports and returns	2.73
84.	Power of appropriate Government to make rules	2.73
85.	Power to make regulations	2.76
86.	Laying of rules	2.77
87.	Members, etc., to be public servants	2.77
88.	Application of other laws not barred	2.77
89.	Act to have overriding effect	2.78
90.	Protection of action taken in good faith	2.79
91.	Power to remove difficulties	2.79
92.	Repeal	2.79

**THE MAHARASHTRA REAL ESTATE
(REGULATION AND DEVELOPMENT)
(RECOVERY OF INTEREST, PENALTY,
COMPENSATION, FINE PAYABLE, FORMS OF
COMPLAINTS AND APPEAL, ETC.) RULES, 2017**

1.	Short title and commencement	3.1
2.	Definitions	3.1
3.	Manner of recovery of interest, penalty and compensation	3.2
4.	Manner of implementation of order, direction or decision of the Adjudicating Officer, the Authority or the Appellate Tribunal	3.2
5.	Terms and conditions and the fine payable for compounding of offence	3.2
6.	Manner of filing complaints with the Authority and the manner of holding an inquiry by the Authority	3.3
7.	Manner of filing a complaint with the Adjudicating Officer and the manner of holding an inquiry by the Adjudicating Officer	3.4
8.	Manner of service of notice and order	3.6
9.	Manner of filing Appeal to the Appellate Tribunal	3.6

**THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY (FORM OF ANNUAL STATEMENT OF
ACCOUNTS AND ANNUAL REPORT) RULES, 2017**

1.	Short title and commencement	3.13
2.	Definitions	3.13
3.	Budget, Accounts and Audit	3.13
4.	Annual Report	3.14

**THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, CHAIRPERSON, MEMBERS OFFICERS
AND OTHER EMPLOYEES (APPOINTMENT AND
SERVICE CONDITIONS) RULES, 2017**

1.	Short title and commencement	3.30
2.	Definitions	3.30
3.	Real Estate Regulatory Authority	3.31
4.	Selection of Chairperson and other Members of Authority	3.31
5.	Appbintment of Chairperson and Members	3.31
6.	Salaries and allowances and other conditions of service of Chairperson and Members of Authority	3.32
8.	Tenure of office	3.34
9.	Oath of office and secrecy	3.34
10.	Declaration of financial or other Interest	3.34
11.	Procedure of inquiry	3.35
12.	Powers of the Judge	3.35
13.	Filling of vacancy	3.36
14.	Categories of officers and employees of the Authority and pay scales	3.37
15.	Conditions of service	3.37
16.	Consultants or experts or agency may be engaged by the Authority to facilitate the discharge of functions under sections 32 and 34 of the Act. The consultants or experts or agency	3.38
17.	Interpretation	3.38
18.	Residuary provisions	3.38

**THE MAHARASHTRA REAL ESTATE APPELLATE
TRIBUNAL (MEMBERS OFFICERS AND EMPLOYEES)
(APPOINTMENT AND SERVICE CONDITIONS)
RULES, 2017**

1.	Short title and commencement	3.42
2.	Definitions	3.42
3.	Maharashtra Real Estate Appellate Tribunal	3.43
4.	Procedure of Selection Committee	3.43
5.	Appointment of Member	3.43
6.	Salary and allowances payable and other conditions of service of Chairperson and Members of the Appellate Tribunal	3.44
7.	Tenure of office	3.44
8.	Oath of office and secrecy	3.44
9.	Declaration of financial or other Interest	3.45
10.	Procedure of inquiry	3.46
11.	Powers of the Judge	3.46
12.	Filling of vacancy	3.47
13.	Categories of Officers and employees of the Tribunal	3.48
14.	Conditions of service	3.48
15.	Interpretation	3.49
16.	Residuary provisions	3.49

**THE MAHARASHTRA REAL ESTATE
(REGULATION AND DEVELOPMENT)(REGISTRATION
OF REAL ESTATE PROJECTS, REGISTRATION OF
REAL ESTATE AGENTS, RATES OF INTEREST AND
DISCLOSURES ON WEBSITE) RULES, 2017**

1.	Short title and commencement	3.53
2.	Definition	3.53

3.	Information to be furnished by the promoter for the registration of real estate project	3.56
4.	Disclosure by promoter of ongoing real estate projects	3.58
5.	Withdrawal of amounts deposited in separate account	3.60
6.	Grant or rejection of registration of the project	3.62
7.	Extension of registration of the Real estate project	3.63
8.	Revocation of Registration of the project	3.63
9.	Formation of legal entity and transfer of title	3.64
10.	Agreement for Sale	3.66
11.	Application for Registration by the real estate agent	3.68
12.	Grant of registration to the real estate agent or rejection of registration	3.69
13.	Renewal of Registration of real estate agent	3.69
14.	Obligations of registered real estate agents	3.70
15.	Revocation of Registration of real estate agent	3.70
16.	Maintenance and preservation and production of books of accounts, records and documents	3.71
17.	Other functions of a real estate agent	3.71
18.	Rate of interest payable by the promoter and the allottee	3.72
19.	Timelines for refund	3.72
20.	Details to be published on the website regarding real estate projects	3.73
21.	Details to be published on the website regarding real estate agents	3.73
22.	Obligation of the Authority to ensure cyber security of its website	3.74
23.	Application of other laws not barred	3.75

**THE MAHARASHTRA REAL ESTATE
REGULATORY AUTHORITY
(GENERAL) REGULATIONS, 2017**

3.121-
3.148

**MAHARASHTRA REAL ESTATE
REGULATORY AUTHORITY
(RECRUITMENT AND CONDITIONS
OF SERVICE OF EMPLOYEES)
REGULATIONS, 2017**

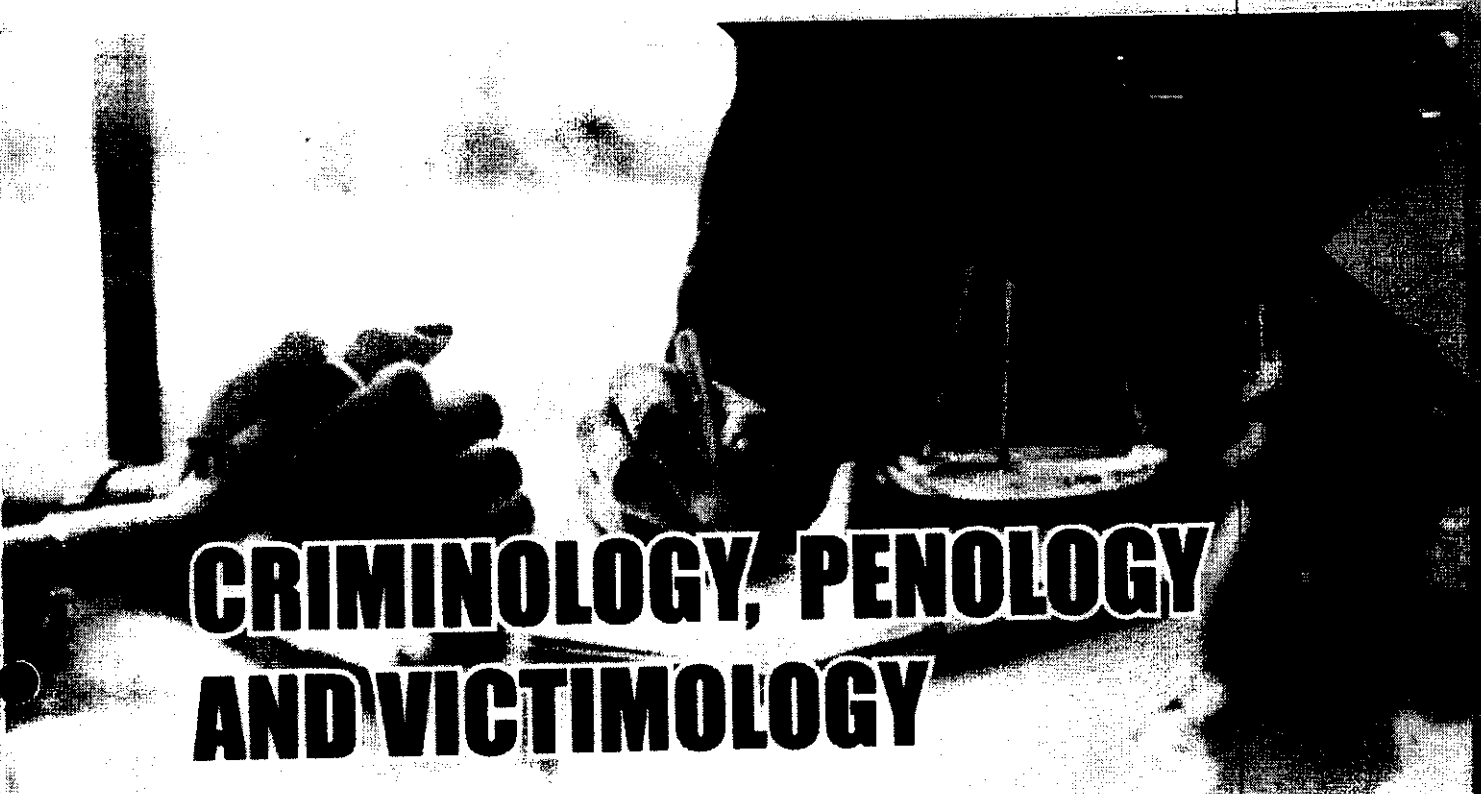
3.149-
3.168

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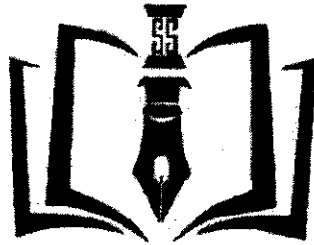
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First Edition : 2021

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Published by -

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Regd. Office : 303, "Vishwatara" Apartment, Phase III,
Pratibha Nagar, Kolhapur-416 008.

