



mukesh patel

0

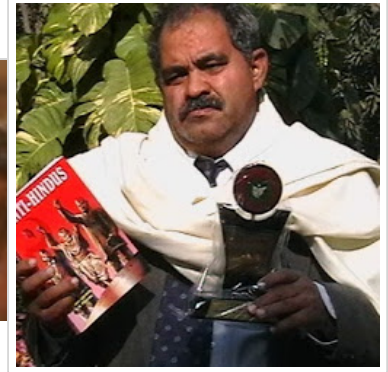
Share



yogesh saxena



Add to circles

Works at **Advocate**Attends **No**Lives in **Allahabad**

Posts

About

Photos

**yogesh saxena** 08:24 - Limited**YOG - THERAPY HEALTH & MEDITATION**

The lack of scientific knowledge and general information regarding anatomy and physiology of human body provides misconception about the importance of yogic practice. The physiology of yogic practice differs from the physical exercise, but on the other hand, this is a process of synchronisation of the physical existence and mental activity in human body which, apart from physical strength provides renunciation to the materialistic approach for the advancement of moral, ethical and spiritual values. The nature of every yogic practice is psycho-physiological and if this conceptual background is not clearly understood, the whole outlook on yogic practices will be distorted.

Yoga literally means Union. The whole system of yoga was developed to attain the highest state of "CHITTA" or consciousness where everything is merged into absolute consciousness. Patanjali - the Father yoga has explained eightfold system of Yoga to advance oneself on the spiritual path while Hatha-yoga explore the bodily postures - ASANAS as well as PRANAYAMAS, to prepare oneself for the higher yogic practices like Dhama, Dhyana, Samadhee. Today what is in vogue are these Hatha-yogic practices i.e. Asanas, pranayamas Bandhas, Mudras, Kriyas etc. which are known to contribute for the physical as well as the mental well being.

Logical and scientific explanations could be given for traditional technique of various yogic practices in the light of modern science like Anatomy, Physiology, Biochemistry etc.. Due to these researches, it is now possible that the psycho-physiological channels, through which the yoga practices work inside the body, are being understood through these sciences.

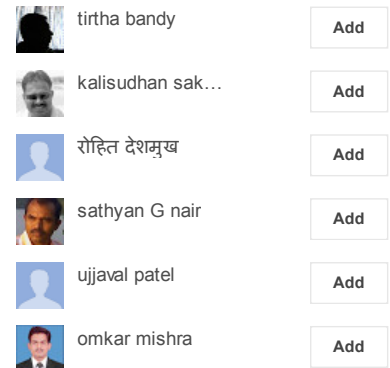
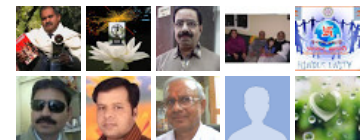
The anatomic-physiological mechanism is understood and is directly involved in the yogic practice. The physiology of yogic practice including its technique effect and the available information are based on scientific researches.

Electromyographic (EMG) studies have also shown that the effortlessness and the relaxation brought by the above method could reduce the muscular activity or tension in the muscles even in the case of paschimottan & Ardhamatsyendrasana. The duration of the maintenance was also increased by 10 to 50% and the Heart rate did not increase more than 6%. This indicates that the energy cost of these asanas was reduced to great extent. Therefore there is no question of exhaustion or strain on the cardiorespiratory systems. Individual could spend to maintain the asanas, which is important to get maximum benefits from the adopted postural pattern. The passive stretching of muscles and ligaments gets more time to percolate deeply up to the periosteum (covering of the bone) and capsules and stimulates the circulation around them. This mild exercise thus maintains their normal healthy condition by making them more flexible.

Anatomico-physiological mechanisms develop through asanas which can be classified: - (I) corrective asanas and (II) cultural asanas. These asanas are further classified in three divisions.

Sub group (A) This group of asanas predominantly work on and through: - 1. Visceral organs and the sensory inputs from them, arising due to the pressure changes brought about in the intra-abdominal cavity, e.g. Yaga mudra paschimottan, Mayurasana, Ardha- Matsyendrasana, Supta- Vajrasana, Halasana, Pawan-muktasana etc.

2. Muscles and nerves of the vertebral column as well as the joints and ligaments of the same, e.g. Bhujangasana, Shalabhasana, Dhanurasana,

**9 IN COMMON WITH YOU****3,585 IN HIS CIRCLES****1,985 HAVE HIM IN CIRCLES**

Send yogesh an email

Mute yogesh

Report/block yogesh

Settings ▾ Help ▾ Send feedback

Ardhamatsyendrasana, Chakrasana, Vakrasana, Ushtrasanasub group (B) These asanas predominantly work on and through various proprioceptive mechanisms of the skeletal muscles of the body e.g. Baddha padmasana, Gomukhasana, Matsyasana, Vajrasana, Trikonasana, Bhadrasana, Padahasthasana, Supta-Vajrasana etc.

Sub group © These asanas predominantly work on and through the vestibule organ for the sense of body balance, e.g. shirshasana, Sarvangasana, Viparitkarni, Garudasana, Vrishchikasana etc.

2. Relaxative Asanas : These are meant for the relaxation of body and mind which helps the corrective posture and their mechanism. They remove the physical and mental tensions and work at the level of consciousness. These asanas even assist meditative asanas and pranayamas, dhyana etc. e.g. shavasana and Makarasana.

3. Meditative asanas : these asanas provide a comfortable and stable sitting position of body for a steady mind for meditation, dhyana etc. e.g. padmasana, Siddhasana, Swastikasana, Samasana.

Now let us consider the salient features of these groups and their possible mechanisms in the body.

CULTURAL ASANAS:- Important objectives of cultural asanas could be summarised as follows :

1. To produce physiological balance in different systems of the body for their harmonious working. This will provide the best organic vigour to the individual
2. To train the nervous system, specially the autonomic nervous system in such a way that it could easily bear the interaction of spiritual force (Kundalini) when aroused.
3. to bring in stability and peace of mind as well as a sense of well being. To condition various joints. Their muscles and tendons to offer a stable and comfortable posture for higher practices like pranayama, dharana dhyana etc.

Salient features :

(1) The movements to acquire and then to release any asana, are very smooth and slow. That is why the reciprocal activity in the muscles and joints can have full play and gets maximum time to correct the tone in the muscles and to influence circulation around them. There slow movements and the maintenance of asana in the relaxed way, require minimum muscular activity and energy and therefore they do not put any burden on the systems. Thus heart rate, respiration rate remain in the normal range. This indicates no strain on the cardio-respiratory mechanism.

(2) In asanas like paschimottasana, Halasana, Chakrasana, relaxation in the final posture allows gravity to act as a stretching force and the muscles are passively stretched. In asanas like Vakrasana, Ardha-matsyendrasana, matsyasana, the locks and holds help the muscles to remain in stretched condition, while in Bhujangasana, shalabhasana, Dhanurasana etc. an effort to maintain the posture stretches the muscles. Such passive stretching brings down the muscle tensions and thereby correct the tone in reciprocal group of muscles.

(3) Cultural asanas provide best possible movements for the spinal column. (i) Forward bending (Flexion) paschimottasana Halasana, Yoga Mudra (ii) Backward bending (extension) Bhujangasana, Dhanurasana, ushtrasana, Matsyasana, Naukasana (iii) Lateral bending on right & left sides- chakrasana (as developed by swami Kuvalayananda), konasana (iv) Rotation of the spine in vertical axis- Vakrasana (swami Kuvalayananda) Matsyendrasana (v) Topsy turn and balancing against gravity Sarvangasana, Shirshasana, Viparitkarni, Mayurasana, Kukkutasana, Bakasana.

Even the trunk movements are also slow and hence there is a gradual movement of the vertebrae. This exercise keeps the spine flexible and elastic or supple and prevents rigidity of its muscles and joints. In growing children (above 12 years of age) the growth and development of the individual vertebra by stretching or producing traction in them. The nutrition of the joint is improved and the waste products are efficiently removed. In sarvangasana, for example due to the chin-lock position of the head, the arteries of the cervical spine are stretched. It presses the soft tissues, Jugular veins and thyroid gland and causes temporary redistribution of the flow of blood from the brain. When the pressure is removed, the reactive increase in the blood supply probably causes the effective mixing of thyroid hormones with the circulation.

BHARTIYA YOG THERAPY, HEALTH & MEDITATION CENTRE, ALLAHABAD

Yog therapy may help in espousing the cause for uplifting the norms and human values by affiliation to the process of synchronisation in the Human Body and Mind through consistent efforts as to provide a congenial atmosphere for social coordination without discrimination to caste, creed, sex and culture and thereby renunciation to the materialistic approach for advancement of spiritual moral and ethical values.

If the individual is doing some mental work having more involvement in a sitting posture, there is a gradual decline for the physical activities and ultimately one is required to get preventive measurement as to prevent the ailments of

blood pressure , diabetes , obesity , digestive disorder and respiratory problems, which may be cured by improving the health and better living. The Yogic Science may develop and evolve the micro - Yogic System By which ; the stagnation in the harmonic process is rectified. This process inculcate the different Body systems like Respiratory System , Nervous System, Blood Circulatory System, Digestive System etc. resulting the better coordination in between Mind & Body thereon.

In the present time there is the need of a healthy human being in a healthy society to construct a healthy Nation by following our ancient Indian Culture i.e. YOG , which not only increase the Age of human being, a Healthy Human being , but in a short time, it helps an individual to improve the efficiency in discharge of different nature of work assigned to him as his duty towards family & the Society at large.

