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- By Yaksh Shah, BBALLB 2020-25, UWSL



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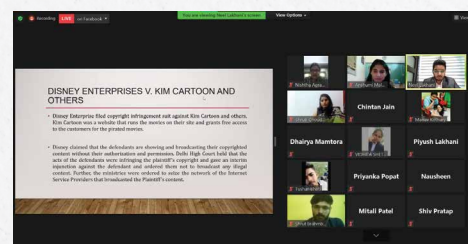
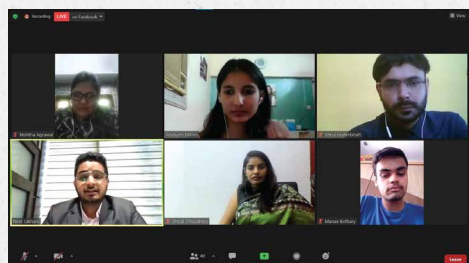
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Engagement of Alumni in IPR Awareness week

Intellectual Property Rights (IPR) Awareness week was conducted recently at UWSL. Two alumni of UWSL -- Neel Lakhani and Divij Mehta were invited for the event. Dr. Shruti Choudhary, assistant director, Alumni Relations at Karnavati University gave a welcome speech and delivered a special address on Alumni Engagement.

Neel Lakhani discussed about what is copyright, its definition, meaning, classes or types of copyright including copyright as literary work, artistic work, computer programming, dramatic work, musical work, cinematography and sound recording. Thereafter he discussed about compensation and fine under civil wrong of copyright and imprisonment and fine under criminal wrong. Thereafter he also discussed about how digitization and digitalization differs from each other. Digitization is the clean conversion of analog data and documents into traditional digital data whereas Digitalization is a technology that transforms business models and creates new revenue and valuable manufacturing opportunities. Neel Lakhani also discussed about two landmark cases of copyright being Super Cassettes Industries v Mypspace Inc. & Anr and Disney Enterprises v. Kim Cartoon and others. Lastly we discussed various issues regarding copyright in digitalized world such as vast amount of data, borderless internet, less knowledge and information, traditional laws vs modern laws etc.

Divij Mehta discussed about Protection of Well Known Trademarks: safeguard against registrability of identical or similar trademarks. He also discussed about Visual and phonetic similarity of Trademarks-study of judicial trends in India. Prof. Nishtha Agrawal, faculty at UWSL, delivered vote of thanks, marking the conclusion of the event.



WOMEN'S RIGHTS, SUBJECT TO MEN'S APPROVAL?

By: Kishita Gupta and Anshumi Maloo, BBA.LLB Batch 2017-22 UWSL

ABSTRACT

The present paper title 'women's rights, subject to men's approval?' aims to focus on the subject matter that who should have a legit right to decide what is good for a woman. For that, the authors have analysed a few existing legislations wherein women's rights are mentioned but we have still tried to look into that concern that should men have a right to decide regarding women's right or the women should have the wholesome right to make legislations for their well-being. The purpose of the current paper is to show how the interpretation of laws on women by 'men' is leading to extreme injustice to these women.

KEYWORDS

Women, constitution, rights, legislation

INTRODUCTION

Women have continually been authorised as goddesses to be worshipped and revered for all the virtues they possess. They need been clothed with dignity and felicitated as goodness and sacrifice personified. There has been a gradual degradation of the standing of girls thanks to numerous the socio-economic reasons leading to grave violations of their rights as individuals in the least levels not solely outside the unit however a lot of so in their own house. Ladies naturally are caring, tender, sensitive and unselfish, so creating them a lot of prone to abuse and exploitation.

Do women have rights of their own or are we talking about those rights that she is getting from the men's approval?

