



# M. KRISHNA LAW COLLEGE, HASSAN.

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(Affiliated to the Karnataka State Law University, Hubballi )

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### 3.2.2 -Number of research papers per teachers in the Journals notified on UGC website during the last five years

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## Enactment of Open Source Software's and Library

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Note: \* Indicates corresponding author

ARTICLE DETAILS	ABSTRACT
<p>Article History: Received Date: 11/02/2019 Revised Date: 21/02/2019 Accepted Date: 28/02/2019 e-First: 10/03/2019</p> <hr/> <p>Keywords Software Development; Free software; Exclusive Software; Open Source software; GLUG</p> <hr/> <p>*Corresponding Author (MB Umesha )</p>	<p>Software is one of the predictable devices for all processes in today's worldwide scenario. Every application which was developed was modified or holding registered ownership. However, there prevail several issues related with exclusive software, such as licensing, contract levels, cost, resource necessity, attacks, photograph of source code etc. Thus, software which was originally claimed exclusive and operated by organizations has now turned their scope towards becoming open and free software. This is due to moving ahead with technology and to reap the results of best follows available with latest trends in technology. Open source software is, software that users have the ability to run, copy, distribute, study, change, share and improve for any purpose. Open source library software's does not need the initial cost of commercial software and enables libraries to have greater control over their working environment. Library professionals should be aware of the advantages of open source software and should involve in their development. They should have basic knowledge about the selection, installation and maintenance.</p>

### 1. Introduction


Open source software is computer software whose source code is available under a license (or arrangement such as the public domain) that permits users to study, change, and improve the software, and to redistribute it in modified or unmodified form. It is often developed in a public, collaborative manner. It is the most prominent example of open source development and often compared to user generated content.

Evolution of mankind has led to several inventions and discoveries. Technology is one such frontier which has evolved by the intelligent creation of mankind. Software which is one of the reflections of existence of technology has become one of the vital ingredients of day to day activities of the society.

Generation of computers which is witnessed since 1945 provided platform for various types of software and hardware to get introduced into the arena of technology. Initially, the perception was towards significance of hardware in lieu with software. However, the pace in which hardware grew in comparison with software was not hand in hand. Further, cost of software was considerably low though software took its evolution in a faster mode than that of hardware. However, realization of software importance towards the benefit of human society enabled advancement of technology with emphasis on types of software either generic or bespoke.

For many libraries, organizing their books and other media can be daunting task, especially as the library grows with more material. Years ago we had crude card catalogue systems (remember the Dewey Decimal System) that kept things organized, but were difficult to maintain. With today's computing technology, organizing our libraries has never been easier or more efficient. Gone is the card catalogue and in some libraries, it's much easier to locate a book through and internet connection and picking it up upon your arrival, rather than wasting the time scouring the aisles looking for your next read. Now just because the world has been blessed with wonderful software solutions that make everything easier to do, doesn't mean that every library in the universe is using these solutions. Many libraries do not have huge amounts of money to burn, and any that they do get usually goes to purchasing additional resources.



  
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## A Uncitedness study of Faculty Publication in Dharwad University and Mysore University: A study