There is no difference in the object sought. Virtue , devotion and spiritual communication are everywhere made up in every human being . Mercy and affection are same in every human body but the doctrinaire may diverge as different from one and another . The path choose n for reaching to the goal may be by steamer or by the train but the ultimate gospel is to attend the happiness and the peace of the mind. This is the ultimate destination of all the religion . Yog is a process to achieve its purpose .

Inactivity should be avoided by all means . Activity always means resistance . Resist all evils , mental & Physical ; and when you have succeeded in resisting , then will calmness and positive thinking come. This is the purpose of YOG THERAPY & MEDITATION.

All knowledge ,therefore , secular or spiritual , is in the human mind . In many cases it is not discovered , but remains covered , and when the covering is being slowly taken of , the ignorance is lifted . This is the objective of the life . Our feelings and action - our tears and our smiles , our joys and griefs , our weeping and our laughter , our curses and our blessings, our praises and our blames - every one of these we may find, if we calmly our own selves , to have been brought out from within our selves. The fire is struck from it ,which discover power and knowledge.

This is the objective and purpose for establishing the Institution with the financial assistance of the citizens not only from Allahabad , but from every individual living in the different part of the Country and abroad who ever might be willing to support the cause .

The lack of scientific knowledge and general information regarding anatomy and physiology of human body provides misconception about the importance of yogic practice. The physiology of yogic practice differs from the physical exercise, but on the other hand , this is a process of synchronisation of the physical existence and mental activity in human body which , apart from physical strength provides renunciation to the materialistic approach for the advancement of moral ,ethical and spiritual values. The nature of every yogic practice is psycho-physiological and if this conceptual background is not clearly understood , the whole outlook on yogic practices will be distorted .

Yoga literally means Union .The whole system of yoga was developed to attain the highest state of "CHITTA" or consciousness where everything is merged into absolute consciousness. Patanjali - the Father yoga has explained eightfold system of Yoga to advance oneself on the spiritual path while Hata-yoga explore the bodily postures - ASANAS as well as PRANAYAMAS , to prepare oneself for the higher yogic practices like Dhama, Dhyana ,Samadhee,. Today what is in vogue are these Hata-yogic practices i. e. Asanas , pranayamas Bandhas , Mudras ,Kriyas etc. which are known to contributed for the physical as well as the mental well being .

Logical and scientific explanations could be given for traditional technique of various yogic practices in the light of modern science like Anatomy ,Physiology , Biochemistry etc.. Due to these researches, it is now Possible that the psycho-physiological channels, through which the yoga practices work in side the body , are being understood through these sciences.

The anatomic- physiological mechanism is understood and is directly involved in the yogic practice .The physiology of yogic practice including its technique effect and the available information are based on scientific researches .

Electromyographic (EMG) studies have also shown that the effortlessness and the relaxation brought by the above method could reduce the muscular activity or tension in the muscles even in case of paschimottan & Ardhamatsyendrasana The duration of the maintenance was also increased by 10 to 50 % and the Heart rate did not increase more than 6%. This indicates that the energy cost of these asanas was reduced to great extent. Therefore there is no question of exhaustion or strain on the cardiorespiratory systems . Individual could spend to maintain the asanas , which is important to get maximum benefits from the adopted postural pattern. The passive stretching of muscles and ligaments gets more time to percolate deeply upto the periosteum (covering of the bone) and capsules and stimulates the circulation around them. This mild exercise thus maintains their normal healthy condition by making them more flexible.

Anatomico-physiological mechanisms develops through asanas which can be classified; - (I) corrective asanas and (II) cultural asanas. These asanas are further classified in three divisions .

Sub group (A) This group of asanas predominantly work on and through: - 1.

Visceral organs and the sensory inputs from them , arising due to the pressure

changes brought about in the intra-abdominal cavity, e.g Yaga mudra paschimottan, Mayurasana, Ardha- Matsyendrasana, Supta- Vajrasana, Halasana, Pawan-muktasana etc.

1. Muscles and nerves of the vertebral column as well as the joints and ligaments of the same, e.g. Bhujangasana, Shalabhasana, Dhanurasana, Ardhamatsyendrasana, Chakrasana, Vakrasana, Ushtrasana sub group (B) These asanas predominantly work on and through various proprioceptive mechanisms of the skeletal muscles of the body e.g. Baddha padmasana, Gomukhasana, Matsyasana Vajrasana, Trikonasana, Bhadrasana, Padahasthasana, Supta- Vajrasana etc.

Sub group © These asanas predominantly work on and through the vestibular organ for the sense. Of body balance, e.g. shirshasana, Sarvangasana, Viparitkarni, Garudasana, Vrishchikasana etc.

1. Relaxative Asanas : These are meant for the relaxation of body and mind which helps the corrective posture and their mechanism. They remove the physical and mental tensions and work at the level of consciousness. These asanas even assist meditative asanas and pranayamas, dhyana etc. e.g. shavasana and Makarasana.

2. Meditative asanas : These asanas provide a comfortable and stable sitting position of body for a steady mind for meditation, dhyana etc. e.g. padmasana, Siddhasana, Swastikasana, Samasana.

Now let us consider the salient features of these groups and their possible mechanisms in the body.

CULTURAL ASANAS:- Important objectives of cultural asanas could be summarised as follows :

1. To produce physiological balance in different systems of the body for their harmonious working. This will provide the best organic vigour to the individual
2. To train the nervous system, specially the autonomic nervous system in such a way that it could easily bear the interaction of spiritual force (Kundalini) when aroused.
3. To bring in stability and peace of mind as well as a sense of well being. To condition various joints. Their muscles and tendons to offer a stable and comfortable posture for higher practices like pranayama, dharana dhyana etc.

Salient features :

(1) The movements to acquire and then to release any asana, are very smooth and slow. That is why the reciprocal activity in the muscles and joints can have full play and gets maximum time to correct the tone in the muscles and to influence circulation around them. These slow movements and the maintenance of asana in the relaxed way, require minimum muscular activity and energy and therefore they do not put any burden on the systems. Thus heart rate, respiration rate remain in the normal range. This indicates no strain on the cardiorespiratory mechanism.

(2) In asanas like paschimottasana, Halasana, Chakrasana, relaxation in the final posture allows gravity to act as a stretching force and the muscles are passively stretched. In asanas like Vakrasana, Ardha-matsyendrasana, matsyasana, the locks and holds help the muscles to remain in stretched condition, while in Bhujangasana, shalabhasana, Dhanurasana etc. an effort to maintain the posture stretches the muscles. Such passive stretching brings down the muscle tensions and thereby correct the tone in reciprocal group of muscles.

(3) Cultural asanas provide best possible movements for the spinal column. (i) Forward bending (Flexion) paschimottasana Halasana, Yoga Mudra (ii) Backward bending (extension) Bhujangasana, Dhanurasana, ushtrasana, Matsyasana, Naukasana (iii) Lateral bending on right & left sides- chakrasana (as developed by swami Kuvalayananda), konasana (iv) Rotation of the spine in vertical axis- Vakrasana (swami kuvalayana nda) Matsyendrasana (v) Topsy turvy and balancing against gravity Sarvangasana, Shirshasana, Viparitkarni, Mayurasana, Kukkutasana, Bakasana.

(4) Even the trunk movements are also slow and hence there is a gradual movement of the vertebrae. This exercise keeps the spine flexible and elastic or supple and prevents rigidity of its muscles and joints. In growing children (above 12 years of age) the growth and development of the individual vertebra by stretching or producing traction in them. The nutrition of the joints is improved and the waste products are efficiently removed. In sarvangasana, for example due to the chin-lock position of the head, the arteries of the cervical spine are stretched. It presses the soft tissues, Jugular veins and thyroid gland and causes temporary redistribution of the flow of blood from the brain. When the pressure is removed, the reactive increase in the blood supply probably causes the effective mixing of thyroid hormones with the circulation.

(5) The exercise of the trunk portion is more emphasised. The circulation is increased and the nerves are toned up as they may get fresh nourishment. This strengthening of the nerves in the viscera including spinal cord and sympathetic cord is necessary to enable an individual to withstand powerful action of the kundalini.

(6) The increased visceral circulation and the alternate pressure changes brought about in the viscera promotes and preserves the health of the endocrine glands in the abdominal and pelvic region and provides a proper background for the nervous activities.

(7) The typical postural patterns of the cultural asanas when practised judiciously, would definitely remove minor functional and structural defects. The corrective asanas are practised in effortless manner the cortical activity



(intellect) does not interfere with cerebellum- hypothalamus functional axis, and that is why emotional tension can not play there vicious role in the body.

(8) In topsy- turby postures ,the cardiovascular reflex mechanisms are stimulated. The question of varicose veins would not arise if one practises these postures daily. It also keeps the blood pressure at the optimum level during day to day activities of the body.

(9) These balancing asanas stimulate vestibular organs of balance and improve its function.

#### RELAXATIVE ASANAS

The aim relaxation in Yoga is directly related to the awareness and the aims at the release of the tension working at the level of the consciousness (chitta).The concept of the Chitta - Vishranti ,i.e. the tranquility in the consciousness , is emphasised in the hath-yog which realised the value of the relaxed mind . They knew the mental tensions can give rise to physical (muscular) tensions. Tensed muscles obstruct the blood flow and easily get exhausted.