According to a report published by the UNDP, the Gender Inequality Index in India ranks 127th in India, which shows India's declining position on gender equality. Despite

attempts by the Government of India to change the current situation and restore gender equality as practised in the Vedic period, this effort was not successful. Gender equality is not a concept that can be achieved in a day or so and it requires serious efforts from both government and citizens. To achieve equality we must change our mentality and understand that women should not be slaves to the men who join them.

The perpetrators of wrongs against women aren't solely the patriarchy however additionally they. This is often the explanation why many laws are enacted and numerous mechanisms place in site to redress the wrongs against ladies. The method of access to justice for women needs to be straightforward and convenient & thanks to the fact that ladies are reluctant to approach the law, thanks to their nature of put up with a violation of their rights.

The position of females has been distinctive in Indian society that has historically been patriarchal in its structure, though in some quarters of history, traces of social organisation were the same to exist. The results of a patriarchal society are several and varied, advantageous and disadvantageous. Whereas on the one hand, our patriarchs have tried to safeguard ladies gallantly from alternative men, they need additionally taken the thought of protection several steps any by stating that ladies ought to be confined to the four walls of the house and their functions are restricted to tending the family. Within the pre-independence era, Indian ladies experienced many onslaughts on their dignity. For instance, it had been widely believed that educating ladies was a waste of resources and primarily inessential.

Likewise, brothers associate in nursing sisters were treated unevenly with the previous having a grip over the latter; kid marriages were modish with terribly young women being married off to men older to them by a decade or more; the system of Sati was inspired wherever ladies were incited to kill once their husbands died; purdah system was modish that meant that ladies were continually alleged to be behind veils; the establishment of dowry was outstanding due to the overall belief that ladies were an economic burden for the family accepted them as their daughters-in-law.

FEMINIST JURISPRUDENCE

Feminist jurisprudence primarily begins with "asking however the law would show a discrepancy if it took women's purpose of reading and experience under consideration, whereas cryptography legal ideas and dealing of law in real-world". We tend to all square measure conscious of the fact that feminism, the idea itself, is divergently completely different in approach, stress and objectives, thus generalization of views, if not possible, square measures are tough. Whereas at its embryonic stage, feminist jurisprudence focused on the difficulty of gender distinction because of the genesis of feminist jurisprudence. The first objective was to outlaw biased treatment and supply laws that allowed ladies equal opportunities with men.

Thus the biological process nature of feminist jurisprudence, as it stands nowadays, is in considerations with women's financial condition, monetary dependency, motherhood, sexual accessibility, attention and every one different connected problems. The idea of feminist jurisprudence in the Asian nation isn't divergently completely different from the western idea of

feminist jurisprudence. In reality, it is often safely explicit that the literature on Indian idea of feminist jurisprudence is scant and also the development of the philosophical genesis of constant is in the emerging stage. The foundation of feminist jurisprudence in the Asian nation is often derived to the constitutional style and protection out there underneath Article 14, 15, 16, 39 & 42 of the Indian Constitution.

INTERPRETATION OF SECTION 375 IPC

The purpose of the current paper is to show how the interpretation of laws on women by 'men' is leading to extreme injustice to these women. The exception clause of Section 375 of The Indian Penal Code talks about how sexual intercourse between a married couple would not be considered as rape or marital rape. Marital rape refers to a husband's sexual intercourse with his wife by force or without her consent.

The inclusion of this clause under Section 375 could be traced back from the speech of Sir Matthew Hale. According to him, "But the husband cannot be guilty of raping his legally wedded wife as it is based on mutual consent, and the wife has left herself to her husband by marrying him so that he cannot take it back." Hale's argument for the marital rape exemption also resonated deeply with the coverture principles that shaped the content of most marital status rules in the nineteenth century which explicitly subordinated wives to husbands. During that era, the wife herself was considered to be a chattel and property of her husband and hence were not given any rights. In marriage, wheeling principles eliminate almost all legal claims on the resources and power of the household, thus allowing her husband to deal with the form of economic, social and political dependence.

