

## **A TRAJECTORY OF THE TERM SUBALTERN**

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### **Abstract**

The Subaltern Studies group uses subalternity as a catch, all concept enclosing all oppressed groups such as women, tribals, dalits, diasporics, peasantry etc. and uses it as a name for a general attribute of subordination. Subaltern is an umbrella term that covers all kind of subalterns—the oppressed in a multidimensional sense. Subalternity deals with many different issues such as identity, subjectivity, class, gender, immigration and historical experiences. This study analyses the trajectory of the Subaltern term.

**Key Words:** Subaltern, Hegemony, History, Oppressed, Women.

In the last forty years, scholars have produced countless studies of societies, histories and cultures ‘from below’. “Reflecting this trend, the 1993 edition of New Shorter Oxford English Dictionary included ‘history’ for the first as a context for defining ‘subaltern’ (Ludden 4). Different kinds of synonyms are used for the word ‘subaltern’, it may include underprivileged, downtrodden, exploited, untouchable, lower class and caste and marginal. Literally meaning “subordinate”, subaltern is primarily a British military term used to categorize commissioned officers below the rank of captain and in general represents the various grades of lieutenant. The term has a long history. David Ludden points out:

In late—Medieval English, it applied to vassals and peasants. By 1700, it denoted lower ranks in the military suggesting peasant origins. By 1800, authors writing ‘from a subaltern perspective’ published novels and history about military campaigns in India and America; and G.R Gleig (1796-1888), who wrote biographies of Robert Muntro, mastered this genre. The Great War provoked popular account of subaltern life, published memoirs and diaries; and soon after the Russian Revolution Antonio Gramsci (1891-1937) an Italian Marxist began to weave ideas about subaltern identity into theories of class struggle. (4-5)

During 1970s, the term was set about to refer to colonised people in South Asian subcontinent. It furnished a fresh prospective on the history of a colonised place not from the view point of hegemonic power but preferably from the perspective of colonised. Subaltern was first deployed in a non military sense by Antonio Gramsci in his article “Notes on Italian History” which appeared later on as part of his most widely known book *The Prison Notebooks* written between 1929 and 1935. Gramsci’s pursuit of the subaltern is a part of his overarching interrogation into Italian history,

politics and culture. His inquiry for studying the history of the subaltern placed greater emphasis on the culture and ideological dimensions of hegemony and subordination. Gramsci's "attention to consciousness and to the cultural and ideological dimensions of hegemony and subordination provides basis for a critical understanding and analysis of the subaltern class..." (Arnold 24). According to Gramsci subordination cannot be understood without understanding its relationship with domination because "subaltern groups are always subject to the activity of ruling groups, even when they rebel and rise up" (Gramsci 55).

Gramsci was intensely concerned with the concept of hegemony which emerged from his *The Prison Notebooks*. When he was thinking about hegemony he thought that the clearest sign of any hegemonic control over people lies in the willingness of people to tolerate degrading and bad living conditions and bad working conditions under force. But ironically people are not only forced but made willingly to submit certain ideologies and policies of state government so therefore people accept these. Gramsci meant that this was a kind of a bonded coercion.

What is interesting is that people's interest in willingness to accept their fate and destiny comes both from coercion and consent. Gramsci wrote in *The Prison Notebooks* that one of the most subtle and insidious means through which state exercises control and surveillance is that it takes advantage of the fact that people really do not know each other and they do not know that their interests are similar. Gramsci's agenda was that he felt a strong autonomous revolution or revolutionary potential on the part of proletariat or industrial working class could only be realized if they have political and intellectual freedom.

More concretely, Gramsci first used the term subaltern as a euphemism or original covert usage for the proletariat in his "Notes on Italian History," a project that emerges in his *Prison Notebooks* (1973). He also claimed:

The history of subaltern groups is necessary fragmented and episodic. There undoubtedly does exist a tendency to (at least provisional stages of) unification in the historical activity of these groups, but this tendency is continually interrupted by the activity of the ruling groups; it therefore can only be demonstrated when historical cycle is completed and this cycle culminates in a success. Subaltern groups are always subject to the activity of ruling groups, even when they rebel and rise up; only 'permanent' victory breaks their subordination, and that not immediately. (Gramsci 54-55)

Gramsci attempted to understand that how the conditions and relations of history influence the conditions and relations of the subaltern's lived experience. Marcus E Green rightly remarks that:

Gramsci in his approach to the study of subaltern social groups:...attempting to understand the subaltern as a historically determined category that exists within particular historical, economic, political, social and cultural contexts. He attempts to understand the process, development and lineage of the subaltern: how they came into existence, how some survived at the margins of society and how others succeeded in their ascent—from a subordinate social position to a dominant one. (74- 75)