Shavasana and Makarasana are two asanas from Hatha Yogic school to provide best relaxation supine and prone positions of the body respectively .It should be born in mind that this is not only a 'resting condition ' of the body or mind , or sleeping but a conscious relaxation .On the contrary the relaxation of mind and chitta makes the individual more fresh and energetic against the tiring routine of work and different types of tensions and stresses of life.

#### ASANAS AND EXERCISES

Many people consider asanas as exercises and practise them on exercise pattern . Keeping their therapeutical view aside , if asana are to be practised to maintain normal health of body and mind ,or to advance on the path of yoga,then they differ from exercises in many respects. Let us see these differences one by one.

The movements ,are slow , steady and smooth to attain and to release any asana. Exercises are performed in a fast or speedy manner leading to an exertion and fatigue All the movements are gone through with a jumpy and jerky element .

The effect of asanas is ,more on the trunk part . Proprioceptive and visceroreceptive mechanisms are given free scope . the asanas produce pressure changes in the internal cavities of the visceral organs which influence the circulation in the abdominal part . Nerve roots in the abdominal region are toned up.

Movements of the extremities are more prominent and also important while exercise to the trunk is secondary in exercises. It acts mainly on superficial skeletal muscles and their nerves. The circulation is increased in the periphery. The movements in exercises are quick or rapid and may be of repetitive nature.

In asanas, movements of the spinal column are done in all most all directions and with their possible range of movements. The vertebrae are not compressed in only one direction but are stretched in all the four directions and in a rotation. There is a counter movement for every movement of the spine in asanas. The deep muscles of the spine and its ligaments are brought into action.

There is no purpose of muscle building in asanas. Heavy muscular activity is avoided in asanas and hence the energy requirement is also less than that of exercises. This does not put any burden on cardio-respiratory mechanisms on the contrary the tensions are reduced at various levels.

Heavy muscle masses are built through exercises for more and more muscular strength. These bulky muscles are cultivated for a manly look and are regarded as the sign of physical fitness and vigour, But really speaking they do not improve stamina or physical endurance. After a particular age these over developed muscles act mainly as parasites, sapping their energy and nutrition from other tissues. They become loose and give an ugly shape to the body. Heavy muscular exercises increase the work of cardiovascular system putting undue strain on it.

5. Skeletal muscles are passively stretched and hence the muscle tone can not increase beyond a particular level.

6. As the volunatary efforts are withdrawn in the final stage of asanas the activity of the motor cortex is gradually reduced or even withdrawn completely. One remains aware of the external things (external awareness) since the reaction is to be measured outside the body with the judgement of exteroceptors e.g. bull-worker exercise. The motivational part is also different and therefore they should never be confused for each other. It is clear that the health and hygien of the internal organs is maintained by asanas on the physical level. The sensory inputs which are initiated in the trunk region, due to the special pattern maintained for some length of time, bring about the nerve culture. A proper tone in the neuro-muscular system is established. A feeling of exhilaration, freshness, lightness as well as the stability and balancer of mind are common benefits of asanas even to the physical culturist.

One should, however, take into account one's own limitations due to age, sex and the bodily (hypertonic or hypotonic) conditions, rigidity or flexibility of the joints etc, while practising asanas. One should avoid pulling or pressing of the body parts or undue strain in order to emulate the perfect pattern of the asana, which may otherwise cause a sprain, tear of fibrous tissue or an injury to the joints. Asanas should never be resorted to in a competitive spirit and no violent efforts, to reach the final posture, are to be made 'pleasant pain' is the limit of normal range of movement as has been described above which

would lead one progressively towards the final posture of asana, one day. The respiration is semi-involuntary in nature. That means it takes place automatically as well as controlled by our desire. When we are not thinking about our breathing at all. When we make changes in the depth and duration of inhalation or exhalation etc. it becomes a voluntary control. Thus the respiratory centre is also influenced by the impulses from higher centres in the brain i.e. cerebral cortex. By volition we can breathe in any manner and at any rate we please. We can also hold our breath upto a certain limit where the life is involved. We release tension when we exhale and we become more active when we inhale. Respiratory system also contributes to the awareness. Thermoregulation, Water balance, Detoxication and Excretion are other functions of respiratory system.

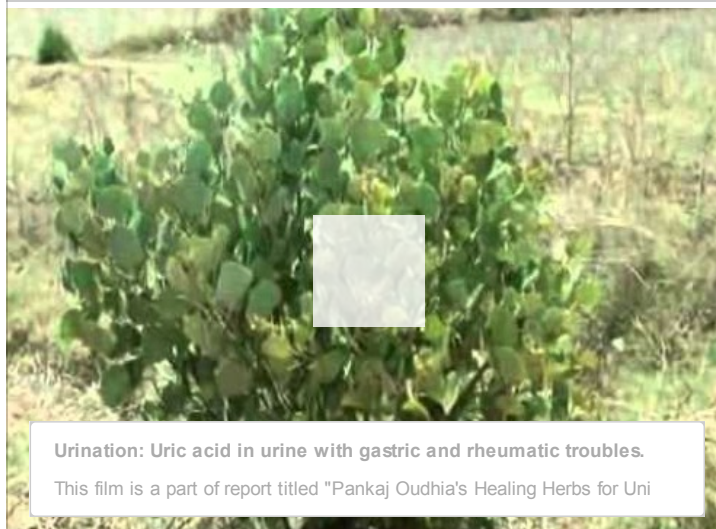
#### DIAPHRAGM:-

It is probably the most important voluntary muscle in the human body which divides the thorax from the abdomen, serving as a partition between the two. It is a dome shaped muscle and its convex surface touches the heart and the lungs. Diaphragm moves up and down several times a minute and participates in respiration. When it contracts it descends with the result that the vertical diameter of the thorax increases, the lungs expand and an inhalation takes place. During exhalation diaphragm relaxes to resume its former position. Due to this rising of the diaphragm the thorax decreases thus exerting a pressure on the lungs and hence an exhalation results. Along with the normal inhalation and exhalation the downward and upward movements of diaphragm produce relatively positive (+ve) or negative (-ve) pressures in the visceral cavities which are required for some normal functions like micturition, defecation inhalation etc. The breathing in which the movement of diaphragm becomes more prominent is known as diaphragmatic breathing.

**NERVOUS SYSTEM :-** Main function of the nervous system is to regulate the activities of the different organs and of the entire organism. The nervous system includes the brain, spinal cord and nerves. For our convenience it may be divided into two divisions (1) the central nervous system and (2) autonomic nervous system which is further divided into two parts (1) sympathetic and (2) parasympathetic nervous systems. The central nervous system consists of the brain, spinal cord, 12 pairs of cranial nerves arising from the brain and 31 pairs of spinal nerves. These nerves give off branches to the different organs and tissues.

So, the objective of Yogic practices on their physical side is to avoid disease and to promote health by establishing and maintaining such physiological harmony in the human body.

Collapse this post



**Urination: Uric acid in urine with gastric and rheumatic troubles.**

This film is a part of report titled "Pankaj Oudhia's Healing Herbs for Uni

Add a comment...



**yogesh saxena** 08:21 - Limited

"CYBER LAWS & CRIMES" AND  
"THE INTELLECTUAL PROPERTY RIGHTS".

India is a major player in the field of information technology. The emphasis should be given to the users of this technology. The problem like Internet connectivity may not disturb, if we wish to find success in this field. The prevailing economic system should also be changed to cope up with the minimum needs to people as the benefits may evenly shared and costs evenly

distributed. The benefits of sophisticated technology will be for the people as such there is the need of further cyberworld laws. Computer laws regulate information technology. Information extends to field by which information is transmitted such as telecommunication and broad casting. The unifying aspect of computer law is that it examines the technological aspects of information and governs information processing. Information technology has enabled information, formerly something ephemeral, to be turned into something that has a quasi-physical existence and which can be traded as if it were a physical commodity. Thus data base services sell pure information whilst software houses sell applied information in the form of computer software.

The law of intellectual property already recognises that certain type of knowledge to be treated to some extent as if they were private property and thus capable of "ownership", for reason such as invention shown by their devisors, the effort put into their compilation or because they have been kept confidential. Human activity information technology is used to substitute for some or all of the functions previously under taken by humans, or to perform functions that could not previously be performed at all. The term "Intellectual Property" has come to be internationally recognised as covering patents, industrial designs, copy rights, trade marks, know how and confidential information. Intellectual property of whatsoever species in the nature of intangible incorporate property. The contribution of intellectual property to the economic and cultural development of Country is substantial.

The commercial exploitation of different kinds of intellectual property is made in different ways. The intellectual property rights are enforced by an action against the infringement of those rights before a district court or High Court. The growing of patent monopoly in consideration of the disclosure of the inventions enables competitors in the field of manufacture new products or improved product effect improvement in the process of manufacture. The enormous technological development of transport and communication has resulted in globalization of trade and commerce. This has its impact of intellectual property which is becoming international in character.

Indian have inexhaustible pool of talent in computer technology. The present generation of computer technology and software wizards are welcomed and sought after in the information technology of the world. The international character of intellectual property is recognised in various international convention for the protection of such property. India is member of both the berne convention and universal copy right convention. As technology in all field of human activities are developing expentionally the field of intellectual property is also expending the correspondingly.

The software technology in particular outlining the process which leads to the production of software is useful in dealing with programmers. The software design process is a matter of defining the functions of the programme at increasing levels of specificity. The highest level is analysis of the problem which defines the general functions to be carried out and the occur in which they are performed. The final process is to produce the documentation which the user will need to operate the programme.