Mob. : **86250 76961, 86250 66961**

E-mail : sslawpublication@gmail.com

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DTP, Design & Printed by -

Sonu Graphics,

Kolhapur. Mob. **9850 900 312**

.....
Price : Rs. 150/-

.....
ISBN No. 978-93-92404-34-4



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Index...

Chapter - I : Introduction

1.1 Introduction	1
1.2 Nature and Scope of Criminology	4
1.3 Theories and Schools of Criminology	6
1.3.1 Pre, Classical and New-Classical School	6
1.3.2 Positive School-Lombroso, Enrico Ferri, Raffaele Garofello	8
1.3.3 Sociological School-Social Disorganisation, Differential Association and Anomie Theories	11

Chapter - II : Specific Crimes Nature, Causes and Measures to Control in India

2.1 White Collar Crime	21
2.2 Organized Crime	25
2.3 Juvenile Delinquency	29
2.4 Cyber Crime	34
2.5 Immoral Trafficking	37

Chapter - III : Theories and Forms of Punishment

3.1 Penology – Meaning, Nature and Scope	45
3.2 Punishment – Definitions, Forms and Theories	47
3.3 Penal Policy in India	52
3.4 Sentencing Policy and Process	53

Chapter - IV : Prison System and Administration

4.1 Imprisonment- Meaning, types and Significance	59
4.2 Administrative Organization of Prisons	62
4.3 Problems of Prison Administration	65
4.4 Prisons Reforms	68
4.5 Overview of Model Prison Manual 2016	71



Chapter - V : Probation, Parole and Furlough

- | | |
|--|----|
| 5.1 Concept, Definition and Legislative Framework of Probation | 77 |
| 5.2 Parole-Concept. Objectives and procedure for Granting Parole | 82 |
| 5.3 Problems of the Released Offenders and Attitude of
Community towards them | 85 |
| 5.4 Furlough - Conditions and Rules of Granting | 90 |

Chapter - VI : Non-Institutional Correctional Methods

- | | |
|--|-----|
| 6.1 Grant of Pardon | 96 |
| 6.2 Commutation of Sentence | 100 |
| 6.3 Reprieves and Suspension of Sentence | 102 |
| 6.4 Remission of Sentence | 103 |

Chapter - VII : Victimology - Nature and Scope

- | | |
|--|-----|
| 7.1 History, philosophy, Definition and Scope of Victimology | 106 |
| 7.2 Concept and Definition of Victim | 106 |
| 7.3 Rights of Victim And Compensatory Relief | 109 |
| 7.4 Specific victimization in Indian Scenario- Child Victim, Women
Victim, and Victimization of Underprivileged class (SC and ST) | 111 |

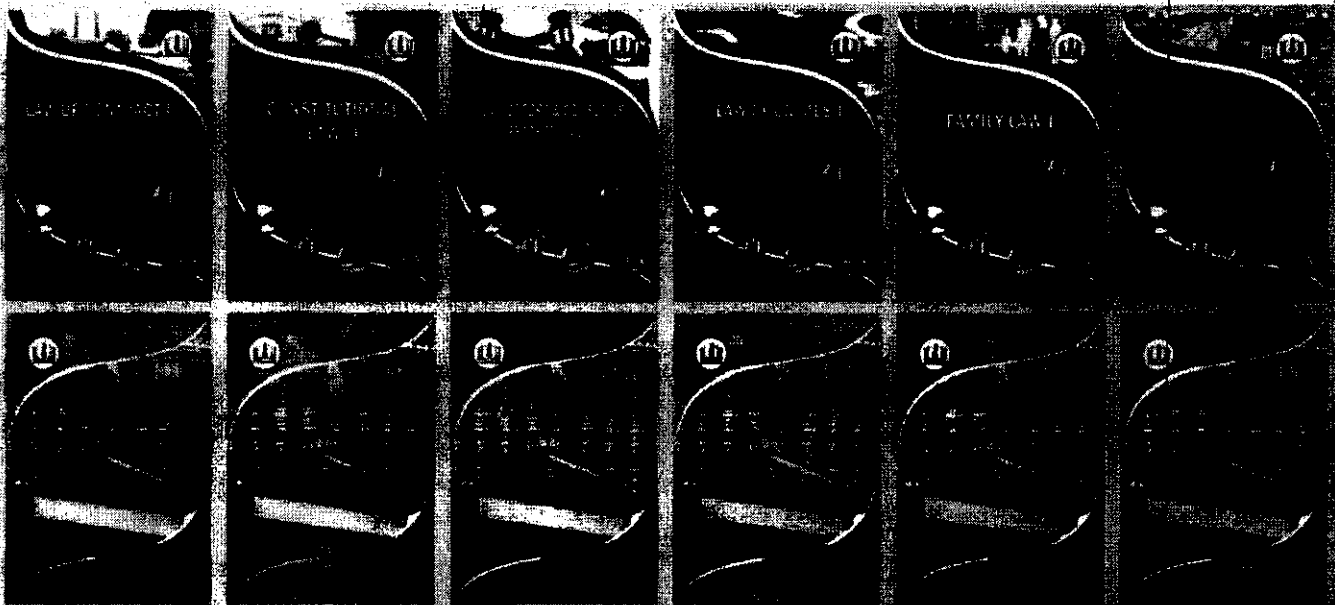
Chapter - VIII : Crime Victims and Role of institutions

- | | |
|--|-----|
| 8.1 Legal Framework | 114 |
| 8.2 Role of Judiciary | 116 |
| 8.3 Role of NHRC | 118 |
| 8.4 Victim assistance Programme and Services | 119 |
| 8.5 Witness Protection Scheme | 120 |





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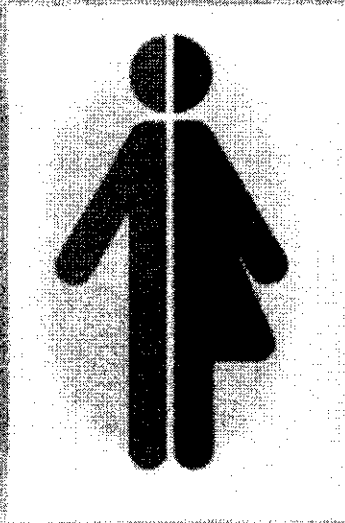


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THIRD GENDER - ISSUES TO BE TACKLED



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**THIRD GENDER- ISSUES TO
BE TACKLED**

J. Benet Rajadurai

&

Kusuma. R

**Editors: J. Benet Rajadurai
R. Kusuma**

ISBN: 978-81-952337-5-5

**Publisher: Ryan Publishers
B-3, Lakshmi Pride,
80 feet road, 10th Cross West,
Thillainagar, Trichy - 620018,
Tamil Nadu, India.
Ph- +91 6374561101**

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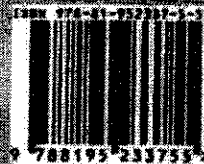
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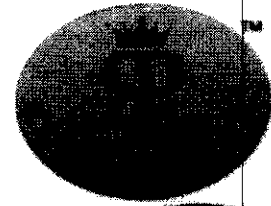


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Yours faithfully,

Dr. P.F. Steffi
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WOMEN EMPOWERMENT ISSUES AND CHALLENGES

J. BENET RAJADURAI
BHARAT MAURYA
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**“WOMEN EMPOWERMENT – ISSUES
AND CHALLENGES”**

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ISBN : **978-93-93253-17-0**

Publisher : **Ryan Publishers**
B-3, Lakshmi Pride,
80 feet road, 10th Cross West,
Thillainagar, Trichy, 620018,
Tamil Nadu, India,
Ph- +91 6374561101

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***JOURNEY ELDERLY WOMEN TOWARDS SILVER
INNINGS: ISSUES AND CONCERNS***

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ABSTRACT

Aging population is the most challenging demographic phenomenon worldwide in the 21st century. With life expectancy having increased from last 60 years all over the world due to new inventions and technology development, it has reached to 70 plus, a person today has 20 years more to live than he would have 50 years back. It good figure to call a nation towards development in health sector but looking in different perspectives it can pose certain challenges before us. In Indian context elder women face more critical problem than men, due to their social status, dependence, old family structures, and consequent several restrictions, they have been called as marginalised, vulnerable in respect of their freedom, liberty and wellbeing. Ageing is unavoidable stage in the life of human being which due to health issues, financial insecurities, unhealthy conditions, emotional and mental stress, poverty, it is becoming a challenge. But with proactive approach of government, society, NGOs, social workers it can become a silver inning in the life of every person.

Keywords- Ageing, silver innings, marginalised

Introduction

With life expectancy having increased from last 60 years all over the world due to new inventions and technology development , it has reached to 70 plus, a person today has 20 years more to live than he would have 50 years back. It good figure to call a nation towards development in health sector but looking in different perspectives it can pose certain challenges before us. With this kind of an ageing scenario, there is pressure on all aspects of care for the older persons – be it financial, health or shelter. In the twenty first century, the growing concern for security of older persons in India is very visible. Basically, India being a value-based culture is not expected to have the problem of aging very serious as we are trained to be respectful and supportive to elders, but as there is decrease in old values and more impact of western culture this has become a serious concern in today's era. Traditionally women in India were given a respectable place among almost all communities but gradually it become secondary status and unlike other human rights violation problem of ageing women have also posed serious threat to humanity. Women are seen lagging in all walks of life, due to their financial dependence, and silent suffering nature. Due to culture of 'four walls' since age old days they are less accessible to social interaction, this leads to their dependence on male members of family at all stages of her life for their basic needs, and day to day requirements

In Indian context elder women face more critical problem than men, due to their social status, dependence, old family structures, and consequent several restrictions, they have been called as marginalised, vulnerable in respect of their freedom, liberty and wellbeing. The 2011 census 60+ population accounted for 8.6% of population, growing at about 3% annually the number is supposed

to rise 319 million by 2050¹. The report creates a serious alarm towards our concern for the elders.