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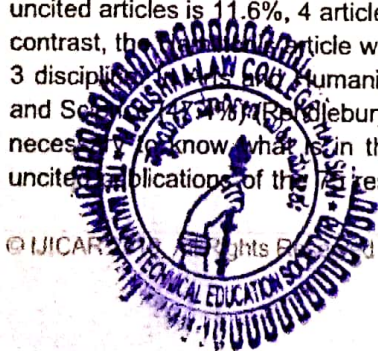
ARTICLE DETAILS	ABSTRACT
<p>Article History: Received Date: 16/01/2019 Revised Date: 20/01/2019 Accepted Date: 25/01/2019 Published Online: 10/02/2019</p> <hr/> <p>Keywords Uncitedness Mysore University Karnatak Universities Web of Science Citation</p> <hr/> <p>*Corresponding Author(s)  ( M B Umesha)</p>	<p>The study covers only University of Mysore and Karnatak Universities. The data was collected from WoS. It is possible that the percentage of uncitedness might vary by changing data source. It is presumed that even if we combine the data sources there may not be much difference in the overall findings. Here, the uncitedness articles are those articles which are seldom cited till 2012 as per the data source WoS. In other words, only those articles with zero citations till 2012 are considered for the study. No attempt has been made in this article to study the low-citation articles. Even if an article is cited at least once, it will not come under the data set collected for this study. There is an intrinsic limitation of years available for recently published articles to get their first citation. It is therefore decided to get articles up to December 2012. Publish or perish is the order of the day. Scientists and researchers publish their work in variety of formats. The earlier works of others are referenced. Authors get citations for some of their work. Some work seldom gets citations. There are some reasons for giving citations. It is believed that citations show the relative importance of that work.</p>

### 1. Introduction

Danell (2011) remarked that highly cited authors tend to write the highly cited articles, but all authors can write uncited articles. Of late, the researchers are also studying at the uncitedness of articles. There are many factors influenced in uncitedness of articles. The citation pattern differs from one community to another. A single paper remains uncited for a long time until the rest of the research community discover its value and start citing it. Hsu and Huang (2011) stated that a journal with a high Impact Factor is assumed to have a low percentage of uncited articles. (Rehn & Kronman, 2008). Yeh et al. (2012) identified that some cited references are not relevant to the citing patent and not all the relevant references are cited. He attempts to use the bibliographic coupling (BC) approach to filter the irrelevant patent citations and supplement the relevant uncited patent citations to construct a patent citation network (PCN). Uncitedness data was collated from Web of Science.

### 2. Review of earlier literature

The literature study depicts that there are limited numbers of studies identifying the status of uncitedness in scholarly publications. Lee (2003) conducted a scientometric study in Institute of Molecular and Cell Biology (IMCB) to evaluate the 10-year research performance of the Institute. The study results show that 95.6% of the articles were published in ISI journals. The total articles received an average of 25 to 35 citations per article, and the percentage of uncited articles is 11.6%, 4 articles received more than 200 citations, and 18 received between 100 to 200 citations. In contrast, the article was quoted by Garfield (1998) shows that the trends in uncited documents in the main 3 disciplines. In Humanities, there were 98.0% of articles were uncited followed by Social Science (74.7%) and Science (64.7%) (Reid & Lelebur, 1991). However, as Maxine Singer was quoted as saying in Hamilton's article, it is necessary to know what is in the numbers before interpreting them. Egghe, Guns, & Rousseau (2011) examined uncited publications of the 100 researchers from the fields of mathematics (Fields medalists), physics, chemistry, and



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## CORRUPTION POSING A THREAT TO DEMOCRACY IN INDIA: CAUSES AND REMEDIES

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" If a country is to be corruption free and become a nation of beautiful minds, I strongly feel there are three key societal members who can make a difference. They are the father, the mother & the teacher." – Dr. A.P.J.Abdul Kalam

" Corruption is worse than prostitution. The latter might endanger the morals of an individual, the former invariably endangers the morals of the entire country." – Karl Kraus

### INTRODUCTION:

From the 18<sup>th</sup> century till today, our motherland India has been constantly been stripped of her riches- be it the Turks, the British or the modern day politicians ruling our country. Today, India is one of the most corrupted countries across the globe & it is second in the Asian continent. It has failed to make any dent with anti-corruption measures as it is ranked 85 in Transparency International's 2015 Corruption Perceptions Index. Corruption is the bane of modern society. This corruption has pervaded all walks of life. There is hardly a person in India who is either himself not corrupt or is not affected by this menace in one way or the other. The most alarming thing is that corruption has gained social respectability. Corruption continues to exist in covert & overt ways at all three levels-political, bureaucratic & corporate sector. One can see the nexus between the politicians, the bureaucrats & the industrialists which has resulted into corrupt practices. The tentacles of corruption have affected all organs of Govt, including the judiciary. Above all, corruption in electoral processes & bribing voters who participate in elections at different levels has now become a common practice. In fact, corruption is a sign of political instability & institutional decay, challenging seriously the propriety of governance.