The Hardware context ,purporting to record the terms of the transaction relating to the sell or supply of goods, fall into two categories. The first is outright sales, where ownership of the goods passed to the buyers, and, secondly, leases of equipment ,where ownership is retained by the supplier with the advents of the business personal computer. It is increasingly common to find equipment sold outright, though for more substantial system leasing is still common. The anomalous position of firm where in legal classification of computer technology divides the subjects of commerce into two types, goods and services. Software being intangible nature is often considered to be services such as off-the-shelf software packages normally licensed for use rather than sold outright. Computer Software is a term use to describe the programmes that cause the computer to operate in a particular way. On the other hand there is a distinction between standard package software and be spoke software. The hybrid form of software is also existing. The legal nature of the software is one of the central mysteries of computer law. However, as discussed earlier software is intangible, and difficult to classify in legal terms, It appears to be pure information, enjoining no physical form except that of magnetic notation on a tape or disc. Since it seems that pure information is not property ( Oxford vs. Moss ( 1978) 68 Cr App R 183) One might conclude that neither is software.

A software are provided free of charge by hardware manufacturer or at least the cost of it was "bundled" with the price of the hardware. They were viewed as being the embodiment of expensively acquired trade secretes and

know-how, rather than as a mass-produced articles. Software houses, totally dependent on software for their business were keen to protect at all costs the intellectual property rights vested in the software, and have adopted the license as the form of supply. Licenses which were used for other supplies of expensive technology or know how, is a permission to do something that would otherwise be unlawful.

The license of intellectual property and the development and/or supply of the copy of software is the only real contractual risk that a third party may possess intellectual property rights which are superior to those of licensee. The nature and extent of risk is quite clear, and the drafting of the suitable provisions to control it is a comparatively simple matter. Liability may arise either from the express term of the contract or from those employed by law, and the terms in development contracts will be quite different from those in supply contracts.

The criminal consequences of computer related conduct constitute increasingly the subject of both popular and legal debate. Dependent upon the result of this latter exercise, further questions may arise whether a case can be made out for the introduction of computer-specific legislation and, if so, about the form that this should take.

In many instances, the fact of a computer's involvement in some scheme of criminal conduct raise no novel legal issues. Where the computer is involved in some scheme of fraud, there is little doubt that some form of theft-related offence will be committed at the time when the perpetrator acquires possession of the funds in question.

The term "cyberspace" was coined by the science fiction author William Gibson in his 1982 novel *Countdown* to describe the environment within which computer hackers operate. In the novel, the activity of hacking-securing unauthorised access to the contents of computer systems- is couched in very physical terms. The image is of the hacker overcoming physical security barriers to penetrate into the heart of computer system and make changes to the physical structure thereby modifying the operation of the system. When departing, the hacker might even remove and take away elements of the system.

Whilst the use of physical descriptions may represent accurately the sentiments of those involved in the creation and use of computer-based technologies, it is much more doubtful how far the criminal law can or should regard simulation as indistinguishable from reality. Although a computer hacker's reach may extend across the world, the hacker never leaves the confines of his or her own keyboard. No matter how exotic an experience in virtual reality might be, the subject never leaves a particular physical location.

The term 'computer virus' has entered into popular demonology. The essence of a computer virus is that, like its human equivalent, it may be transmitted from one computer to another. This may occur when an infected disk is transferred between computers. In the event that computers are linked together either in a network or using a telecommunications connection, the virus may also be transmitted electronically. Having infected a computer, the effects of viruses vary widely. Some are relatively benign. An example is the 'ping-pong' virus whose effects are limited to causing the image of a bouncing ball to move continually across the computer screen. Other viruses such as the Friday 13th and 'Michaelangelo' varieties can result in the permanent loss of data stored on the victim computer.

New communication systems and digital technology have made dramatic changes in the way we live. A revolution is occurring in the way people transact business. Businesses and consumers are increasingly using computers to create, transmit and store information in the electronic form instead of traditional paper documents. Information stored in electronic form has many advantages. It is cheaper, easier to store, retrieve and speedier to communicate. Although people are aware of these advantages, they are reluctant to conduct business or conclude any transaction in the electronic form due to lack of appropriate legal framework. At present many legal provisions assume the existence of paper based records and documents and records which should bear signatures. The law of Evidence is traditionally based upon paper based records and oral testimony. Since electronic commerce eliminates the need for paper based transactions, hence to facilitate e-commerce, the need for legal changes have become an urgent necessity. International trade through the medium of e-commerce is growing rapidly in the past few years and many countries have switched over from traditional paper based commerce to e-commerce.

There is a need for bringing in suitable amendments in the existing laws in our country to facilitate e-commerce. This will enable the conclusion of contracts and the creation of rights and obligations through the electronic medium. Computer crime as distinguished in each case by the role played by the computer may be having encompassing a vast range of activities some of

which may have most tenuous connection with a computer may be identified in their work in three common trends. These encompass the topic ;-" Computer fraud ; damage to data or programmes; and theft of the information. The computer might; (a) Serve as victim of crime; (b) constitute the environment within which a crime is committed; © provide the means by which a crime is committed; (d) symbolically by used to intimidate. deceive or defraud victims. Thus it was resolved to promulgate The Information Technology Act, 2000 to achieve the above objectives.

" An Act to provide legal recognition for transaction carried out by means of electronic data interchange and other means of electronic communication commonly referred to as " electronic commerce", which involve the use of alternatives to paper-based methods of communication and storage of information of facilitate electronic filing of documents with the Government agencies and further to amend the Indian Penal Code, 1860 , the Indian Evidence Act, 1872 the Bankers " Books Evidence Act, 1891 and the Reserve Bank of India Act. 1934 and for matters connected therewith or incidental thereto".

Tampering with computer source code and Hacking with computer system are offences punishable with imprisonment up to three years and /or may extend up to two lakh rupees. Publishing with information obscene in electronic form is an offence punishable with five years imprisonment and fine of one lakh rupees and in the event of a second or subsequent conviction ,imprisonment up to ten years and also with fine up to two lakh rupees. The penalty for misrepresentation is punishable up to two years and / or fine up to one lakh rupees. There are provisions prescribing for penalty for breach of confidentiality and privacy. Any computer, computer system, floppies, compact disks, tape drives or any other accessories related thereto, in respect of which any provision of The Information Technology Act, 2000 made thereunder has been or is being contravened, shall be liable to confiscation. Property in its traditional sense is not an ideal jurisdiction for the action for breach of confidence. Contract, tort and equity are more appropriate in that they focus on entitlement rather than ownership and this more accurately reflects rights over information than does property.

Collapse this post

बड़ी खबर
सवाल में घिरी धारा 66 ए
NDTV






**Jiten Jain Criticizing Section 66A of IT Act**

Jiten Jain Criticizing Section 66A of IT Act, Saying Its Unconstitutional

Add a comment...



**yogesh saxena** 08:17 - Limited

Extravagance of Public Finance vis-à-vis curbing the power and duties of C&AG.

The constitution of India provides that the Comptroller and Auditor General of India shall be appointed by the President by warrant under his hand and seal who shall not be removed from Office, except in the like manner and on the like grounds as a Judge of Supreme Court. The term of appointment shall be for a period of 5 years and the condition of service and salary of the Comptroller and Auditor General of India shall be such as may be determined by Parliament by Law and until they are so determined, shall be as specified in the second schedule of the constitution. The Comptroller and Auditor General shall perform such duties and exercise such powers in relation to the accounts of the union and of the states and of any other authority or body as may be prescribed or under any law made by Parliament. The report of the Comptroller and Auditor

General relating to the accounts so maintained of the union shall be submitted to the President who shall cause them to be laid before each house of Parliament. The report relating to the accounts of the states shall be submitted to the Governor who shall cause them to be laid before the legislature of the states.

That the present accounting system applicable to most Ministries and departments is essentially external to Financial management function in that the payment made by the treasuries and accounts are compiled by audit and accounts offices under the control of the Comptroller and Auditor General on the basis of initial and subsidiary accounts received by them from the treasuries. This system worked fairly well when Governmental business was limited. With the increase in the volume and variety of Governmental business and the continual set-up of developmental outlays, this system has proved inadequate to the administration task.

The scheme of separation of accounts from audit was to be implemented in selective ministries e.g communication, civil aviation, tourism, industries and civil supplies w.e.f April 1976, where the expansion regarding the expenditures and its audit was felt to be providing certain constraint and thereby resulting into the delay in implementation of the schemes at the relevant time. However by the gradual increase of the power with these ministries, the similar laxity in relation to the procedural safeguard was further provided the other ministries resulting into the defeat of the very purposes for which the office of the Comptroller and Auditor General was given the power through checks and balances. The effect of the aforesaid process has resulted in the departmentalisation of union accounts enacted in 1976 and the transfer of personnel was given effect by the enforcement of the Act no 59 of 1976 from Indian Audit and Accounts departments which was earlier under the control of C. & AG to the newly formed department of Civil Accounts under the Controller General of Accounts under department of Expenditure ministry of Finance. In this manner the office of C & AG which was constituted under the scheme of the constitution of India to provide the restraint to the expenditure disproportionate from its own discretion by the relevant ministries was brought under the ministry of Finance and thereby giving the unbridled powers to the ministers and thereby overthrowing the constitutional mandate securing the safeguard over the whimsical expenditure. According to the legal opinion of the constitutional experts, the diversification of the financial powers to be utilised by the sole discretion of the bureaucrats without taking into consideration the Audit objections, which could have been made under the original constitutional scheme, was directly resulting into the notion of conferring the absolute power to the respective ministry. This was against the democratic, federal and republic set-up of our Constitution. The aforesaid concept of the parliamentary democracy, providing the fraternity to an individual in preamble of the constitution, was an attack on its basic structure. This has led to an inadequate financial control which would have been benefited to the nation if such power were remained with C&AG in India

That it would be relevant to point out that the office of the Auditor General of India was created under the Government Of India Act 1935 for exercising the control over expenditure incurred by Central And State Governments and for proper accounting thereof in such forms and in such manner as may be prescribed by him and he was also responsible for rendering a complied account of receipt and expenditure to the Centre and State Governments and he was also required to submit report on the result of Audit in his Audit report to the Governor- General and the Governor of the States for laying it before respective legislatures. That after coming over the constitution of India the Auditor General was designated as Comptroller Audit General of India under chapter V of the constitution.