Since independence in the form of Constitution, the rights of every vulnerable is being taken care of by several specific legislations. Women have been provided protective discrimination but still the marginalisation has not been stopped finally. Also, efforts were taken by social organisation and activists working for empowering women through the instrumentality of laws they still face neglected and miserable life. Women in general and more specifically the elder women are seen to face many problems such as health, isolation, emotional distress, elderly abuse, discrimination and subjection to violent attacks. Women are basically overburdened with the family responsibilities and because of financial dependence, when they remain single at old age suffer severely. They face emotional void and because she is conditioned to be family centric life since their childhood, her life itself is found to revolve around her family members, the object to serve the family becomes the motto of her life.

Why elderly women are more vulnerable than men?

Women have larger life expectancy than men, most of them are dependent on male members of family, and the prevalence nature of their problem in family remains hidden from public view make the scene very serious. Other causes of the elderly women abuse are - an unawareness of the problem of elder abuse, long-term chronic self-neglect which is conditioned culturally, constant health issues in marital life, malnutrition from childhood, depressions due to mental stress and dilemma of empowerment v disempowerment in family, very crucial issue of poverty, the care giver's stress for not being financially or otherwise able to maintain their parents,

¹ Report prepared by International Institute of Population Sciences, Mumbai in collaboration with Harwards School of Public Health, UNFPA. and National Institute of Ageing (The Hindu Jan 7,2021)

interpersonal relationship, social isolation which may be a indicator of probability of abuse as well as contributing cause of abuse. It is also seen that because the property cards are in the name of men, elder women are abused after the death of their partner. Overall nature of patriarchy is itself the cause of abuse and neglect of elder women in India.

Global and National concerns on issues of elder women

The UN's concerns on aging were first recognized in the first World Assembly on Aging in Vienna ², where an International Plan of Action on Aging was adopted. United Nations addressed the states to offer social security measures and programmes to older women. It then took initiative and declared 5th October as International Day for Older persons. Year 1991 is known for United Nations adopting a set of principles for aging as independence, the ability to participate in society, have access to care, be entitled to self-fulfilment and full dignity of life etc. CEDAW³ was another document which set global standards on various issues of women throughout their lifespan. Gradually in 2002 UN World Assembly on Aging in 2002 focussed on 'building society for all ages' CEDAW along with issues of witchcraft allegations, mob trial also addressed issue of killing older widows in order to grab their property

India also expressed its concern over issues of ageing by introducing a National Policy for Older Persons in 1999. The Year 2000 was declared by Government of India as National Year for Older persons. The NPOP 1999 envisages state support to ensure financial

² World Assembly on Ageing 1982- a forum to launch an international action programme and guaranteeing economic and social security to older persons

³ CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women- International document adopted by UN in 1979 also called as International Bill of Rights for women

and food security, health care, shelter and needs of older persons. It focused on equitable share in development, protection against abuse and exploitation and availability of services to improve quality of their life. National Council for Older Persons was constituted in 1999 in accordance with the NPOP. Is a non-profit advocacy and service organisation that focusses on joining efforts of government, business and non-profit organisations to improve lives of older adults. The National policy for senior citizens in 2011 promote the concept of aging in home, housing, old age pensions, and homecare service, access to health care services to facilitate and sustain dignity. The focus of policy was to mainstream seniors especially women and bring their concerns in to national development debate with priority. It provided several schemes/programmes for the welfare of women including widows, such as Swadhar and Short Stay Homes, Support for Training and Employment Programme, Indira Gandhi Old Age Pension Scheme, Public Distribution System, Income tax concessions, microfinance etc. it also provided various infrastructures for rural as well urban aged persons. The National Social Assistance Programme (NSAP) for the poor households and represents a significant step towards the fulfilment of the Directive Principles enshrined in article 41⁴ and 42⁵ of the Constitution of India, recognizing concurrent responsibility of the Central and State government in the matter. Legislative framework under the Maintenance and Welfare of Senior Citizens Act⁶ also provided every possible measure on issues of elder persons. The Maintenance and Welfare of Parents and Senior Citizens

⁴ Art 41-The state shall within the limits of its economic capacity and development, make effective provision for securing the right to work, to education, and to public assistance in cases of unemployment , old age, sickness and disablement

⁵ Art 42-Provision for just and humane conditions of work and maternity relief

⁶ Maintenance and Welfare of Senior Citizens Act, 2007

(Amendment) Bill was introduced in 2019.

Problems of Elderly women in India

- Different types of abuse-Neglect through active or passive mode from the caregivers, due to deliberate intentions, unintentional neglect due to their responsibilities. Women here are seen to be taken for granted to suffer silently and they become victim of it without being noticed. Sometimes due to factors like alcoholism, or addiction the caregivers themselves are in need of care, in such cases the elders are passively neglected.
- Material, psychological, sexual and financial abuse of women- basically women due to their heavy responsibilities of family, had to stay in home and lose their economic independence and at the older age they become subject to victimisation easily. Women without partner due to widowhood have not only to suffer financially, but also socially, emotionally, and by all means. Sexual abuse consists of any sexual activity for which the older person does not consent or is incapable of giving consent. The sexual activity can range from exhibitionism to fondling to oral, anal, or vaginal intercourse.
- Health and access to health care services- health of women in all age groups is a question of concern in our country, much of her life she looks after the family and overlooks her all priorities and health is a big issue of concern but this comes on fore when she is old and becomes physically ill and dependent on all family members, who find her as burden and start neglecting. Self -neglect is common among women in general.
- Domestic violence – the domestic violence in one or the other form is a life cycle of women even before the birth till death.

Forms and its gravity may change but it is prevalent in some or the other form. It takes place in every strata irrespective of their status of education, class, her financial status etc. The peculiarity is that the perpetrators are her own relations like father, brother, partner, or son against whom she prefers to remain silent without action. Most of the women do not own property and even when they own it they do not manage it. They are completely dependent on the male members of the family for fulfilment of all their basic needs. Besides aging women face specific health problems. They are prone to arthritis, osteoporosis and hypertension, cervical and breast cancer, anaemia, and most of all depression. The rich educated women may be self-sufficient but could be facing problems of emotional insecurity and physical vulnerability. Even these women are often to threats of crime and fraud by their own relatives or children. The partners after having marital life of 40 or more years find happiness in extra marital affairs and the marital life is finished keeping behind the strain relations, depressions, frustration and sadness and loneliness.

Combating strategies against abuse of elder women-

- Women needs to be financially strong and should maintain the equality in family to avoid such abuse at a later stage of life. From individual point of view, the elder women should keep them in social connections and save from isolation, Participate in social and community activities. Awareness of their legal rights, and alertness towards their realisation is the need of hour. Women often have habit of self-blame and it makes her to believe that whatever are her miseries, she is only responsible. This disempowers her in within and her subjection to victimisation is assured. Whenever required the services like Mental health services and family counselling are available in society, it should be accessed timely without hesitations. In our society the psychological help is seen with

media must take earnest efforts to make the young people in schools, colleges and universities aware that the patriarchal society must be changed. The laws are only in the letters, these must be put into practice, only then the goal can be achieved. This is feasible if they actively support government initiatives and laws effective implementation.

Conclusion

Women empowerment is the process of empowering women, accepting her view points or making an effort to raise their status at all stages of her life through every possible way is the real answer to every question of her pain. From the birth, sometimes even before birth the victimisation of women takes place and it goes till end of her life.

Ageing is unavoidable stage in the life of human being which due to health issues, financial insecurities, unhealthy conditions, emotional and mental stress, poverty, it is becoming a challenge. But with proactive approach of government, society, NGOs, social workers it can become a silver inning in the life of every person.

About the Chief Editors



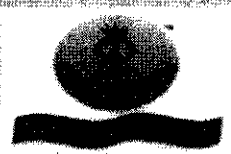
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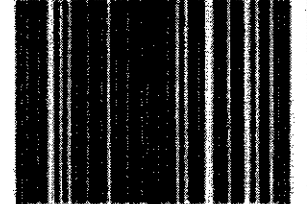


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website- www.ryanpublishers.co.in

ISBN 978-93-93233-17-0



9 789393 253170



**"Girl Child In Maharashtra :
Issues and Prospectus"**

CONTENTS

'GIRL CHILD IN MAHARASHTRA: ISSUES AND PROSPECTS'

1. **Female Foeticide: Causes and Impact**
Dr. Desai M. B. and Dr. Sharvari R. Kulkarni
2. **A Study of Today's Challenges for Girls' Education**
Mr. Bharat N. Ravan
3. **Status of Girl Child Education in Rajasthan**
Dr. Jyoti Gautam
4. **Female Infanticide/Foeticide: Causes and Impact**
Dr. Narwadkar Pooja Prashant
5. **Girl Child: A Neglected Dimension in India**
Dr. Shruti Tandon
6. **Is Dowry System in India Still A Reason for Female Infanticide and Foeticide ?**
Dr. Supriya Chougule
7. **Different Faces of Gender Discrimination in India**
Dr. Shabana H. Biradar
8. **Educational Aspiration among Girl Child of Kanjarbhat Community**
Gayatri P. Dharmadhikari and Vidyanand S. Khandaagale
9. **An Overview on: Beti Bachao Beti Padhao Abhiyan**
Indrayani D. Raut, Shrinivas Mohite and Chandrakant Magdum

FEMALE INFANTICIDE/FOETICIDE: CAUSES AND IMPACT

Dr. Narwadkar Pooja Prashant

Since World's inception, the male and female combination has proved to be the foremost necessity for propagating and developing global views. But it is the reality that society till today is male dominated. Female foeticide a major social problem is deeply rooted in cultural context and connected to the patriarchy prevalent. In this patriarchal society male child is seen as saviours of old age support and giving birth to girl child is seen as "watering the plants of neighbours". Therefore female infanticide or killing female child is observed, irrespective of legal sanction. It is practiced in different and more sophisticated manner.