In the recent past, we witnessed phenomenal movements against corruption led by the likes of Anna Hazare & Arvind Kejriwal. Some of the activists of the movement as far as out rightly condemning our Constitution & Democratic system. But it this strength of our democracy that they were able to organize such large-scale agitations against the Govt which would be unthinkable in an autocracy. Even in this troubled times, this very fact gives us a lot of confidence in our political system. We have to accept that our Democracy has its own inherent flaws. But then no system is flawless & the past experiences across the globe show us that a liberal system is our best bet in ensuring progress, good governance & the freedom

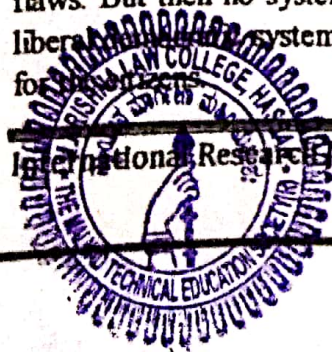
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## FREE AND FAIR ELECTION

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"Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.... The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures"

Article 21, Universal Declaration of Human rights, 1948

### ABSTRACT:

There are three main ingredients in a truly democratic electoral system – awareness on the part of the public of the significance of their vote, a spirit within the community that looks towards the welfare of a sound electoral machinery. A Constitution or the laws can provide only one of these ingredients – the system through which the people can give effect to the other two. In the following few pages an effort has been made to find what principles and machinery the Constitution of India has devised for the purpose of conducting free and fair elections, and to make an assessment of its efficacy as an institution. The electoral authority is the Election Commission, with its headquarters at New Delhi. In the Commission is vested complete power to be exercised in accordance with the provisions of the Constitution and the Representation of Peoples' Acts 1950 and 1951.

**Key words:** Free & fair, Democracy, Elections, Right to Vote etc.,

### INTRODUCTION:

The Preamble to the Constitution declares India to be a Democratic Republic. Democracy is the basic feature of the Indian Constitution. Democracy is sustained by free and fair elections. Only free and fair elections to the various legislative bodies in country can guarantee the growth of democratic polity. It is the cherished privilege of a citizen to participate in the electoral processes which place persons in the seats of power. A Country cannot be truly democratic until its citizens have the opportunity to choose their representatives through elections that are free and fair. Elections can be a primary tool to foster political openings and expand political participation. Elections can provide an important opportunity to advance democratization and encourage political liberalization. For an election to be free and fair certain civic liberties, such as the freedoms of speech, association and assembly are required. Crucial development efforts cannot succeed without a legitimate and democratically elected government that is responsive and accountable to its citizens. Free and fair elections play a crucial role in political transitions by advancing



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## UNDERSTANDING OF ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS IN INDIA

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### ABSTRACT

The Rio treaties broadened the concept of common concern and global responsibility for protection of environment. Economic growth and environmental degradation can be de-linked by promoting more eco-efficient growth patterns. Despite the rapid economic growth the concern of environmental sustainability is the challenge of every country. This paper highlights the direct relation of government role in the monitoring process of environmental impact assessment towards sustainable development. The signs of unsustainable growth include high future infrastructure costs, an increasing tendency to produce waste and continuing declines in natural capital of country. Environment and its protection need a wide approach irrespective of boundaries. An economic and social justification characterize all environmental protection measures aiming to protect human health and safety. Through effective legislation on environment issue and with national instrument of Environmental Impact Assessment (EIA) the path of sustainable development can be easily achieved. The right to decent, healthy and viable environment is not only the right of present generation but is the right of human race on earth. This right becomes the root word for sustainable development. Effective implementation of law and people participation is required to ensure environmental governance in India.