In his analysis of Subaltern, Gramsci tries to arrest the totality of subaltern existence and Marcus E Green further remarks:

Gramsci's study and conception of the subaltern is transformative. He is undoubtedly interested in a historical, political, social and cultural transformation that will produce human liberation, and he sees this transformation occurring from below, meaning that subaltern groups, who are subordinated and do not hold any sociopolitical power, will attempt to overcome their subordination through a broad struggle that will affect every aspect of society and in turn their social being. Because political power rests within the state but is reinforced within social and cultural practices, Gramsci views the struggle for subaltern transformation occurring in a hegemonic fashion, in which a new conception of society is not only presented in politics but throughout the superstructural realm of ideology, culture, philosophy, literature, and so on." (88).

He is keen to study every aspect of the life of subaltern. He is concerned in the integral connection amid their economic, political and social positions, in tracing the marks of their development in history, in knowing that how they are represented in literature and what was their significance in the cultural forms? Gramsci's study of the subaltern brings out not only the hitches involved in subaltern analysis but also several elements that contribute to group marginalization and the factors which preclude groups from surmounting their marginalization.

Gramsci's work in general has had a great influence on leftist thinking in the twentieth century in Europe and the global South, but the trajectory of the term 'subaltern' was decisively shaped by its encounter with a group of Marxist historians in India in the late 1970s and early 1980s. This group was founded by Ranajit Guha, later became known as the Subaltern Studies collective. Recognizing the importance of Gramsci's thinking for analysis of partially capitalized societies in which the peasantry remains the largest non-elite sector, these historians adapted Gramscian idea about hegemony, subordination and subalternity within a methodological programme designed to contest the dominance of elitist historiographies of colonial India. Subalternists maintained the idea that colonialist and nationalist interpretations of Indian history had rejected the considerable role in the vital arena of life of the common people and their agency. As a result, the aim of the Subaltern Studies project is to correct the imbalance designed in academic work by a propensity to concentrate on elites and elite culture in south Asian historiography. "The historiography of Indian nationalism has for a long time been dominated by elitism" (Guha). Paraphrasing Guha's influential,

"On Some Aspect of the Historiography of Colonial India", the historiography of the victorious pre-independence movement in India was dominated by elitism—both British colonialist and local bourgeois nationalists. Such historic literature recommended that the progress of Indian national consciousness was solely elite achievement and failed to recognize or construe the important role played by "the people on their own," that is, "independently of the elite" (Galfarsoro).

To set right this situation, Subaltern Studies proclaimed that its recent approach would restore history to the subordinated. Further the group speculated that the elite in India played a hegemonic role and a dominant part during the colonial period. With the logic of this fresh version the subalternists were able to demonstrate that subordinate people (i.e. subaltern) were autonomous historical persons who acted on their own because they were not led by any elite group.

"In his lead essay "On Some Aspects of the Historiography of Colonial India", Guha ambiguously though somewhat elliptically, states that "subaltern is a situational term, in

contrast to its earlier alterity". It is used synonymously with the term 'people', and two are defined by their 'difference' from the elite" (Schwarz 313).

Elites acting in their own interests are easy to distinguish; more ambiguous are those who belong to the lower social strata performing in the interests of the elite. Still more ambiguous are the "lesser rural gentry, impoverished landlords, rich peasants and upper middle peasants who 'naturally' ranked among the 'people' and the 'subaltern' (Guha 8), who did not act in proper conformity to their "own social being" (8). Certainly, Guha's critical objective is to shift focus, to give prominence to the subaltern and subaltern consciousness, least concerned with elites in fact it focuses on the subaltern, the 'autonomous domain' (Guha 4) of the people. It also displays that the subaltern had their own consciousness, their own mobilizations, their own forms of behavior and their own politics of resistance and of opposition. Guha rightly says that the subalterns have their own "autonomous domain, for it neither originated from elite politics nor did its existence depend on the latter" (4).

Interestingly, Guha's massive study of peasant revolt under the Raj, *Elementary Aspects of Peasant Insurgency in Colonial India*, attempts to analyze subaltern consciousness in what he calls its "'pure' state before the politics of nationalism and socialism begin to penetrate the countryside on a significant scale" (Guha 13). To this scenario Henry Schwarz adds:

In focusing on this 'pure state,' Guha hopes to isolate the 'general form' of the 'theoretical consciousness of the subaltern, a consciousness in which conservative and radical tendencies battle each other 'in order to arrive,' as Gramsci puts it, 'at the working out at a higher level of one's own conception of reality,' that is to say, free and independent. Guha finds that this consciousness in its 'pure state' consistently struggled against itself to assert its radical side, most successfully when it expressed itself in rebellion. Rebellion signified true vocation of the peasant: to end his oppression and assert his independence by turning things upside down. (Schwarz 308)