The problem of female foeticide has two important dimensions one is social dimension which includes the norms that prevails in the society which load the scale

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against women existence and the other aspect involves efforts to address the problem from the legal point of view. It can only be achieved by proper implementation of the laws & effectiveness of preventing the strategies which will empower the women in real scene. It requires continuous process of social education of the masses by different groups of society & launching a campaign against the social evil as war against humanity which will serve the purpose of in the development of entire human race.

The issue of female foeticide is a serious threat to the human race, as it may cause the severe imbalance of male and female population. But this is overlooked by the people hence the author desires to focus on the causes and impact of the social evil on existing and future generations in this research paper. To eradicate any social evil requires the sincere investigations in to the root cause of and also requires to aware and realise the masses about its impact.

“The Lord divided his own body into two parts; half male and half female & thus was created the Universe”---
Manusmriti

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The issue of female foeticide is a serious threat to the human race, as it may cause the severe imbalance of male and female population. But this is overlooked by the people hence the author desires to focus on the causes and impact of the social evil on existing and future generation in this research paper. To eradicate any social evil requires the sincere investigations into the root cause of and also requires to aware and realise the masses about its impact.

In a Patriarchal society like India, women have also been given a secondary status and treatment when compared to their global counterparts of developed Nations. Traditionally and philosophically women in India, may have been depicted as deities of knowledge, power and wealth but the reality shows entirely a different picture, a dark truth, which can make any human to cringe in fear.

Today, we live in the advanced World, and India also one among the technically and technologically empowered nations. We have launched Satellites in the space, found newer medicines on incurable diseases, started Metro trains or Our economy has reached close to three trillion dollar mark till now, the sad reality is that, Women in India, still remain the vulnerable class subjected to torture, inhuman treatment, molestation, rape, malnutrition and what not.

Women are considered to be the weaker section of the society both physically and intellectually. (Which is absolutely not true when we are talking in the context of women like Mary Kom, Indira Noogi, Kalpana Chawla and many more who have left a greater impact than the men in their respective fields, but a reality cannot be denied that women become easy targets for abuse and violence by the perpetrators. Amongst the various kinds of human rights violations suffered by women, Female Foeticide or Infanticide can be regarded as the most grave and serious offence which directly attacks the Right to life guaranteed to every individual whether it be Men or Women.

Every human being is born with an inherent desire to live and prosper. But when it comes to the predominance of the individual over the other in the "rat race" to survive and succeed, even today in this advanced age we follow the jungle rule of "survival of the fittest". Hence is obvious that women being considered the weaker sex, the "unfit class" always left in the bottom line to be the ultimate victims and sufferers. This is why the saying women suffer from "womb to Tomb" is very true in the Indian context which promotes patriarchy in every sphere..

Female Foeticide/Infanticide is not just a national issue by a global form of human right violation suffered by women at large. Hence the United Nations have also articulated many treaties and conventions to curb their social evil prevalent in most of the developing countries. Below is a list of various international measures undertaken to control and eliminate the immoral practice of female foeticide through Declarations and covenants Viz.

- (1) United Nations Charter (1947),
- (2) Universal Declaration of Human Right 1948 (UDHR)
- (3) International Covenant on Civil and Political Rights 1966
- (4) International Covenant on Economics Social and Cultural Rights 1966.
- (5) Convention On The Elimination Of All Forms Of Discrimination Against Women (1970)

(6) Convention on the Rights of child (1989) its optional Protocol (2000).

(7) Millennium Development Goals (2000)

In spite of so many international measures to protect women, to protect women, it is estimated that, today there are over 130 million "missing women" in the World as a result of sex selective abortions and excess female death. The stories untold and which do not come to the surface are much more than the estimation.

The situation of Women in India also tells us the same story, which is no different from the rest of the World. Female foeticide and infanticide has resulted in an advance sex ratio and sex ratio of India is 107.48 males per 100 females in 2019¹. It means that India has 930 females per 1000 males, that is to say we have 49,314,062 more males population than female populations. Sex ratio can be important indications of the extent of equality between men and women in society at a given point of time.

The falling sex ratio of India is matter of great concern for the policy makers and the government should actively initiate and implement measures to bring about equilibrium in the gender ratio of the nation. But before discussing the legislative as well as other measures undertaken by our government to protect the women population from the claws of foeticide and infanticide, it is appropriate to understand the causes responsible for low female sex ratio

1. Source: Ministry of Statistics and Programme Implementation.

which is mainly leading to increase in female foeticide /
infanticide.

➤ **Social Causes**

In India, girl child is considered to be "*Paraya Dhan*" and boys are considered to be "*Budhape ki Latti*". Hence the birth of a girl child is not considered as a boon as she is considered to be someone else's property, the burden for parents as she takes away the wealth to other house. The dowry system in India also contributes in considering a daughter to be a "*Boojh*" means burdens and the birth of a daughter brings with her a "burden" on her father's shoulder to get him financially prepared to fulfil the unsolicited demands of the groom's family at the time of her marriage. Further illiteracy coupled with poverty bring forth the thought to better have a male child or if the child in the womb happens to be a girl to kill her before she is born to protect oneself from the burden and humiliation she may bring to the family in future if they are not able to fulfil the dowry demands at the time of her marriage. Hence the thought is based on the saying "Prevention is better than cure" The growing incidences of atrocities in various forms against girls, women, has also increased the chances of their victimization, not a single field can be said safe for them, and this also cause a fear in the mind of parents to beget the girl child. This results in early marriages of girls at rural places in order to get rid of the responsibility of them in their young age. When both parents are working for the survival and the girl child is left at home, they don't

find it safe and the only solution as per their understanding is to get marry at early age and shift the burden from them to some unknown. This also lead them to think in favour of begetting boy than girl, as not question of security comes to them. Women who live in societies where they are made miserable through injustice and inequality may not want to raise daughters who will live lives as unhappy as their own. Women have used this excuse as a rationale for killing their girl children. "Many women in feudal areas of India don't want to have a daughter who would go through the same misery, humiliation and dependence that seemed to define their own lives."²

➤ **Religious Causes.**

In the Hindu Culture and Indian traditions, a son is considered to be fundamental for performing of religious ceremonies. "*Pinda Dan*" "*Moksha Prapti*" are all considered to be happening at the behest of a son alone. Further the concept of son being considered as "*Vansh ka Diya*" the "Lamp of the Clan" in Indian tradition asserts even more pressure to beget male child leading to female foeticide and negligence of girl child in the country. The discrimination leads to malnutrition and the statistics shows that 47% of teenage girl in India ages 15-19 year old are underweight the highest in the World³.

2 'Preventive Measures For Elimination Of Female Foeticide' B R Siwal Deputy Director NIPCCD New Delhi

3 The State of World's Children - United Nations Children's Fund - Annual flagship publication

➤ **Economics Causes**

The constitutional mandate provides for improved standard of living, but remains silent on the increased cost of living due to inflation. In the midst to even fulfil the basic necessities of life to their children, girl's education, upbringing, marriage etc is considered an additional burden for the family. After spending so much on her, she is going to live in someone else's family. On the other hand, a boy child brings with him wealth and welfare and hence the inflation and indifferent attitude towards girls has also contributed greatly in towards the social evil of female foeticide. Women are getting support structure, after constitution came in to force various legislative frameworks have been built but still the economic independence is still not satisfactory in case of women. Still the old structure of rearing and caring the children is considered to be her main job and the percentage of economically independent women lags behind.

➤ **Technologically & scientific Causes**

With the advancement of science and the technology new methods to detect pre-natal defects during pregnancy has been a great achievement in the field of science. But this advancement has brought with it the danger of sex determinations and sex selective abortions. The number of sex selective abortions and the ratio of the convictions do not match with each other due to various procedural and other causes. The involvement of the well educated class

like doctors is the serious concern. Technology which was discovered for the benefit of every mankind has been used to destroy the mankind knowingly, sometime unknowingly. Around 15.8 million girls went missing in India due to prenatal sex selection between 1990 and 2018⁴.

Consequences or Impact of Female Foeticide

Firstly the skewed sex ratio means that more crimes takes place against women. To put it in other words when women become endangered species, the instances of crime in the form of rape, assault, kidnapping, stalking begin to reach the peak. Today Unnao Rape case, Nirbhaya Case and many more are nothing but the negative outcomes of female foeticide to be faced by the society with decreased girl ratio. Some cases come to the forefront but many remains buried in darkness out of fear of humiliation, corruption and political pressure.

Secondly with the mismatched gender ratio it becomes difficult to find a girl for marriage and this in turn leads to human trafficking, where in girls from poor families are kidnapped and sold as goods, violating their right to life and dignity giving them a materialistic existence rather than a human one.

Thirdly, when women ratio in a country is less, There will be less births which will ultimately lead to lesser productivity and lesser economic progress for a given nation though population control is a goal of many nations

4 The Population Research Institute Survey

like India and China is has to happen is a more cultured and legislative manner. Female foeticide cannot be a solution any part of global problem.

Legislative Mechanism

The legislative framework in our country, gives a clear picture of the governmental efforts to curb the evil of female foeticide / infanticide. There are many laws and legal provisions which has been the outcome of the effort of many voluntary organisations, academicians, professionals and volunteers contribution to the framing of legislations by the government in the form of

1. The Medical termination of Pregnancy Act 1971
2. Pre-Conception and Pre-natal Diagnostic Techniques Act 1994, Amended in 2003
3. Provisions of Indians Penal Code 1860

These are the prime laws which are targeted to prevent the abuse and death of girl child and also to prevent misuse of technology to serve the greed of the goons in the Indian society. Further the Indian Constitution has also provided various fundamental Rights and directive principles in the form of Article 14, 21, 47 etc. to protect the women rights and give motion to International Declaration and Conventions.