The above propositions describe the condition of women at the time when the exception clause was incorporated under the Indian Penal Code. These principles

cannot sustain in the present day context where the individuality of a woman is equal to that of men. The differential treatment of women only based on marriage is wholly unconstitutional as marriage did not serve as a reasonable classification. The exception clause is the result of imprecise principles which cannot fulfil the basic principles laid down in the Constitution of India

"The very reasonable and reasonable laws at the time of its enactment may, over time and/or due to a change of circumstances, become arbitrary, unjust and exploitative of the principle of equality." The Constitution of India guarantees equality of opportunity and status to the citizens without doing any sort of discrimination of religion, race, caste, sex, place of birth or any of them. The law needs to know the changing society and adapt to emerging concepts. The present requirement must be provided with a detailed process of law.

The men and women are equal in the eyes of law. A man should not keep his ego or, for that matter, leave the concept of masculinity and citizenship on a pedestal. The ego must bow before the law. In this case, equality should be considered the "summum bonum" of the constitutional principle.

It is pertinent to note that "a rapist is a rapist no matter his relations to the victim." The legislation came into existence to protect the husband's interest over his property. All the wives were seen as chattels to their husbands, all with no civic recognition. This is a sheer violation of women's fundamental right to life and dignity. In the current era, the principle that men and women are treated equally cannot be restricted to discrimination based on the fact that a person belongs to one or the other gender.

SABRIMALA TEMPLE INCIDENT

The Sabarimala case can be recorded as a recent coup for women's rights. Women's struggle

against age-old exploitative religious principles that prevent the entry of Sabarimala Temple premises above sea level on Sabarimala Hill in Pathanamthitta District, Kerala. The temple is in a dispute over the practice of banning 10-50-year-old women from entering the temple. The reason for this is that women between the ages of 10-50 are considered abusive because they are women with structure, which is one reason for the authors. Also, the Supreme Court has declared this ban on women to be unconstitutional in the case before it. Also, it is very surprising that the Government has even passed legislation that justifies such ban and entry of women in the temple. How are we interpreting the law over here is a big question in hand?

Such extravagance against women's rights implies that achieving gender equality is still a fictitious dream for Indian society. Does it sometimes arise in our minds that we are living in the 21st century, which is considered an era of technology and development? Dualism is rooted in the current social behaviour that promotes gender equality and openly oppresses women. Yet women are considered the weakest part of society, and the patriarchal power needs help to survive in this society.

Justice Malhotra's dissent lies primarily on two main reasons: the consistency of petitions relating to religious practices under Article 32, and two, the application of Article 14 in respect of such practices. First, disagreement questions the scope of public interest petitions in matters of religious belief. It distinguishes between lawsuits in the public interest and lawsuits in the public interest with religious sentiments. Justice Malhotra said that allowing such a PILs would only compensate the Supreme Court for cases where religious sentiments were damaged in the name of PILs. She stated that a person who belongs to a certain religion and/or does not belong to a particular faith has no right to resort to court under Article 32, because that person cannot be abused.

This view of Justice Malhotra is not correct under the provisions of the Constitution. She wants to only compromise the notion of public interest litigation, leading to an increase in the number of lawsuits filed against religious provisions of exploitation, which according to the authors is not correct.

CONSTITUTIONAL STATUS OF WOMEN RIGHTS

The Indian Constitution has special provisions for the cover of rights of women in the country. In reality, it accords special standing to the ladies within the country. Let us understand by the following laws that how have women denoted their rights by the so-called men of society.

Preamble: The preamble of the Constitution states that it intends to secure to all or any its voters "equality of standing and opportunity". Equality is that the basis on that any progress in achieving rights of girls is feasible.

Elementary Rights: Article fourteen of the Constitution provides that the State shall not deny to somebody equality before the law or the equal protection of the laws. Art. 15(1) restricts State from discriminating against any subject on grounds solely of sex among different things. The foremost vital provision is Art. 15(3) that permits the State to enact special laws to guard the rights of girls and provides them with special standing. Even in cases of employment below State, there has got to be civil rights as envisaged by Article 16.