Collapse this post





Add a comment...



**yogesh saxena** 08:09 - Limited

#### ATROCITIES ON WOMEN AND THE LEGAL REMEDIES TO PREVENT THEM

There will be no generation of great men, until there are women, free women of free mothers. There every women deserves sentiments. Women should be honoured and adorned with appraisal. The religious act of family where women are not honoured becomes fruitless. The family enjoys perpetual propriety, where women are delighted. Therefore...  
Expand this post »



Beneath The Veil - Women In Islam(Part 1 of 5)

Beneath The Veil - Women In Islam Part 1 of 5 Aired: October 09, 2007

Add a comment...



**yogesh saxena** 08:05 - Limited

#### LOVE, SUCCESS AND WEALTH IN LIFE

A woman came out of her house and saw 3 old men with long white beards sitting in her front yard. She did not recognise them. She said "I don't think I know you, but you must be hungry.

Please come in and have something to eat. "Is the man of the house home?, they asked "No", she said. "He's out". Then we cannot come in", they replied. In the evening when her husband...  
Expand this post »



Ramayana Shri Ramanand Sagar's (with English subs)81

The Ramayana (Devanāgarī: रामायण, Rāmāyaṇa) is an ancient Sanskrit e



Add a comment...



**yogesh saxena** 08:03 - Limited

#### HUMAN CONSCIOUSNESS AND SELF REALISATION

The baggage of deepening in-equality is often sweeping the Indian countryside, yet we spectacular claims of progress and transformation of government enterprises. The hunger, drought and famine interchangeably with each other with the lowest level of literacy and education in country, the concept of poverty line has a role and place. Rural India never speak...  
Expand this post »



#### Mahabharat - Episode 01

Watch Mahabharat Episode 1 - With English Subtitles. King Bharat sow

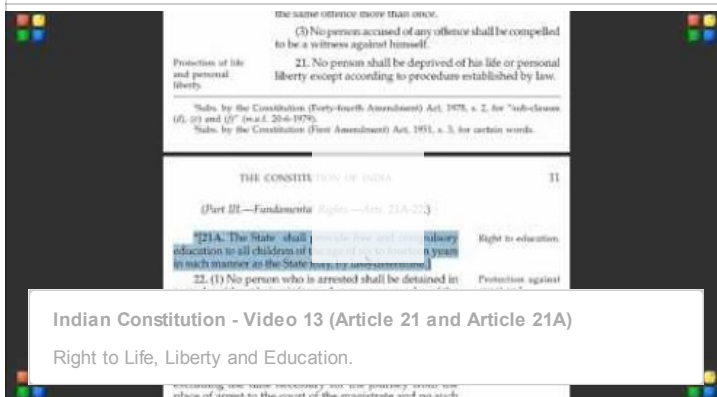
Add a comment...



**yogesh saxena** 07:58 - Limited

#### Ambit and scope of article 21 couched in negative language

Hon'ble Supreme court has taken into account two spheres of dimensions to the right of personal liberty against the sovereign power exercising its functioning with the police power and restrictions imposing procedural safeguard in order to provide the public safety having invasion of individual privacy as susceptible to abuse. The custodian...  
Expand this post »



#### Indian Constitution - Video 13 (Article 21 and Article 21A)

Right to Life, Liberty and Education.

Add a comment...



yogesh saxena 07:23 - Limited

#### Whether a Constitutional Remedy lies against the fraud

The legal maxims:- "Fraus et jus nunquam cohabitant" ( Fraud and justice never dwell together) & " Fraus et dolus nemini patrocinari debent" ( Fraud and deceit defend or excuse no man). These maxims have been reiterated in the decisions of Apex court. It has been observed that it is in the inherent powers of superior courts to quash such proceedings, which have been secured by playing the fraud or misrepresentation. There is no other remedy being available to aggrieved party. The power conferred under the extra ordinary jurisdiction of Hon'ble High Court under Article 226/227 of the Constitution may also be exercised to defeat the wrongful gain secured by playing the fraud from the property of innocent person. There are very few instance when the Hon'ble Courts have exercised their inherent jurisdiction to secure the justice for the litigants by seeing the abstract truth, hidden behind the surface through graceful foresight looking into the substance. In this back ground, the decision given in writ petition no. 6370 of 2001 ( Amar Singh and another versus Collector/ District Magistrate, Kanpur Dehat and others) decided on 19.4.2001 is a remarkable judgement on this point. The Hon'ble High Court has not only overlooked the mistake in drafting the incomplete factual averments in the interest of providing substantial justice to the petitioners. The particulars required for the purposes of effective adjudication of the controversy involved were missing to a larger extend in the Writ Petition. However the merit of the case has been dealt with in the present case. The Hon'ble High court has further exercised the extra ordinary powers to provide the substantial justice to the illiterate villager Lalloo Lal, whose six plots measuring more then three Bighas of agricultural land were arbitrarily sold in auction sale for the alleged recovery of Bank Dues for a nominal price of Rs.40,000/- in the Illegal manner with mala fide intentions for extraneous purposes.

It has been observed by the Hon'ble Courts that "where the power is conferred to achieve a purpose it has been repeatedly reiterated that the power must be exercised reasonably and in good faith to effectuate the purpose. And in this context ' in good faith' means 'for legitimate reasons'. Where power is exercised for extraneous or irrelevant considerations or reasons, it is unquestionably a colourable exercise of power or fraud on power and the exercise of power is vitiated".

The judicial review is the heart and soul of the constitutional scheme. The judiciary is constituted the ultimate interpreter of the Constitution and is assigned the delicate task of determining the extent and scope of the powers conferred on each branch of the Government, ensuring that action of any branch does not transgress as limits.

The Hon'ble Supreme Court has also held that ' Pithily put, bad faith which invalidates the exercise of power- sometimes called colourable exercise or fraud on power and oftentimes overlaps motives, passions and satisfactions- is the attainment of ends beyond the sanctioned purposes of power by simulation or pretension of gaining a legitimate goal. If the use of the power is for the fulfilment of a legitimate object the actuation or catalysation by malice is not legicidal. The action is bad where the true object is to reach an end different from the one for which the power is entrusted, goaded by extraneous considerations, good or bad, but irrelevant to the entrustment. When the custodian of power is influenced in its exercise by considerations out side those for promotion of which the power is vested the court calls it a colourable exercise and is undeceived by illusion'.

The judiciary in India also possesses inherent power, especially under section 151 CPC, to recall its judgement or order if it is obtained by fraud on Court. In the case of fraud on a party to the suit or proceedings, the court may direct the affected party to file a separate suit for setting aside the Decree obtained by fraud. Inherent power are powers which are resident in all courts, especially of superior jurisdiction. These powers spring not from legislation but from the nature and the constitution of the Tribunals or Courts themselves so as to enable them to maintain their dignity, secure obedience to its process and rules, protect its officers from indignity and wrong and to punish unseemly behaviour. This power is necessary for the orderly administration of the court's business.

Since fraud affects the solemnity, regularity and orderliness of the proceedings of the court and also amounts to an abuse of the process of court, the courts have been held to have inherent power to set aside an order obtained by fraud practiced upon that court. Similarly, where a party misleads the court or the court itself commits a mistake, which prejudices a party, the court has the inherent power to recall its order. The court has also the inherent power to set aside a sale brought about by fraud practiced upon the court or to set aside

the order recording compromise obtained by fraud.

“Charges of fraud and collusion like those contained in the plaint in this case must, no doubt, be proved by those who make them – proved by established facts or inferences legitimately drawn from those facts taken together as a whole. Suspensions and surmises and conjecture are not permissible substitutes for those facts or those inferences. By no means requires that every puzzling artifice or contrivance resorted to by one accused of fraud must necessarily be completely unraveled and cleared up and made plain before a verdict can be properly found against him. If this were not so, many a clever and dexterous knave would escape.”

“Fraud avoids all judicial acts, ecclesiastical or temporal” observed Chief Justice Edward Coke of England about three centuries ago. It is the settled proposition of law that a judgement or decree obtained by playing fraud on the court is a nullity and non est in the eyes of law. Such a judgement/decree – by the first court or by the highest court – has to be treated as a nullity by every court, whether superior, or inferior. It can be challenged in any court even in collateral proceedings have been reiterated.