The judiciary has also been playing a crucial role in protecting women rights and providing justice coupled with compensation to the victims and giving guidelines

to enact new laws whenever and wherever needed. The Supreme Court of India has observed "it is unfortunate that due to one reason or other, the practice of female foeticide and infanticide prevent despite the fact that the gentle touch of a daughter and here voice has a soothing effect on parents"⁵

Conclusion And Suggestions

As the saying goes "Charity begins at home", it is not the legislation alone which can do the magic but each and every individual who has to strive to protect the rights of girl child and adopt the policy of "Live and let live".

The Society must be oriented mentally towards protective discrimination to lessen the hurdle in the improvement of status of women.⁶ Those with power and prestige in the society should play an active role in protecting the rights of women in this case the life of women.

As is always found, laws are many and beautiful when they are blacks and white, which is also true when one analysis the legislative mechanism to prevent female foeticide. But the statistics show grim picture of the women flocks of the nations. Misuse of laws, wrong implementation of law has added woe of female feticide.⁵

5 Centre for Enquiry into Health and Allied Themes (CEHAT) and others Vs Union of India & other - AIR 2001 SC 2007

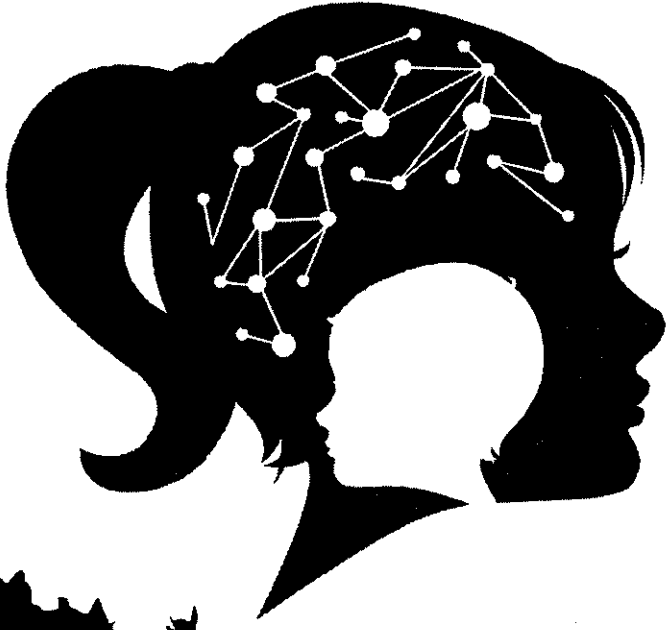
6 Female Infanticide / foeticide: A Threat to Human Race State Level Seminar on "Female Foeticide and Law" - Dr. Pooja Prashant Narwadkar. Principal, New Law College, BVNLC, Sangli

"The grass is always green on the other side" If our global counterparts can give a recognition to women in their society and protect their rights, we as a nation, as a society, as an individual can do a lot more towards the progress and protection of our girls and women. The need of hour is the proper implementation of laws available for women. Strong 'watch-dog' agency both at central and grass-route level to address to the needs of women and to ensure the protection of their rights and most importantly a quicker justice disposal mechanism which builds a confidence in the minds of people that, their rights are protected because we all know "Justice delayed is Justice denied."

While concluding it can be said that, new awakening towards stronger and changed mind sets of society towards women can only be a break through path to bring back the lost status of women in our society.

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suspicion, the access to this is only expected in unavoidable circumstances. These emotional/ mental constraints are more or less develop a sense of helplessness and leads to victimisation. In case of women it adds more. Financial arrangements counselling after retirement for which professional help must be taken with the assistance of trusted friend or relative so that at the later age after death of spouse, the survivor is not in hurdles.

- Government's initiative- the available government policies and legislative framework is to be utilised effectively in order to give the supportive infrastructure all policies and programmes should be worked out by heart. There should be Adequate and available financial management and planning services at the cost of government. Government programmes for awareness of legislative protections, services of caregivers and facilitation of positive and productive aging is the need of day. The application of international human rights instruments is a key tool for promoting and guarding the rights of older persons on an affirmative, broad ranging basis. These instruments provide a means of transforming the sphere of the individual in order to establish what governments and the whole of society's responsibilities are in this regard, as well as focus on equipping older persons to manage their lives personally.
- The NGOs and social action institutions working for the cause of elders or specifically for issues of women should work effectively and should be supported by public in true spirit, they should have special focus on poverty, illiteracy, violence against women, health and housing related issues, care givers for people affected by HIV and AIDS, migrant women, rural women, women living in areas of conflicts, women belonging to minorities, and disabled women. NGOs and the media can play a pivotal role in sensitizing the people. NGOs and the

Shivaji University, Kolhapur



Estd : 1962
'A'' Accredited by NAAC (2021)
with CGPA 3.52

**'Girl Child in Maharashtra:
Issues and Prospects'**

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March, 2022

'Girl Child in Maharashtra: Issues and Prospects'

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Kolhapur. (Maharashtra)

Published by :
Dr. V. D. Nandavadekar
Registrar,
Shivaji University,
Kolhapur-416004

Printed by :
Shri. B. P. Patil
Superintendent
Shivaji University Press,
Kolhapur-416004

ISBN : 978-93-5566-219-4

Year : March, 2022

CONTENTS**'GIRL CHILD IN MAHARASHTRA:
ISSUES AND PROSPECTS'**

1. Female Foeticide: Causes and Impact
Dr. Desai M. B. and Dr. Sharvari R. Kulkarni
2. A Study of Today's Challenges for Girls' Education
Mr. Bharat N. Ravan
3. Status of Girl Child Education in Rajasthan
Dr. Jyoti Gautam
4. Female Infanticide/Foeticide: Causes and Impact
Dr. Narwadkar Pooja Prashant
5. Girl Child: A Neglected Dimension in India
Dr. Shruti Tandon
6. Is Dowry System in India Still A Reason for Female Infanticide and Foeticide ?
Dr. Supriya Chougule
7. Different Faces of Gender Discrimination in India
Dr. Shabana H. Biradar
8. Educational Aspiration among Girl Child of Kanjarbhat Community
Gayatri P. Dharmadhikari and Vidyanand S. Khandagale
9. An Overview on: Beti Bachao Beti Padhao Abhiyan
Indrayani D. Raut, Shrinivas Mohite and Chandrakant Magdum

10. Female Feticide A Social Evil: Causes and Impact in Rural Area
Manisha Yogesh Kale
11. Indian Women and Girl Child Trafficking
Miss. Lisha Ajit Shah and Smt. C. B. Shah
12. Female Foeticide in India
Miss. Papita Pralhad Kamble
13. Girl Child and Abuse
Ms. Sakinakhatun Zahirali Pasha
14. Perspective of Youth Towards Child Labour in Maharashtra
Dr. Prashant Subhash Gaikwad
15. A Study on the Health Issues of Girl Child
Revati Vilas Savekar
16. A Study of Male Female Ratio in India
Dr. Sunita Hansraj Ambavade
17. Rural Parents Attitude towards Female Foeticide - A Sociological Study
Dr. Patil Amol Ashokkumar
18. Girl Child and Abuse
Dr. Patil Pushpa Govindrao
19. Female Foeticide in India: An Analytical Study
Sudarshan Subhash Sagat
20. Issues of Girls Education Reflected in Cinema
Dr. Namdev Kashinath Patil

21. Girl's Education: For Empowering India
Prof. (Dr.) P. S. Kamble
Mr. Amol Chandrakant Kamble
22. A Study of Need And Necessity of Beti Bachao Beti Padhao Abhiyan
Miss. Rutuja Dhananjaybajirao Patil
Dr. Sunita Hansraj Ambawde
23. A Study of Domestic Violence in India
Miss. Reena Ganeshane
Dr. Sunita Hansraj Ambawde
24. Girl Child Identity and Socialization through Education
Dr. Mahadeo Vishnu Mate
25. Child Trafficking In Chain of Custod
Miss Purnima Mahadev Sawant
26. Female Foeticide: Causes and Impact
Dr. Manasi Manojkumar Kambale
२७. महाराष्ट्रातील बेटी बचाओ बेटी पढाओ अभियान
श्री. अंकुश एम. गोंडगे
२८. बालकामगार - एक समस्या
दिपाली राजू नाईक
२९. भारतीय बालिकांची सामाजिक स्थिती
प्रा. रीना रामचंद्र कांबळे
३०. भारतीय संस्कृती व मुलींचे शिक्षण
डॉ. स्नेहल राजहंस
३१. बेटी बचाओ बेटी पढाओ (मुलगी वाचवा मुलगी शिकवा)
प्रा. डॉ. उषा पाटील

FEMALE FETICIDE A SOCIAL EVIL : CAUSES AND IMPACT IN RURAL AREA

Manisha Yogesh Kale

Abstract

Female foeticide is a deliberate and intentional act of aborting a fetus because it is a female. Female fetuses are selectively aborted. Female foeticide is a violation of human right; the female children in the wombs are not only denied the right to live but are robbed to their right to born. The present study focuses on causes, effects of female foeticide as well as an attempt to create awareness among people against women foeticide. The research was carried out by survey of several families of Nerali villege in Kadegaon taluka at Sangli district.

In our society many people think that boy child will bring happiness and status in their life, where girl child only bring the tensions about their studies and then give to her to the other family with lot of money. Today in the

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21st century where the world coming with new ideas and thoughts and everyone is given equal freedom and mentality of the people changed but still these kinds of pointless thoughts that girl is miserable for us, she bring nothing but only sorrow in people minds are awful.

Female foeticides not only results in a declining girl population, but violates our notion of human rights, and most importantly poses a question of the survival of the human race leading to civilization crises.