Directive Principles: The Directive Principles of State Policy need the State to secure to men besides as ladies equal opportunities to amass suggests that of the keep. It additionally directs the State to formulate policies for guaranteeing maternity advantages, etc 73rd and 74th Amendments to the Constitution give reservation for ladies in panchayet and Municipalities.

In *Air Asian nation v. Nargis Mirza*, the Supreme Court is smitten down the discriminatory Rules of Indian Airlines. associate hostess in Indian Airline challenged bound provisions of their service rule whereby associate hostess might have the task up to 35 years archaic, however, may be terminated if she gets married inside four years of her accomplishment or her 1st physiological condition as unreasonable and invalid. The Supreme Court command that this provision compelled the hostess to not have youngsters that are against the attribute. The Supreme Court additionally upheld the proper of the hostess to figure up to the age of forty-five years rather than thirty-five years archaic, if they're otherwise found work. however the validity of the rule for not permitting to urge married for four years straight off when a connection was upheld thanks to the exigencies of services.

In *city Domestic employees case*, the Supreme Court indicated the subsequent broad parameters in helping the victims of rape.

- The complainants of regulatory offence cases ought to be given agency.
- Legal help can be provided at the police headquarters since the victim of a regulatory offence may fine be during a distressed state upon arrival at the police headquarters.
- The police ought to be underneath an obligation to tell the victim of her right to illustration before any queries are asked of her which the police report ought to state that the victim was therefore hep.
- a listing of advocates willing to act in these cases ought to be unbroken at the police headquarters for victims UN agency didn't have a specific professional in mind or whose own professional was unobtainable.

- The advocate shall be appointed by the court, upon application by the police at the earliest convenient moment, however, to confirm that victims were questioned while not undue delay, advocates would be approved to act at the police headquarters before leave of the Court was wanted or obtained.

- altogether rape trials obscurity of the victim should be maintained, as way as necessary.

- it's necessary, having relation to the Directive Principles contained underneath Article 38(1) of the Constitution of Republic of India to line up Criminal Injuries Compensation Board. Rape victims oftentimes incur a substantial loss.

- Compensation for victims shall be awarded by the Court on conviction of the bad person and by the Criminal Injuries Compensation Board whether or not or not a conviction has taken place. The board can take into consideration pain, suffering and shock similarly as loss of earnings thanks to physiological condition and also the expenses of kid birth if this occurred as a result of the rape.

- National Commission for ladies shall evolve such theme on wipe out the tears of such unfortunate victims. Such a theme shall be ready inside six months from the date of this judgment.

There are so many laws that are enacted to allow special procedural protections to the women:-

Matrimonial Laws: Personal Laws in our country India for control incidents of the wedding have had mixed consequences in relevancy ladies. In some cases, the laws have worked additional to the disadvantage of girls than to their advantage. Marriage, in the nation, is considered an establishment that is capable of adjusting the whole course of a woman's life, either for the more severe or for the higher. With wedding, area unit associated the foremost important social issues that ladies confront, like dowry, marital cruelty/ force,

divorce/termination of a wedding, maintenance and custody of kids. However, so much our laws area unit equipped to tackle these issues is a problem of major concern. With the target of eradicating the matter of dowry, the dowry Prohibition Act, 1961 was gone along the Parliament. The Act has given the definition the term "dowry" and punishes the payment, request or acceptance of it. excluding dowry, another drawback that ladies face fairly often is that the drawback of Intimate Partner Violence is an intimate partner may be a significant other or someone with whom the girl might share a romantic relationship.