**Keywords:** Environment, Environmental Impact Assessment, Sustainable development, liability etc.,

### INTRODUCTION:

The Ministry of Environment, Forests and Climate Change (MoEFCC) of India has been in a great effort in Environmental Impact Assessment in India. The main laws in action are the Water Act, 1974, the Indian Wildlife (Protection) Act, 1972, the Air (Prevention And Control of Pollution) Act, 1981 and the Environment Protection Act, 1986, the Biological Diversity Act, 2002. The responsible body for this is the Central Pollution Control Board. Environmental Impact Assessment (EIA) studies need a significant amount of primary and secondary environmental data. Primary data are those collected in the field to define the status of the environment (like air quality data, water quality data etc.) Secondary data are those collected over the years that can be used to understand the existing environmental scenario of the study area. The studies are conducted over a short period of time and therefore the understanding of the environmental conditions, based on a few months of primary data, has limitations. Ideally, the

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## INDEPENDENCE OF THE JUDICIARY AND ACCOUNTABILITY OF JUDGES : IT'S MAJOR CHALLENGES IN THE INDIAN JUDICIARY

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"Judges are the essential equalizers; they serve neither majority nor any minority either. Their duty is to the law and to justice. They do not bend the knee to governments, to particular religions, to the military, to money, to tabloid media or the screaming mob"

- Justice Michael Kirby, Australian High Court

### ABSTRACT:

Through this article, the author tries to discuss about the imminent need for the accountability & independence in the Indian Judiciary. Accountability means actions which require justifiable explanations for that particular action, to the people who are directly or indirectly related with the consequence of that action. The concept of Independence is a complex one which subsumes in it concepts like impartiality, accountability, efficiency and the respect for other institutions of governance. Independence from the influence and control of the Executive is of crucial importance. Independence refers to an environment where judge can pass impartial judgment.

In recent times the actions and decisions of the Indian Judicial system in the matters of appointments, transfers, judgments and orders; calls for a serious question of accountability because of the widespread corruption. The Indian judiciary which is the guardian and protector of the Constitution has fallen in to the prey of corruption and nepotism which is against the Preamble which forms the basic structure of the Constitution which cannot be amended. Now the question is why the Indian Judiciary is entangled in so much corruption and nepotism. All this is happening because of lack of judicial accountability & independence.

This article tries to discuss about the issue of accountability & independence in the judiciary in exhaustive manner taking into consideration the major events related appointments, transfer, misuse of power, corruption etc.,

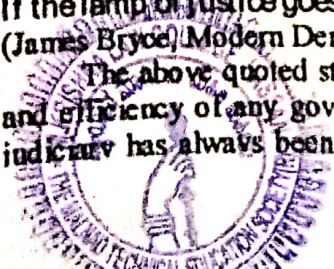
**Key words:** Rule of Law, Judicial Independence, Accountability, Justice etc.,

### INTRODUCTION:

"There is no better test of excellence of a government than the efficiency of its judicial system, for nothing more nearly touches the welfare and security of the average citizen than his sense that he can rely on the certain and prompt administration of justice. If the lamp of justice goes out in darkness, how great is that darkness?"

(James Bryce, Modern Democracies, Vol III, The World Press Pvt Ltd, Calcutta)

The above quoted statement can aptly be applied as a yardstick to measure the efficacy and efficiency of any governmental system. As compared to other limbs of government, the judiciary has always been given an exalted status. History is replete with such instances that



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## UNDERSTANDING THE NATIONAL GREEN TRIBUNAL

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### Abstract:

National Green Tribunal Act, 2010 has been enacted to fulfill the long felt need of alternative forum to deliver speedy & inexpensive justice. The philosophy of public interest litigation is echoed in the litigation, a welcome direction for the class of victims who are unable to knock the doors of judiciary. Since its inception in October 2010, the Tribunal has been successfully upholding its mandate as a 'Fast-track Court' for effective & expeditious disposal of cases relating to environmental protection & conservation. The Tribunal is dedicated to the disposal of cases relating to the subject of Forest, Environment, Biodiversity, Air & Water. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multidisciplinary issues.