“Since fraud affects the solemnity, regularity and orderliness of the proceedings of the court and also amounts to an abuse of the process of court, the Courts have been held to be inherent power to set aside an order obtained by fraud practiced upon that court. Similarly, where the court is misled by a party or the court itself commits a mistake which prejudices a party, the court has the inherent power to recall its order”.

Therefore, no doubt that the remedy to move for recalling the order on the basis of the newly discovered facts amounting to fraud of high degree, cannot be foreclosed in such a situation. No court or tribunal can be regarded as powerless to recall its own order if it is through fraud or misrepresentation of such a dimension as would affect the very basis of the claim.

Amar Singh and Laloo Lal, the loanee and the guarantor, who happened to be the son and father respectively. It was alleged that neither any public notice was issued, nor any intimation was given to Laloo Lal, the guarantor, the father of Amar Singh, but even then, his landed property of Khata no. 242 having plot nos. 73-kha, 74, 1042, 1043, 1066 and 1112 to the extent of half of its share costing the value of the landed property in approximately 3 Lac was put to auction sale in favour of Maharaj Singh for Rs.40,000/-. It was alleged in the writ petition that Collection Amin namely Dhirendra Singh remain in collusion with auction purchaser, being his close relative. The information was received by Laloo Lal, when the mutation proceedings for recording the name of Maharaj Singh, were initiated and notice were issued to appear before the Tehsil authorities on 13.1.2001. The prayer was sought for issuance of writ of certiorari calling for records. The alleged auction sale was taken place on 27.12.1999 in favour of Maharaj Singh. It was alleged that without observing the mandatory requirements of Rule 279 to Rule 282 of the U.P.Z.A.L.R.Rules, the entire sale proclamation done in respect of landed property and its confirmation dated 5.7.2000, which was virtually a fraud committed by the Tehsil authorities. The petitioners Amar Singh and Laloo Lal have also prayed from restraining the Tehsil authorities from recording the mutation of the name of Maharaj Singh over the agriculture plots belonging to Laloo Lal to the extent of its half share and to return the excess amount. Admittedly the entire proceedings in pursuance of the aforesaid transactions was done for making the auction sale. The same were a sheer abuse of process.

Apart from this, in the aforesaid transaction of the 6 plots of khata no. 242 belonging to Laloo Lal, although a sum of Rs.40,000/- having being paid by Maharaj Singh to Tehsil authorities on 27.12.1999, out of which only Rs. 16,481/- was credited to the Account of Amar Singh at Kshetriya Gramin Bank, while the balance amount of Rs.23,519/- was still kept in the treasury of Tehsil Rasoolabad. It was also admitted by Kshetriya Gramin Bank that at Jaitpur Branch Rs.5000/- and Rs.10000/- had already been credited in the aforesaid account on 1.7.2000, while in other account of Amar Singh at Aunha Branch an amount of Rs. 14,900/- was deposited by Dhirendra Singh Collection Amin on 10.6.2000. The two account no. DL 561 in Aunha branch and another account no. 729 at Jaitpur branch were belonging to Amar Singh, while account no. DL665 was belonging to Laloo Lal in Jaitpur branch. There were dues to the extent of Rs.13853/-, which were lying against Amar Singh regarding account no. 729, while total sum of Rs. 22,058/- were lying against Laloo Lal regarding his account no. DL-665. Thus after adjustment of the amount to the sum of Rs.23,519/- lying with the Tehsil authority, some dues were lying against the petitioners. Even if the dues are made clear, the outstanding amount was remaining in the tune of Rs.12, 392/- for which Amar Singh and Laloo Lal have made a statement that they will deposit the remaining balance within the stipulated period. However, the controversy involved in the present writ petition was pertaining to the shame transaction.

As per averments made in counter affidavit filed by the Tehsildar, Rasoolpur, Kanpur Dehat, Amar Singh had obtained two separate loans, one from Bank of Baroda, Kashipur, District- Kanpur Dehat on 18.6.1986 in the tune

of Rs.20, 000/- and another Bank loan from Kanpur Kshetriya Gramin Bank, Jaitpur, Kanpur Dehat on 11.11.1988 in the tune of Rs.6,000/- ~~Amar Singh failed to deposit the aforesaid loans as consequences of which the recovery certificates were issued for realization of remaining loan dues amounting to Rs. 48,264/- dated 20.5.1993 and Rs.11,717/- dated 6.12.1993 respectively by both the banks.~~ The father of Amar Singh namely Sri Laloo Lal and one Sri Ram Dayal stood as guarantors towards the loan taken from Kanpur Kshetriya Gramin Bank by Amar Singh. Despite the citations to deposit the aforesaid loans issued against Amar Singh by the Tehsil authorities on 4.2.1994 and 12.12.1995, the loan was not deposited and thus the citations were issued against the guarantors Raj Kumar towards the loan dues of Bank of Baroda and two separate citations were issued against Laloo Lal and Ram Dayal to deposit the loan dues of Kanpur Kshetriya Gramin Bank on 27.2.1997 collectively.

In furtherance of the said recovery proceedings, the Tehsil authorities on 25.11.1999 issued attachment and sale of landed properties of guarantors Laloo Lal and Raj Kumar. Subsequently it was alleged that auction sale of landed property of guarantors have taken place. One Maharaj Singh s/o Mahadeo Singh r/o village- Saraiya, Tehsil- Akbarpur, Kanpur Dehat purchased the landed property of Laloo Lal for Rs.40,000/- ~~while the landed property of Raj Kumar was auctioned for realization of the loan dues of Bank of Baroda, which was also purchased by Maharaj Singh for a sale consideration of Rs.20,400/- on 27.12.1999.~~ An amount of Rs.14,900/- was paid to Kshetriya Gramin Bank on 10.6.2000, while Rs.1490/- was adjusted towards the collection charges, Rs.84/- towards auction expenses and Rs.7/- towards the cost of notice. The remaining amount out of the auction sale of Rs.40,000/- to Maharaj Singh from the property of Laloo Lal amounting to Rs.23,500.90 Paise was lying deposited with the Tehsil authorities. Thereafter the Kshetriya Gramin Bank on 10.6.2000 issued NO DUES Certificate against Amar Singh. However, out of the sale consideration of Rs. 20,400/- towards the property belonging to one Raj Kumar, loan dues of Bank of Baroda amounting to Rs. 18,498/- ~~They were paid to the Bank of Baroda and after deduction of Rs. 1850/-~~ towards the collection charges, Rs. 85/- towards the expenses in conducting the auction sale and amount of Rs.7/- towards the cost of notice. However, there was no prayer for quashing the auction sale pertaining to the landed property belonging to other guarantor namely Raj Kumar and thus this was not the subject matter of the controversy in the writ petition.

It is well-settled proposition of law that the extra ordinary power conferred under Article 226 relating to commercial matters may apply with reluctance, but subsequently the law has under gone a change by the subsequent decisions. The present case is not a mere example of violation of an ordinary right of a citizen. Where the public functionaries were involved in such a malafide and colourable exercise of power that may abridge or abrogate the right of livelihood of a citizen duly guaranteed under Article 21 of the Constitution, the remedy will still be available under the public law notwithstanding that a suit could be filed for declaring the aforesaid transaction as void. This remarkable judgement is an exemplar of a verdict given in a socially sensitized manner containing a complex exception to show the people beacon light in favour of poor uneducated exploited mass who need a helping hand from the legal profession and also from the Hon'ble Courts. This is an attempt to prevent contagious virus of corruption, which is opposed to democracy and social order. Unless this corruption is nipped in the bud that is likely to cause turbulence by a dreaded communicable disease, the same will crumble the socio political system under its own weight.

Collapse this post



A Good Speech of Ambedkar about Indian Constitution

This sequence is a part of movie but the thoughts and the phillosphy of



+1

1


**yogesh saxena** · 07:18 · Limited

### The greatest virtue of Law

The greatest virtue of Law is in its adaptability and flexibility. Law made for the society and there fore it has to be applied, depending upon is situation, for the benefit of society (Balbir Kaur Vs. steel authority of India ), (2000)6 SCC 493. "Law is a social engineering to remove the existing imbalance and to further the progress , serving the needs of the Socialist ...  
Expand this post »


**Kinds of Justice (Aristotle, Nichomachean Ethics bk. 5)**

In this lecture/discussion video from my Spring 2012 Ethics class at Ma



+1

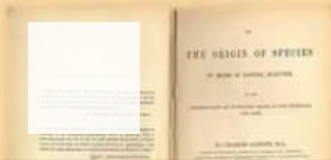
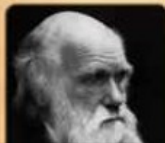
1


**yogesh saxena** · 07:16 · Limited

### An Equation of Life and it's religion

This universe, in truth, is nothing. There were no heaven and no hell, nor the same in existence at present. Every action has it's own repercussion. This was the comedy of the error with an amplifier, having the co-incident, that the life is originated in this universe. There was no sign of existence after the creation of earth. The sun was having its radiation ...  
Expand this post »

**The theory was extremely controversial at the time, but has since been accepted by the scientific community.**


**Darwin's Theory Of Evolution - A Brief History**
<http://facebook.com/ScienceReason> ... A Brief History of Charles Darwi


+1

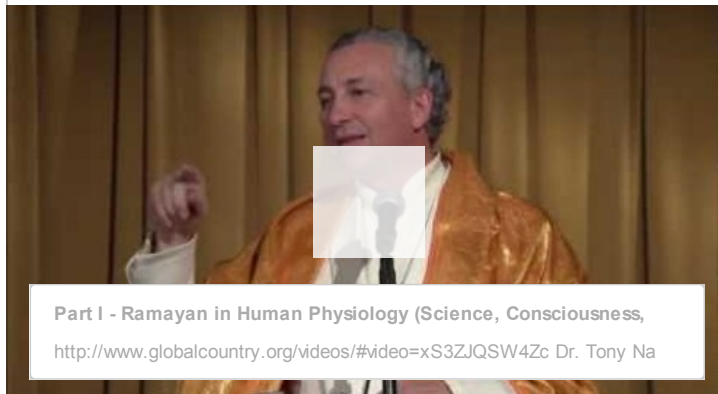
1


**yogesh saxena** · 07:07 · Limited

### An assessment of enthusiasm

Self realization and thought meditation are correlated and both of them lead an individual to search the goal of his life. The route he chooses depends upon the decision he makes but the decision making process is not within the competence of an individual. There are so many guiding principles and role of inheritance is so crucial that the person who swept away with a desire...