The force Act was gone along the Parliament in 2005 to counter the menace of violence in marital or live-in relationships. Sections 498-A and 304-B of IPC have conjointly competed for a very important role in protecting the rights of girls by prescribing penalisation for the offences of marital cruelty and dowry death. Though on the top, the legislations were enacted with the target of safeguarding the rights of girls, the particular implementation of those legislations contains a completely different story to inform. for example, for the effective implementation of the force Act, 2005, Protection Officers are needed. Despite however rigorous the law is, while not death penalty officers, the impact of the law is dampened. The absence of Protection Officers in many countries has adversely affected the realisation of the goals below the Act.

In marital laws across all religions in the nation, the conception of Restitution of legal right exists. The conception indicates that each significant other is entitled to the marital status society of the opposite unless an inexpensive excuse exists. This provision of legal philosophy has been understood on many occasions by numerous High Courts to the woman's disadvantage. for example, husbands have used this provision to compel their wives to allow up their jobs. Not

solely that, the conception of Restitution of legal right has been the pivot of the many constitutional controversies on the bottom that it's against the essential human dignity of a lady to be forced to measure with a person she abhors/dislikes.

Criminal Procedure Code: The Code protects ladies within the method of the arrest. ladies can't be inactive when the sunset and before sunrise. If the allegation is in respect to a significant crime, the report has got to be submitted to JMFC with whose previous permission a girl lawman might cause arrest. Even just in case wherever the person of a suspected feminine is to be searched, it's to be done by a girl constable solely with strict relation to decency. Even for the aim of interrogation, a girl can't be referred to as at the station. Interrogation has got to be dispensed at the place wherever the girl resides. The Code additionally contains provisions wherever the identity of the girl has got to be protected. ii. Legal Aid Entitlements: the foremost vital demand in respect to access to justice for anyone is that the right of representation.

INDIAN PENAL CODE: The Indian legal code, 1860 has several provisions that are criticised as gender insensitive. as an example, the definition of criminal conversation beneath the Code stipulates that a case of criminal conversation is filed by the husband against the paramour of the girl with whom she had sexual issues. the girl is treated as an entity which will haven't any active role to play within the entire act. Further, a case of criminal conversation can't be filed by a partner against a girl with whom her husband may need having sexual issues.

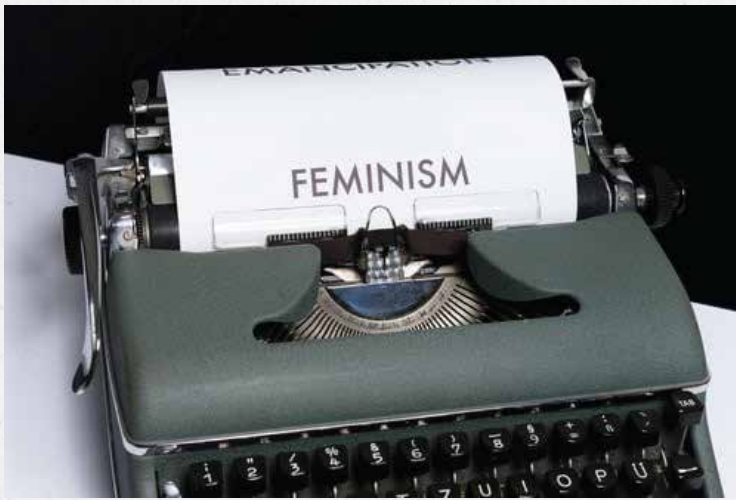
The law on this count is gender insensitive because it doesn't offer a just right to a girl to prosecute for criminal conversation and additionally treats her as an irrational entity that is usually determined by a person in acts of physiological

property. Similarly, section 377 of the IPC has additionally been polemical within the recent past for not taking into thought the rights of lesbians, gays and trans-genders. Section 375 of the Code has additionally undergone a vast amendment when gathering a lot of criticism concerning being loose. as an example, it failed to recognise oral penetration as Rape.