Introduction

Female foeticide is a process of aborting female fetuses after about 18 weeks of gestation or we can say that killing or murdering a female child with in womb of mother. Female foeticide is a violation of human right; the female children in the wombs are not only denied the right to live but are robbed to their right to born. More than a hundred millions women are missing because their parents wanted a son. There is no question that female foeticide is not just unethical but it downright cruel as well.

Ten years back where to alter the gender composition of children is also the crueust i.e., female infanticide. The method relies on the set of procedure to kill girls within the few days after their birth. At this time there is no awareness about such technology to determine the sex the child before birth. But this practice distress the women who are widowed or single pregnancy and they also go for suicide. With the increase in practice of female infanticide

government imposed strict actions against it. Thereby it reduces but with the technology it is converted into the new form, today what we call is female foeticide.

Under Beti Bacho Abhiyan our college has conducted survey at Nerali villege near kadegaon in Sangli district. The survey was conducted to study causes of female foeticide in rural area and it's impact on society. The responses of about more than 100 women are collected. through questionnaire and interview method. Most of the women replied that government should come forward to curb this evil practice of female foeticide.

Causes of Female Foeticide

Female foeticide is the procedure of abortion to terminate female fetus from the womb of the mother before taking birth after the sex recognition tests like an ultrasound scan. Female foeticide and even any sex recognition test is illegal in India. It is the shame for the parents who are despairing for a baby boy as well as doctors doing abortions especially for this. The root of this problem was started by government itself in 1970s, when there is problem for increasing population. In the government hospitals new technologies are introduced to check the sex of the child, but this was opposed by some social activities then government banned these activities but at that time people were aware of the technology and doctors also, so doctors open their private clinics and made their occupation. After that ultrasound machine came and these activities spread like virus.

- Generally, parents don't want a girl baby because they have to give a big amount as a dowry at daughter's marriage.
- There is a faith that girls are always consumer and boys are the only producer. Thus parents understand that son will earn money for the whole life and care their parents however girls will get married a day and will have a separate family.
- There is a belief that the son will carry the name of the family in future however the girl has to carry the husband's family.
- This is a prestige issue in society for parent and grandparent to have a boy baby in the family besides having a daughter.
- There is a stress on the new bride of the family to give birth to a male child so she is enforced to go for sex recognition and abort if girl baby.
- Illiteracy, insecurity, and poverty of people in society are also major reasons for girl baby burden.
- Science and Technological advancement and utilities have made this very easy task for parents

Today there are many methods to select the sex of the child prior to birth such as sperm sorting (sperms that is sorted by sex and then used in artificial insemination or in vitro fertilization) and pre implantation genetic diagnosis.

Sex determination has also undergone constant progress, one of the latest method is "fetal DNA testing" in which blood of the pregnant mother is known to contain the DNA of her baby after six weeks of gestation, a sample of this blood can be tested to identify the sex of embryo. But this wasn't the main reason the main reason is the people mentality and this society.

In our society many people think that boy child will bring happiness and status in their life, where girl child only bring the tensions about their studies and then give to her to the other family with lot of money. Today in the 21st century where the world coming with new ideas and thoughts and everyone is given equal freedom and mentality of the people changed but still these kinds of pointless thoughts that girl is miserable for us, she bring nothing but only sorrow in people minds are awful. They changed their dressing style, living style, living standard but they don't know that life is the very precious which can't compared with anything and they don't have right to the anyone life. I think the main reasons of female foeticide that most of the people think in this society are,

- **Education:** People think that why one should spend so much money on the schools and colleges because she has to go another family and what is benefit of her knowledge to us, even if she start earning then we don't get any money from her.
- **Dowry system:** which is going on from past 50 years but today it became worse, people demand so

much money that girl family can't fulfill it, and even there are some cases where bride is tortured to get money from her family. This system is more rigid in the northern India.

- **Gender discrimination:** The bias against females in India is grounded in cultural, economic and religious roots. Sons are expected to work in the fields; they provide greater income and look after parents in old age. In this way, sons are considered as a type of insurance. In addition, in a patriarchal society, sons are responsible for "preservation" of the family name. Also, as per Hindu belief, lighting the funeral pyre by a son is considered necessary for salvation of the spirit. This strong preference for sons which results in a life-endangering deprivation of daughters is not considered abhorrent culturally and socially.

Despite making pre-natal sex determination is penal offence, doctors and parents alike rampantly violet this law. Even after the regular raids by the government in the private clinics and the hospitals and imposing a huge fine these kind of cruel things are still prevailing in the society.

Effects

Female foeticide has very long term effects in the human diversity such as declination in the sex ratio. The child sex ratio is calculated as the number of girls per 1000 boys in the 0-6 year's age group and has consistently

declined. If this ratio is used to decline, then those days are not far when there is no bride. People will move from here to there into the parts of the country looking for the girls, then there will be market for the girls that pay and take the girl and this leads to the more social deprivation of the girls.

Strategies to curb female foeticide:

Although there are many facilities are given by the government and steps taken to improve the status of the women in the society. They are provided with greater opportunities in education, employment and in matter of governance that is their seats are reserved in the school, colleges and even the parliament. They are provided with almost free education, loans with zero percent interest and many other things that make the parents less burdened. As there are many laws against the female foeticide such as huge fine, cancellation of license and many jail terms but they are not implemented in a good way because there are number of private clinics in the every corner of the city to be searched and moreover our take these things lightly for example in Korea, government cancelled all the license of doctors permanently and put them into jails the who are indulged in these activities, as a result there is significant increase in girls to boys sex ratio with in the year. Therefore first and foremost steps are strict actions against doctors and keep monitoring the advanced machines which are used by various doctors.

Most of people think that this kind of practice is more

among the villagers or the one who are not educated but they are wrong. These are more in the large cities and the people who are well educated.

Intensive information, Education and Communication campaigns for raising awareness: the government launched so many programmes one of them is "Save the Girl Child Campaign" which have main objectives to highlight the achievements of the young girls. To achieve the long-term vision efforts are made to create an environment where sons and daughter are equally valued. There is a need of mass media in promoting a positive image of women. School and colleges should be the target audience. Various non-governmental organizations (NGOs) played an active role in this area. However the root causes of gender bias need to be tackled first and then steps towards women empowerment must be strengthened.

Women empowerment: Education is the powerful tool for women to improve self-image, acceptance of family planning and their empowerment. NGOs may be encouraged to promote formation of self-help groups, provide non-formal education for adult females, create employment opportunities for women as well as provide counseling and support services to newly married and pregnant women to discourage them from undergoing sex-selective abortion.

Role of medical colleges and professional bodies: there are many medical practitioners who joined campaigns against the misuse of these technologies, but

some of them are supporters of sex-selective abortions emphasizing that it is the family's personal decision to determine the sex of their children. Hence the role of medical colleges and professional bodies such as Indian Medical Association (IMA), Federation of Obstetric and Gynecological Societies of India (FOGSI) and association of radiologists, in countering this burning issue needs to be given due importance.

Effective Measures to Control:

As we all know that female foeticide is a crime and social evil for the future of women. Hence we should notice the causes for female foeticide in Indian society. Female infanticide or female foeticide is primarily because of sex determination. Some measures are:

- Law must be implemented and one should be surely punished if found guilty for this unkind exercise.
- Permanent cancellation of license should be done if it is going on in medical practice.
- Marketing of medical tools specifically for illegal sex determination and abortion should be a bane.
- Parents must be fined who want to kill their girl baby.
- Campaigns and seminars should be regularly held to aware of young couples.
- Women should be aware so that they can be more attentive to their rights..

Conclusion and suggestions:

Female foeticide is social evil. Save the girl child and secure the future. Forthcoming is the name of your girl child, past is the name of your mother. This is the reality that NO PRESENT, NO PAST, NO FUTURE WITHOUT GIRL CHILD. There will be the dangerous results of the female foeticide. Demography reports warn India that in the next twenty years there will be a scarcity of brides in the marriage market mostly because of the adverse sex ratio. For prevention of female foeticide there is dire need to,

- Change public attitude
- Conduct regular workshops to reiterate the importance of this problem in the country.
- Organize awareness campaigns in field practice areas.
- A concerted effort by the medical fraternity, the law, political leaders, NGOs, media, teachers and the community itself is the need of the hour

References:

- Dr. J. N. Pandey- The Constitutional Law Of India, Central Law Publication 2006
- UDHR, article2; ICCPR, article3; Convention on the Elimination of All Forms Of Discrimination against Women
- C. N. Shankar Rao-Sociology of Indian Society
- S. R. Myneni- Women and Law

- Mamata Rao- Law relating to Woman and Child (Estern Book Company, 2nd Edition, 2008)
- www.humanrightsinitiative.org
- <http://www.legalservices.org/>
- <http://www.legalservices.org/>





No. 02/2022

Date: 09.03.2022

To,
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Dear Author,

At the outset I express my sincere gratitude towards your contribution in *caterring sourceful information to students.*

This publication is started with an aim to cause benefit to students especially in pandemic situation. It is not only the money making business but a sense of devotion and social commitment. S. S. Law Publication has earned a name in short period of time. It is possible only because of teachers like you, who have shown support and contributed your expertise in publishing the following books in a language that students can easily understand.—

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Hope your contribution and positive support will remain with us in future endeavour.