Expand this post »



Part I - Ramayan in Human Physiology (Science, Consciousness,  
<http://www.globalcountry.org/videos/#video=xS3ZJQSW4Zc> Dr. Tony Na



+1

1

Add a comment...

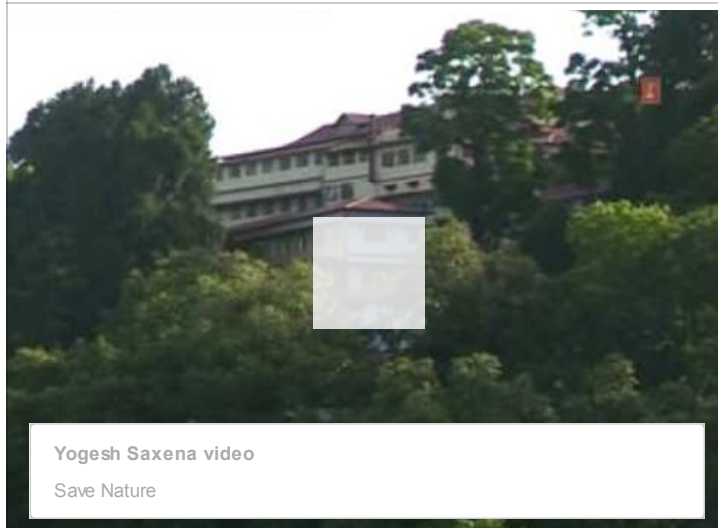


yogesh saxena 06:59 - Limited

Steadfast Wisdom and Thought meditation

Identification of mind as an independent personality and the inability to enter into harmony and oneness is resulting in mental and physical suffering, the sense of obscurtion and disappointment towards de-centrifugation of society. Desire is the bondage and subjugation with discord which has lost grip of the knowledge and submerged the mind in the gross ...

Expand this post »



Yogesh Saxena video

Save Nature



+1

1

Add a comment...



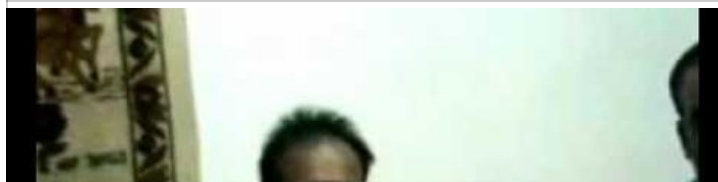
yogesh saxena 06:56 - Limited

CONVERSION OF A RELIGION - THE BANE OF CASTE SYSTEM

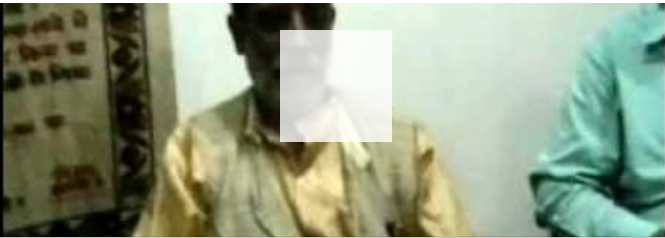
Each soul is potentially divine. This divinity is within one's nature ; either external by work or philosophy or internal by worship or meditation or by both virtues. This is the goal of religion.

There is a serious debate on the issue of conversion of Hindu to Christian , Muslims by providing the monetary assistance and other incentive through...


Expand this post »







**RAM SHILA HOTEL OWNER Ashok Chaturvedi interviewed by Yog**  
Identification of mind as an independent personality and the tenability to

 +1

Add a comment...




**yogesh saxena** 06:54 - Limited


LEGAL ETHICS , PROFESSION AND ADVOCATES

Advocacy is not a craft but a calling; a profession wherein devotion to duty constitutes the hallmark. Sincerity of performance and the earnestness of endeavour are the two wings that will bare aloft the advocate to the tower of success. This is the reason why legal profession is regarded to be a noble one.

" A lawyer, without the most sterling integrity...  
Expand this post »



**"Bar Associations should act as whistleblowers."**  
Ram Jethmalani was Chairman of the Bar Council of India for four or five

 +1 1

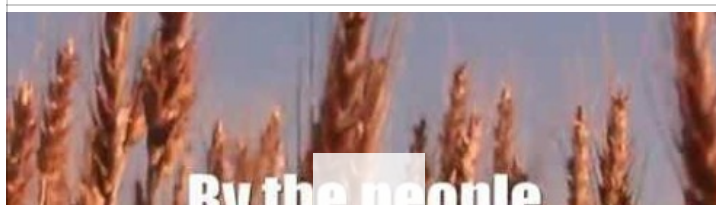
Add a comment...



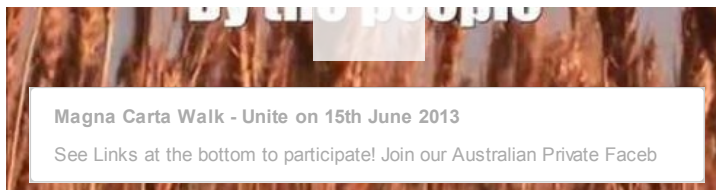
**yogesh saxena** 06:52 - Limited

Legal institution and justice

"I am unjust , but I can strive for justice ,  
My life's unkind ,but I can vote for kindness.  
I, the un-loving, say life should be lovely,  
I, that am blind , cry against my blindness  
Justice is the end of government just to enjoy the peace of mind. Law is a means to an end. The essence of law is duty. It is a result of constraint struggle; an struggle of conflict with a view...  
Expand this post »







**Magna Carta Walk - Unite on 15th June 2013**

See Links at the bottom to participate! Join our Australian Private Faceb

+2

Add a comment...



**yogesh saxena** 06:43 - Limited

#### HUMAN RIGHT JURISPRUDENCE & JUDICIAL ACTIVISM

The instrument of status quo upholding the traditions of ANGLO-SAXON JURISPRUDENCE and resisting radical innovations in the use of judicial power is no more in existence. Concepts such as "RULE OF LAW", "SEPERATION OF POWER", "INDEPENDENCE OF JUDICIARY", "SUPERMACY OF FUNDAMENTAL RIGHTS OVER DIRECTIVE PRINCIPLE", NON ENFORCEABLE" FUNDAMENTAL DUTIES", were...

Expand this post »



**Delhi Rape Story by Daood Hussain & Gaurav Pandey (Delhi Bus**

Delhi Bus Rape Case 16-12-2012 Sunday 9:30 pm . This song is our wa

Add a comment...

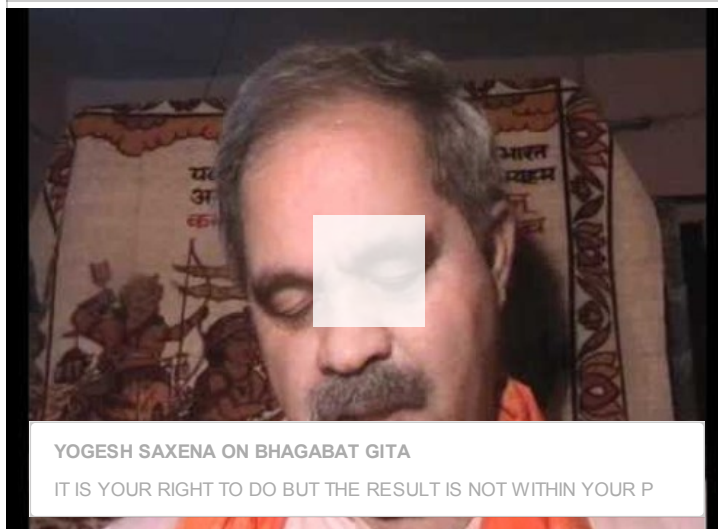


**yogesh saxena** 06:21 - Limited

#### RELIGION AND THE NATION

My nation is my religion. Salutation to the nation is meant for social co-ordination and solidarity amongst the citizens and therefore it is regarded the greatest service of humanity. The controversy triggered off over the telephonic recital going patriotic on independence the my reading the callers with "Vande Mataram" being objected with the title Masjid Mein Vande Mataram...

Expand this post »



**YOGESH SAXENA ON BHAGABAT GITA**

IT IS YOUR RIGHT TO DO BUT THE RESULT IS NOT WITHIN YOUR P

Add a comment...



**yogesh saxena** 06:18 - Limited

The importance of justice is considered in our ancient time  
The importance of justice is considered in our ancient time, which is evident by the chapters enumerated in the code of Manu as under ; There were the best possible rules to promote the interests of both the king and the subjects. The contraction of debt- dispute relating to lending and borrowing , deposit- a person's refusal on demand...  
Expand this post »



Add a comment...