The huge change that happened in 2013 following the Nirbhaya episode has broadened the definition of Rape by extending the offence to any and each type of penetration. Not solely that, sure new offences like paraphilia, etc. are created to guard the rights of ladies. Another major space of concern is that the non-recognition of female psychological science whereas crucial defences. for instance, whereas grave and sharp provocation has been recognised as a partial defence, the battered girl syndrome has not been taken into cognizance as a defence.

Family Courts: Most of the matters in respect to ladies area unit concerning their rights consistent to kinship. There area unit special Family Courts accepted to choose matters like divorce, maintenance, custody of youngsters, etc. These matters area unit sensitive and typically is also terribly personal. thus the judicature started that involves privately proceedings, is incredibly fascinating particularly for girls as there is also explanations and arguments which can be embarrassing and uncomfortable. The Family Courts procedure isn't complicated just like the procedure in alternative courts and also the illustration is created by the parties in person. although the started isn't meant to guard the rights of ladies completely, it goes a protracted thanks to creating the procedure a lot of convenient for girls.

Divorce beneath shariah law: The legitimacy of the system of Triple Talaq in shariah law has been



In *Vishakha v. the State of Rajasthan*, the Supreme Court took a significant note of the increasing menace of harassment at geographic point et al. it's been ordered

questioned again and again by feminists and students of human rights. The case of Shah Banowas thrown out of her marital home as a result of her husband had suddenly pronounced "talaq" 3 times against her remains sensational until date. Shah Bano's case had raised many queries on the rights of married Muslim girls, beneath the Shariat were entitled to maintenance solely throughout the amount of iddat (to be calculated as 3 discharge cycles from the date of divorce). To flee the Supreme Court's stance in Shah Bano's case, the Parliament amended the Dissolution of Muslim Marriages Act, 1939 within the year 1986. once the modification, the liability of maintaining a single Muslim girl follows a vicious chain that starts with the husband, issue to relatives of the girl measure entitled to be her heirs and eventually ends with the State Wakf Board. The chain is vicious as a result of it's troublesome to expect relatives of associate impoverished girl to support her financially and additional significantly, it's equally unclear to possess her to run from pillar to post for relief from the Wakf Board.

Sexual harassment at the work-place

With dynamic times, girls have currently stepped out of the house and have concerned many vocations. At such a time the foremost outstanding drawback that operating girls face is harassment at the workplace. thus there's a law enacted titled, "Sexual Harassment of girls at Work Place (Prevention, Redressal and Prohibition) Act, 2013" to redress constant. The Act defines harassment that embrace such unwelcome sexually determined behaviour.

down within the judgment that the leader or alternative accountable persons in workplaces or alternative establishments have to forestall or deter the commission of acts of harassment procedure for the resolution, settlement or prosecution for the devious acts of harassment by taking all the necessary steps. The delays in such dowry cases square measure to be concerned on quick track mode, as a result of the maxim; justice delayed is justice denied holds sensible additional in women's right violation cases.

Maintenance: Maintenance could be an important side of rights of girls is that the right to urge maintenance from husband or alternative relatives varied Family laws also because the Code of Criminal Procedure provides for maintenance to the girl who has no financial gain of her will not and can't maintain herself, can build the application for maintenance. Beneath the non-public Laws, the application is often created to the District Court having jurisdiction over Family matters, or to the tribunal where it exists or beneath Sec. 125 Cr.P.C to the Judicial jurist top notch. There square measure ample laws to guard the rights of girls also on offer redress to them if aggrieved. There square measure many government policies in situ. There square measure varied initiatives taken to encourage girls to hunt redress. but solely having laws in situ isn't enough. it's necessary to make awareness and alter the mind-set of the society to strengthen the ladies.