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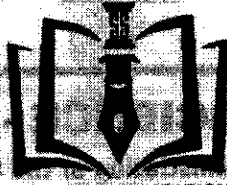


POLITICAL SCIENCE-III

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POLITICAL SCIENCE-III
(Organization & Administration
of the State Government)

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POLITICAL SCIENCE - III

(Organization and Administration of the State Government)

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First Edition : 2021

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Published by -
S. S. Law Publication
Regd. Office : 303, "Vishwata" Apartment, Phase III,
Pratibha Nagar, Kolhapur-416 008
Mob. : 8625076961, 8625066961
E-mail : sslawpublication@gmail.com

DTP & Printed by -
Sonu Graphics, Kolhapur.
Mob. 9850900312

Price : Rs. 130/-

ISBN No. 978-93-92404-09-2



Dedication

The Reputed Freedom Fighter, Social Reformer,
Notable Senior Political Leader and Signatory of
Final Draft of the Indian Constitution

Padmashri, Sahakar Maharshee

Late Dr. Ratnappa Kumbhar

&

His Beloved Daughter, Reputed Educationist

Sou. Rajanital V. Magdum



Preface

A constant thought pondered within us during all the blissful our last few years of career in the field of education that, there is a need of book on Political Science (Organization & Administration of State Government) which has the capacity to provide good quality study material and which covers the whole syllabus of university. We did our best to locate such book which can serve the purpose but we had disappointed because we couldn't find one.

So, we thought to form such study material on the Political Science subject. To embody this idea, we contacted the Directors of S.S. Law Publication and they was delighted with our vision and promised to do their utmost to achieve this noble cause.

In this journey our good friend Prof. BalwantPundalikJadhav who has wide teaching experience in subject of Political Science and currently he is a full time faculty working at Narayandas Sarwottamdas Soti Law College, Sangli and he is also a member of College Development Committee as well asShivaji University Political Science Conference, Kolhapur. Sir, had come up to support us for this genuine cause. Without giving a thought he was ready to take this mountain of book production for us.

In this great cause, we hold the strong & active support and co-operation of Prof. Mrs. Shital Shripad Desai and Adv. Sudarshan Shridhar Desai, Directors of S.S. Law Publication.

This book our humble attempt to give the reader an overview of the Political Science in simple and effortless language. We firmly believe that this book will be very useful for law students, candidates preparing for competitive exams as well as all those laymen who are curious to know about law.



Index...

Chapter - 1

Introduction to organisation of State Government

- 1.1 Federal Structure of India
- 1.2 Division of Powers between Centre and state
- 1.3 Organisation of Government at the State level

Chapter - 2

State Executive

- 2.1 Governor
- 2.2 Chief Minister and Council of Ministers
- 2.3 Relation between the Governor, Chief Minister and Council of Ministers

Chapter - 3

State Legislature

- 3.1 Legislative Assembly: Composition, Powers and Functions
- 3.2 Legislative Council: Composition, Powers and Functions
- 3.3 Speaker of the Legislative Assembly

Chapter - 4

State Judiciary

- 4.1 Organisation of the State Judiciary
- 4.2 High Court: Composition and Jurisdiction
- 4.3 District and Sessions Court & Subordinate Courts: Composition and Jurisdiction



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Chapter - 5

Center-State Relations

- 5.1 Center-State relations with regard to Legislative Matters
- 5.2 Center-State relations with regard to Administrative Matters
- 5.3 Commission and Recommendations to improve Center-State Relations

Chapter - 6

Political Parties and Pressure Groups

- 6.1 National and State Political Parties
- 6.2 Pressure groups: Labour Groups, Women Groups, Youth Groups, Farmer Groups and Business Groups
- 6.3 The Role of Regional Political Parties in Indian Political System in the backdrop of Coalition Governments

Chapter - 7

Commissions in the State

- 7.1 State Public Service Commission
- 7.2 State Election Commission
- 7.3 State Finance Commission

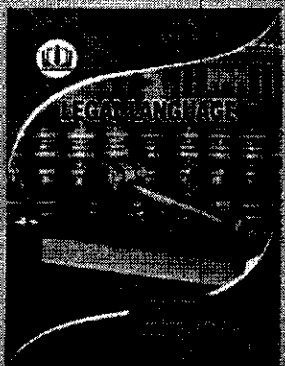
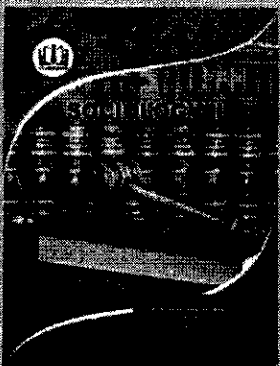
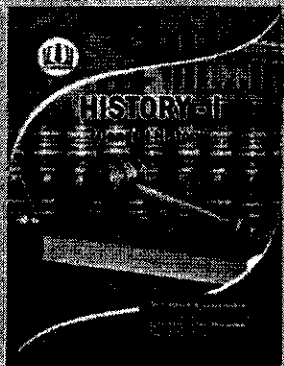
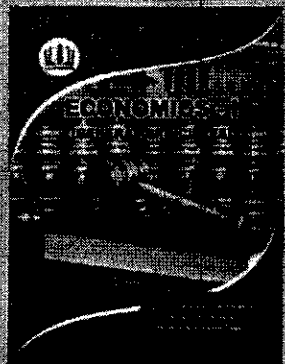
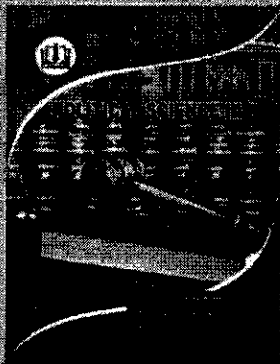
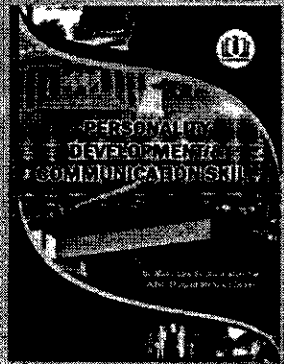
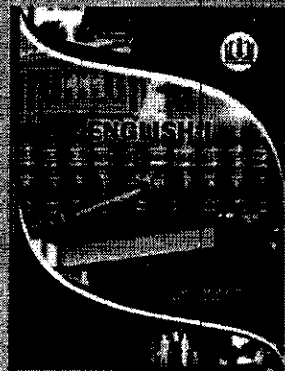
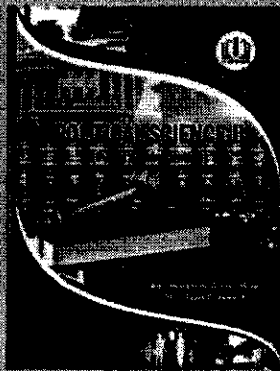
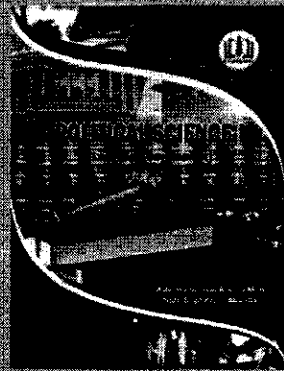
Chapter - 8