**yogesh saxena** 06:12 - Limited

Extravagance of Public Finance vis-à-vis curbing the power and duties of C&AG.  
The constitution of India provides that the Comptroller and Auditor General of India shall be appointed by the President by warrant under his hand and seal who shall not be removed from Office, except in the like manner and on the like grounds as a Judge of Supreme Court. The term of appointment shall be for a period...  
Expand this post »




**yogesh saxena** 06:05 - Limited

. Secularism, Fraternity, law made void (Article 13), QUASI-JUDICIAL FUNCTIONS AS DISTINGUISHED FROM JUDICIAL FUNCTIONS  
 Secularism is not anti- God or atheism. The state in a free society has to refrain from interfering with matters which are religious, that is, non- secular matters except to the extent that such interference is justified on the ground of public interest interest and the general good...  
 Expand this post »

कांग्रेस प्रदेश प्रमुख निरजन पटनायक का उपास्थान में व्याक्तगत अंगा पर प्रहार करके सेक्स के मजे लेते हुए कांग्रेसी भेडिये



22 photos

Bangladeshi Infiltrators in India - The Facts

कोरो का कोलरे का

नारा संघर्षीय गुरु डी. डी.

नारा संघर्षीय गुरु डी. डी.

नारा संघर्षीय गुरु डी. डी.



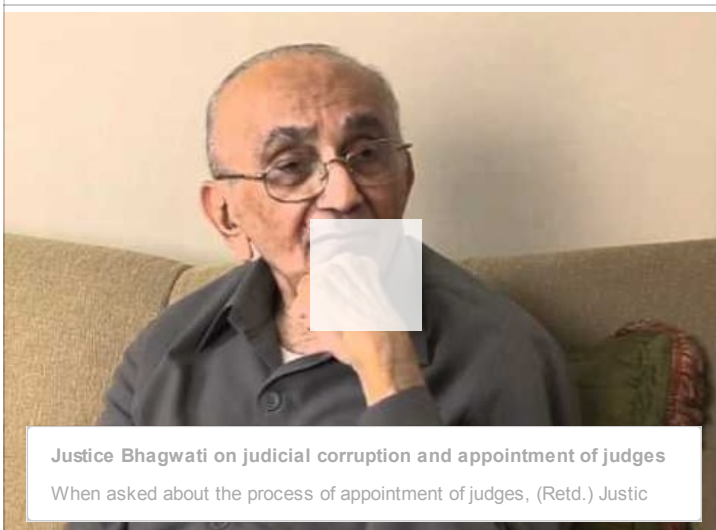
+1

1


**yogesh saxena** 05:57 - Limited

**Doctrine of judicial review**

The doctrine of judicial review was propounded for the first time by Chief justice Marshall of the Supreme Court of America in Marbury v. Madison. In that case, Chief justice Marshall held that all those who framed written constitutions contemplated them as forming the fundamental and paramount law of the nation and hence the theory of every such Government must be that...  
 Expand this post »



Justice Bhagwati on judicial corruption and appointment of judges

When asked about the process of appointment of judges, (Retd.) Justice



**yogesh saxena** 05:54 - Limited

Constitutional Fundamental Rights in it's different forms

Fundamental Rights have been provided in the Indian constitution in different forms. In some cases there is an express declaration of rights, e.g., Articles 29 (1), 30 (1), 25, 26 and 32. Some rights are declared as prohibitory without any reference to any person or body to enforce them, e.g., Articles 28 (1), 23 (1) and 24. ...

Expand this post »



EGV - Satire on Indian judiciary system - Part 2 - Tv9

EGV - Satire on Indian judiciary system

Add a comment...



**yogesh saxena** 05:53 - Limited

INDIAN LEGAL HISTORY AND IT'S IMPACT ON CONSTITUTION

The legal history pertaining to exercise of the power in India starts from the time of 1773 when the British parliament passed the Regulating Act which be came an important mile stone in the constitutional history of India. The Regulating Act set up a government of Bengal consisting of a governor-general and four Councillors in whom was vested the...

Expand this post »



EGV - Satire on Indian judiciary system - Part 1 - Tv9

EGV - Satire on Indian judiciary system

Add a comment...



**yogesh saxena** 05:50 - Limited

Justice is virtue

Home

Profile

Explore

Photos

Communities

Events



Circles

□ □ □

More

"Here is not to make reply;  
Here is not to reason why;  
Here is only do and die."

Sun flower  
Whether thy strength been confined,...  
Expand this post »



**Yogesh Saxena Award Ceremony For Ganga Purification HCBA**  
From the beginning of the creation Bharatvarsha known by the name of

Chat

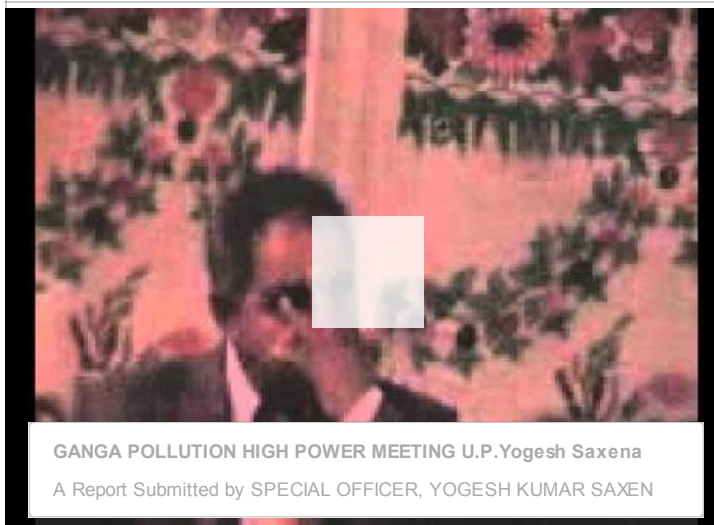
Add a comment...



**yogesh saxena** 05:47 - Limited

Review of Constitution

A body of 292 people representing the different constituent in the representative capacity can hardly believe that their voice was the voice of people .The ideals and aspirations which has given courage and inspiration for struggle during the British regime has been resultant for the enforceability of fundamental rights without enforceable fundamental duty ,which remains absent...  
Expand this post »



**GANGA POLLUTION HIGH POWER MEETING U.P.Yogesh Saxena**  
A Report Submitted by SPECIAL OFFICER, YOGESH KUMAR SAXEN

Add a comment...



**yogesh saxena** 05:44 - Limited

Need for Enforceable "Fundamental Duties "in the Constitution -as Coexistence to National Solidarity  
-A country having a constitution on which galaxy of fundamental rights to its citizens is now being ruled with governance through laissez faire , a policy with

political set-up having co-ordination with divisive forces for economic social and national oppression of the people at large where about 50...

[Expand this post »](#)



### Desperate Farmers

Conferences are Conducted for whom Benefit

[Add a comment...](#)



**yogesh saxena** 05:40 - Limited

### Constitutional Resurrection

There is one thing stronger than all the armies in the world and that is an idea whose time has come . Ideas are in truth ,forces .Infinite too is the power of personality .A union of the true always make history . The voice of the intelligence is soft and weak ,said Freud .It is drowned out by roar of fear .It is ignored by voice of desire . It is contradicted by voice ...

[Expand this post »](#)



### Firoz Gandhi Grave in Parasi Cemetry Allahabad

Firoz gandhi's grave in Parasi cemetry clearly shown as other graves als

[Add a comment...](#)



**yogesh saxena** 05:35 - Limited

### LAW SHOULD LIBERATE, NOT ENSLAVE

Jurisdiction of court is like that of constructor of a building which has either perfection or many defects. The final word of posterity is dependent upon the skill and calibre of builder who may heartily desire to build up it like expert builders with architectonic virtues to amend or/and add some material both by method and uniformity and if the structure itself does...

Expand this post »



YOGESH SAXENA ADVOCATE ATTENDS INTERNATIONAL CONFERENCE  
YOGESH KUMAR SAXENA IS WELL RECOGNIZED LEGAL LUMINAR

Add a comment...



**yogesh saxena** 05:31 - Limited

#### EFFECTIVE MEASURES TO ERADICATE EVILS

The dawn of independence has virtually come with confrontation of many problems for effective administration. The foremost and the prominent problem was for rehabilitation of the refugees. There was no place for providing them the basic requirement of shelter and for that reason, the government provided the shelter home for them. The locality was not congenial ...

Expand this post »



**My Poems**

The dimension and horizon created by our mentor guardian of all the thr

Add a comment...

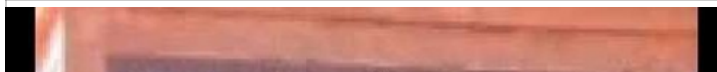


**yogesh saxena** 05:29 - Limited

Our constitutional duties prudence appears to be nothing but accommodation, but ours it meant Settlement in regard to show shoe economic progress of our society. So I has no Meaning for millions, I will not know how to into idea and fullest ideas as. Mutual district, declared and in fight is on the Increase.

National discipline, co-ordination and co-operative of words have begun that casualties ...

Expand this post »







Save Taragarh Fort Of Maharaja Prathvi Raj From Muslims Occup

The ASI's pathetic goof- up in the Taj Heritage Corridor is well known. B

Add a comment...

[More](#)