Laws at a geographic point and Labour Legislation in India:

The Parliament enacted the Equal Remuneration Act in 1976 to try and do away with discrimination between male and feminine workers. beneath the Act, no leader will discriminate against an associate worker on the premise of gender. apart from that, some special provisions are created beneath the Maternity profit Act, 1961 for girls. beneath the legislation, bound edges are extended to women measure pregnant in an exceeding place of employment. Further, labour legislations additionally build special provisions for girls at the geographic point. for example, the Factories Act, 1948 provides for necessary arrangements by each manufacturing plant in the Republic of India to take care of an adequate variety of sanitation facilities like urinals and bathrooms for girls. Likewise, the employment of girls in risky occupations is additionally prohibited beneath the Act.

CONCLUSION

Women should not be seen as a depressing part of society. At present, India is trapped in the patriarchal swamp and must be abolished. We are also not in favour of female domination, but instead, we need a balanced society between the two sexes and this can only be achieved by changing the public's discriminatory mentality in our society. Our objective was to understand in depth the need for special protection of laws in case of women in India. We aimed to identify the essentials enactments meant to guarantee the rights that are deserved by the women. Through this, we get to understand the procedural protection provided to the women concerning the Judicial administration. Lastly, we can comprehend the grievance redressal mechanism under different statutes relating to women in India and how their interpretation done by the Judiciary is protecting the rights of the women.

Meri boodhi hoti maa

By: Prof. Shafiullah Anis, Assistant Professor, UWSL

Zeena chadhte thak jaati hain , sardi khoob lage hai usko,
Par dekh ke mujh ko khush ho jati , meri boodhi hoti maa.

Roz sawere , jaag ke pehle , mera naam pukare hai,
Kabhi dant-ti ,kabhi hai dulaare , meri boodhi hoti maa.

‘Mere aalsi bachche ! kab sudhroge tum yeh bolo ?’
In meethi meethi daanto se mujhko, roz sudhare meri maa.

‘Khana khaya ? Kya khaya ? Kab aaoge ?’ yeh roz woh pooche,
Yeh sab pooch pooch kar mujhse , Dil ko samjhati hai maa.

Tabiyat hui kharab jo ek din, nahi bataya mujhko tha,
Par mujhse roz haal mera pooche, meri boodhi hoti maa.

Main kitna khudgarz hu, yeh ehssaas nahi mujhe hone deti hai,
‘Khoob taraqqi karo tum beta’, ki roz duaain deti maa.

Gir gir kar main uth jaata hun, haar haar kar jeeta bhi hai,
Teri dua ka asar hai yeh sab, warna mujh mein kya hai maa?

Tune jo taaleem di hai, yeh uska asar nahi to kya,
Jhoot bura hai, sach hai atchha , aur nahi kutch jaanu maa!

Deta ja ae Rab tu mauqa, uski khidmat karne ka,
Jannat nahi chahiye mujhko, mujh ko pyaari meri maa.

Hansti aur roothti mujhse kitni sundar lagti hai tu,
Mano ya na mano tum sab, sab se atchhi meri maa !



CHILD LABOUR

By: Chintan Jain, BBA.LLB Batch 2020-25 UWSL

They are serving at a Tea Stall,
But, their actual place is in School's Assembly Hall,
While working, they grow tall,
It's really disappointing to see our future generation's downfall,
So, let's stand together and raise a voice against this, as it is now a final call.



Personal Wellbeing

By: Nityanand Jha, Assistant Professor, UWSL

Life is becoming complex for most individuals due to multiple issues arising in various life domains namely work, family, social circle. Unfortunately, many individuals have been stressed with their own personal concerns related to career or relationships. But unlike most there are some people who are able to deal with these issues in much more relaxed manner. In addition, most people have been associated with social activities trying to positively impact the society and following their personal interests along with their dealing with career and family concerns.

As per Hitopedsha, an adult person in Grihastha stage is happy when they have

- Regular income
- Disease free health
- Good spouse
- Sanskari Children and
- Children pursuing education which will provide income in future

Based on above, we can infer that to be happy in life, person should strive to fulfil the four conditions and take social activities and pursue personal interests.

Artwork

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