Functionaries

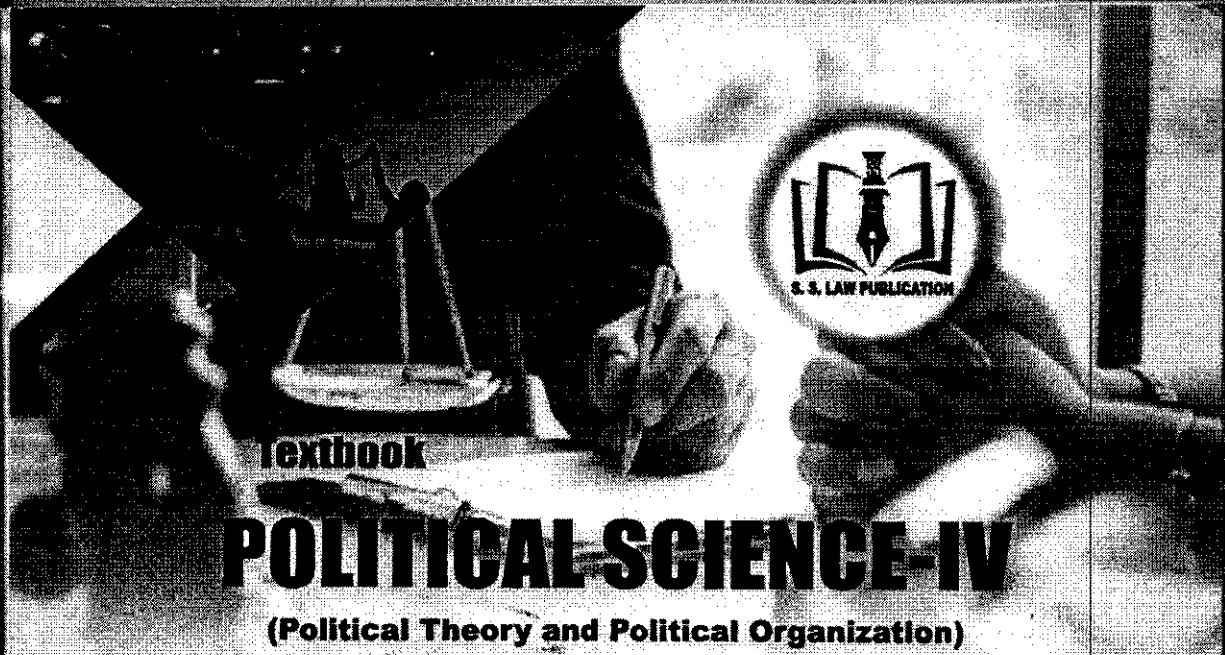
- 8.1 Advocate General
- 8.2 Lokayukta



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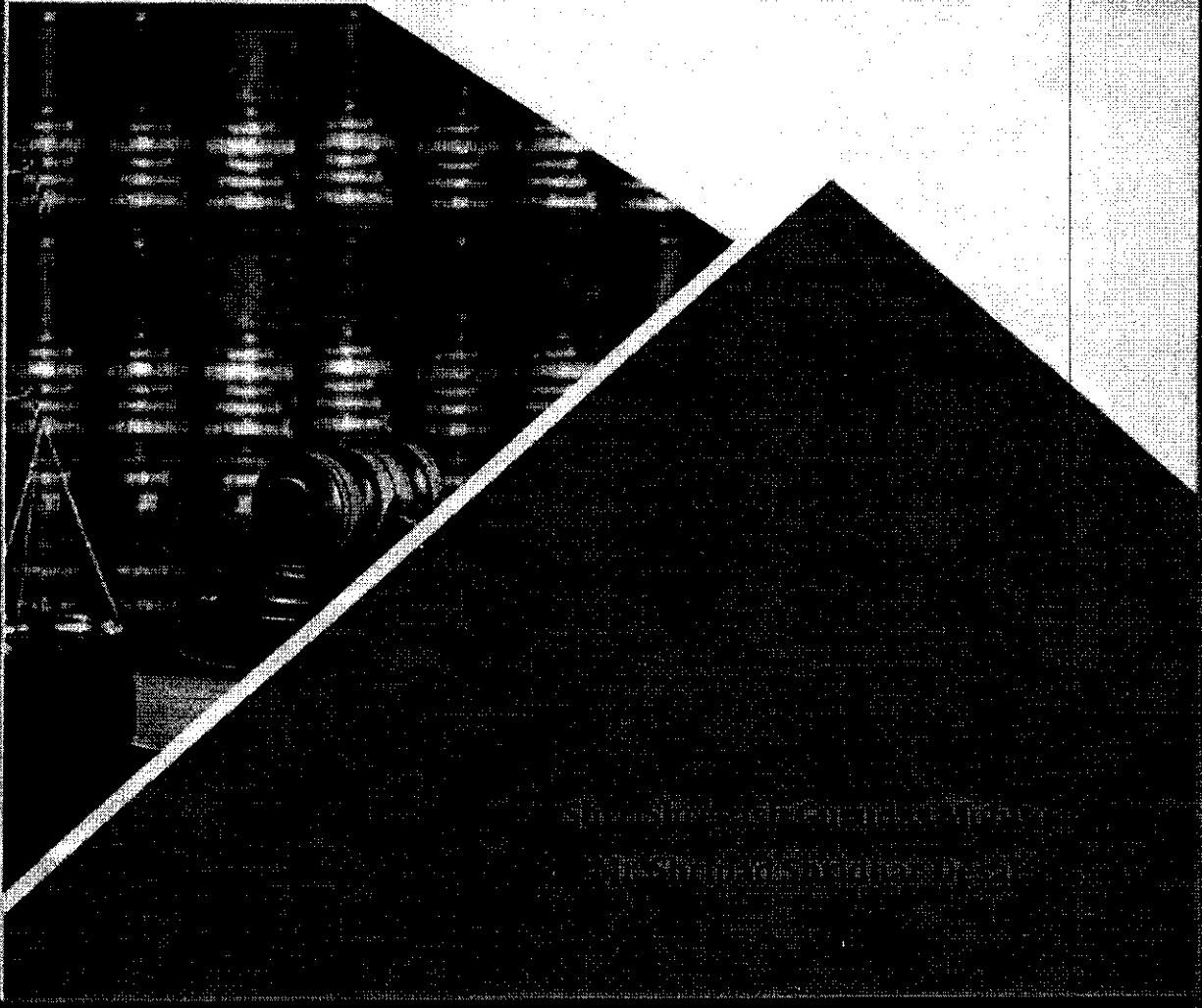
Published by
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Regd. Office : 303, "Vishwataara" Apartment,
Phase III, Pratibha Nagar, Kolhapur-416 008.
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Textbook

POLITICAL SCIENCE-IV

(Political Theory and Political Organization)





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(Political Theory and Political Organization)

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First Edition : 2022

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Published by -

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Regd. Office : 303, "Vishwatara" Apartment, Phase III,
Pratibha Nagar, Kolhapur-416 008.

Mob. : 86250 76961, 86250 66961

E-mail : sslawpublication@gmail.com

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DTP, Design & Printed by -

Sonu Graphics,

Kolhapur. Mob. 9850 900 312

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Price : Rs. 140/-

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ISBN No. 978-93-92404-39-9



Index...

Chapter - I

CONCEPTION OF STATE AND GOVERNMENT

1.1	Definitions and Elements of State	01
1.2	Difference between	04
	a) State and Government	04
	b) State and Association	06
	c) State and Society	06

Chapter - II

THEORIES OF ORIGIN OF STATE

2.1	Divine Origin Theory	10
2.2	Social Contract Theory (Hobbes, Locke and Rousseau)	13
2.3	Evolutionary Theory	21
2.4	Force Theory	23

Chapter-III

STATE AND SOVEREIGNTY

3.1	Meaning, Attributes and Kinds	28
3.2	Austin's Theory of Sovereignty	32
3.3	Pluralistic Theory of Sovereignty	33

Chapter-IV

MAIN CURRENTS OF WESTERN POLITICAL THOUGHT

4.1	Ancient Political Thought	38
	a) Plato - Ideal State	
	b) Aristotle - Ideal State and Revolution	
4.2	Medieval Political Thought	41
	a) Machiavelli - The Prince	
4.3	Modern Political Thought	43
	a) Marxism - Dialectical Materialism, Socialism and Communism	
	b) Liberalism and Neo-Liberalism	



S. K. LAW PUBLICATIONS

Chapter-V

MAIN CURRENTS OF INDIAN POLITICAL THOUGHT 51

- 5.1 Ancient Political Thought 51
 - a) Vedic and Kautilya's concept of State
- 5.2 Medieval Political Thought 56
 - Islamic Concept of State
- 5.3 Modern Political Thought 58
 - a) Gandhism – Truth, Non-violence, Satyagraha Sarvodaya and State
 - b) Marxist thought in India - M. N. Roy, Ram Manohar Lohia and Jawaharlal Nehru

Chapter-VI

THE TOTALITARIAN STATE 68

- 6.1 Fascism 70
- 6.2 Nazism 73
- 6.3 Military Rule and One Party Democracies 77

Chapter-VII

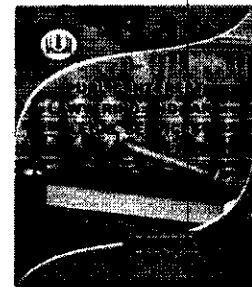
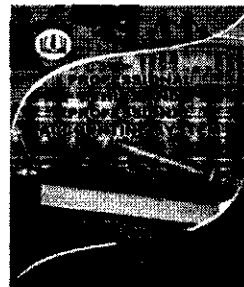
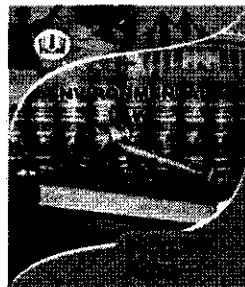
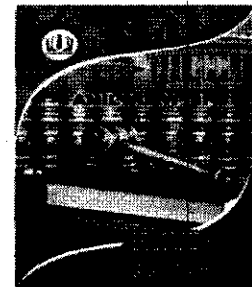
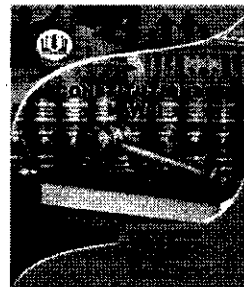
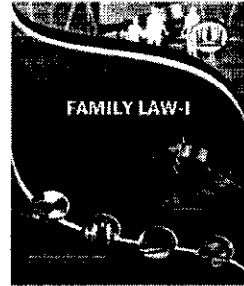
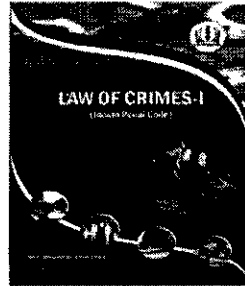
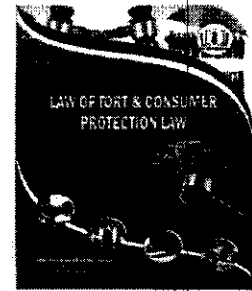
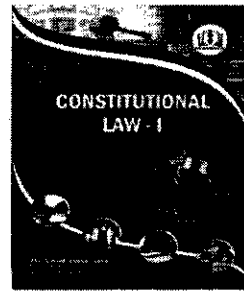
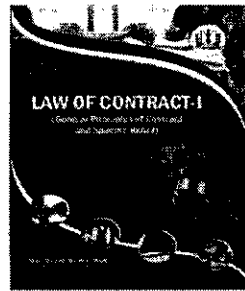
FORMS OF GOVERNMENT – FEATURES, MERIT AND DEMERITS OF: 86

- 7.1 Unitary Government 86
- 7.2 Federal Government 88
- 7.3 Presidential Government 91
- 7.4 Parliamentary Government 93

Chapter-VIII

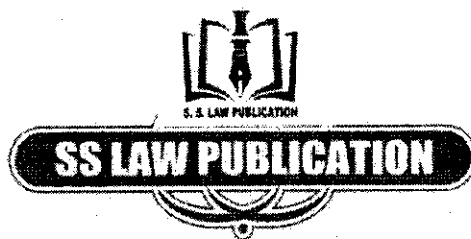
ORGANS OF GOVERNMENT 99

- 8.1 Meaning, powers and functions of 99
 - a) Legislature
 - b) Executive
 - c) Judiciary
- 8.2 Separation of Powers 108
- 8.3 Independence of Judiciary 109



ISBN No. 978-93-92404-39-9

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No. 02/2022

Date: 09.03.2022

To,
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[M.A., NET, SET]
Assistant Professor
New Law College, Sangli.

Dear Author,

At the outset I express my sincere gratitude towards your contribution in *catering sourceful information to students.*

This publication is started with an aim to cause benefit to students especially in pandemic situation. It is not only the money making business but a sense of devotion and social commitment. S. S. Law Publication has earned a name in short period of time. It is possible only because of teachers like you, who have shown support and contributed your expertise in publishing the following books in a language that students can easily understand.—

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