**Key words:** NGT, Environment, Justice etc.,

### Introduction:

The National Green Tribunal (NGT) was established in 2010 by the National Green Tribunal Act. It replaced National Environment Appellate Authority. The NGT has emerged as an important player in Indian environmental regulation. It was set up to handle cases and speed up proceedings of cases related to environmental issues. It draws inspiration from the India's Constitutional provision of Article 21, which assures the citizens of India the right to a healthy environment. The NGT has issued orders on a variety of issues ranging from pollution to deforestation to waste management. It recently directed the Delhi government to de-register all diesel vehicles more than 10 years old - a decision being opposed by many stakeholders, including the Central Government. The NGT is India's first dedicated Environmental Court with a wide jurisdiction to deal with not only violations of environmental laws, but also to provide for compensation, relief and restoration of the ecology in accordance with the 'Polluter Pays' principle and the power to enforce the 'Precautionary Principle'. The Tribunal's dedicated jurisdiction in environmental justice & help to reduce the burden of litigation

### Why and how was the NGT established? :

In 1972, India became a party to United Nations Conference on Human Environment which required it to take suitable steps towards safety and enhancement of human environment. During 1980's the Supreme Court of India emphasized the establishment of specialized environmental courts. In 1986, the first one being in Bhopal Gas Tragedy case and in 1986 in the



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**LEGAL AID IN INDIA: EMPOWERING THE UNDERPRIVILEGED FOR  
SOCIAL JUSTICE**

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“ The concept of seeking justice cannot be equated with the value of dollars. Money plays no role in seeking justice”.

Justice Blackmun in Jackson Vs Bish

“What do generations signify?

Growth in self reflection and wisdom and capacity to serve the underprivileged”

Prof. Upendra Baxi

**ABSTRACT:**

No one can deny, much less the lawyers, that the very existence of democracy, rule of law, equality and other cherished values of our constitutional government will be jeopardized if people are denied justice merely because of their social and economic statuses. Despite this truism, the fact remains that even after seventy years of independent existence of our society abounds in social inequality, economic exploitation and denial of equal justice for all. One of the basic reasons why people are unable to take advantage of various programs, policies and legislations meant for general welfare, is, lack of awareness about the entitlements and access to legal help. The unscrupulous elements take advantage of this situation and the helpless poor stand deprived and exploited. In this regard, I would like to quote Hon'ble Justice R.V.Ravindran (Rtd), “Our society is divided mainly into three classes which are Poor class, Middle class and Elite class. Poor classes do not go to courts as they are not aware of their rights, Middle class don't want to go to the court because of such a long process of justice and Elite class doesn't bother about court because of their money”.

**Key words:** Social Justice, Equality, Legal aid, Legal Service Authorities etc.,

**INTRODUCTION:**

Peace and harmony is very essential for the growth and development of a nation which can be ensured through fair administration of justice. In a welfare State like India where people are known for its diversity, it is the obligation of the State to ensure equal administration of justice as it a sine qua non of fair administration of justice. To promote equal administration of justice irrespective of economic or other disability, the concept of free legal administration of justice irrespective of economic or other disability, the concept of free aid emerged. It promotes the saying that, Justice should not only be done but seem to be done. Another hurdle in the path of administration of justice is delay, cumbersome process and high litigation cost. These problems become more complex when a person who comes before a court for protection is poor, illiterate or ignorant about his rights. Failure to get easy, cheap and expeditious justice shakes the very faith of people in justice administration system.



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