The term 'subaltern' has thus passed into the lexicon of post-colonial studies. Postcolonial history tries to unearth the internal history of colonized people in particular of 'subaltern' who are squashed within society and whose identity is levied from outside by historians and other commentators. Therefore key intention of the post-colonial theorists is to create room for several voices. This is particularly true of those voices that have formerly been quietened by governing ideologies—subalterns. The term subaltern is extensively used in postcolonial theory. The precise meaning of the term in present philosophical and critical usage is unsettled in opinion. For some thinkers it is a term that refers to those who are rendered without agency by their social status, it includes the marginalized groups and the lower classes. Others, such as Gayatri Chakravorty Spivak use it in a more specific sense. She says :

"...subaltern is not just a classy word for "oppressed", for [the] others, for somebody who's not getting a piece of the pie...In postcolonial terms, everything that has limited or no access to the cultural imperialism is subaltern—a space of difference" (A Review of International English Literature 45).

Gayatri Chakravorty Spivak's essay 'Can the Subaltern Speak?' popularized the term subaltern in the Post-Colonial theory. Spivak's critical study of the subaltern is gender oriented. She predominantly focuses on the women of the Third World as the subaltern. Spivak expresses that the patriarchal society and colonial power have doubly subjugated the Third World women. Spivak's



comprehensive study of the practice of 'Safi' displays how women as subalterns have lost their voices. She said "If, in the context of colonial production, the subaltern has no history and cannot speak, the subaltern as female is even more deeply in shadow" (1446).

## Conclusion

Consequently, the critical nature of postcolonial theory entails destabilizing Western ways of thought and therefore creating room for the subaltern, to speak and construct alternatives to dominant discourse. The broad contours of subaltern consciousness can be laid out by making an attempt to cover all kinds of subaltern and all the aspects of subalternity. Disparities on the basis of caste, class, gender and religion are still present today as they were long time ago though they are not observable as before. By openly discussing several concerns that until recently were not certified to be discussed the subalternists are making an attempt to place human beings in better position to understand each other and their society as a whole.

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## **THE EXPLORATION OF MYTHICAL ELEMENTS IN RAJA RAO'S KANTHAPURA**

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### **Abstract**

A writer may casually use old myths, legends and old stories in his works. Raja Rao deliberately uses old mythological themes as an illustration system. In Kanthapura, he has depicted stories like Ramayana, Mahabharata and Bhagwat. He deliberately elaborated myth as a structure in the system for current English writers such as TS Eliot, WB Yeats and others. The explanation he missed adds a mythological focus to his novel as Careless also has a deep knowledge of Indian mythology and reviews that record will give a lot of importance to Indian mythological characters. He used myths to compliment the present and give the novel the balance and status of an epic.

**Keywords:** Folk; Myth; Rituals; Oral tradition.

### **Introduction**

Mythological parts recognize a major part in human life. They are attached to our standard appearance. Raja Rao's Kanthapura reflects the Indian Vedanta dream and matures a satisfactory number of Old Indian sacred works. First there is a grandmother's story that shows a real picture with living people.

Raja Rao is one of the appointed officials of Super Indian Creators in English. He is definitely one of the most brilliant writers India has come up with. He is unmatched in terms of ready-made arrangements and style. His pen found sources from India's created cognition and timeless traditions. His actions and wording were the result of a careful and cautious thought on the subject which was almost characteristic of a devotee. In Raja Rao this centrality yielded negligible eccentric results and that too after extended openness.

He incorporated the points of convergence of the Indian blessed texts into his books and made them philosophical. Master Vivekananda was an extraordinary campaigner who showed the Indian perspective to the world: Raja Rao has worked as a litterateur even today. He disseminated the Indian perspective from the corpus of his writings and gave it astonishing simplicity. For Raja Rao, India is certainly not part of a single land, despite a complex and fundamental reality beyond geopolitical and temporal barriers. Even though he spent a major part of his life abroad, his soul remained steadfast in the soil of India.

Raja Rao's *Kanthapura* is based on an illustration from the Indian epic *Ramayana*. How the *Ramayana* was portrayed by sage Valmiki, Achakka who is an old woman from *Kanthapura* probably went as narrator and reporter. She alienates Gandhi and Rama and India along with Sita. Gandhi's move to England is seen separately in relation to Rama's exile and the alienation of Indians and Bharat. Like Ayodhya, the city of *Kanthapura* is a standard status city which is far from each state of the art to monitor normal regular attendance.

In *Fantastic India* or the people of India are presented differently than Sita in the *Ramayana* and how Sita revolves around Ravana and fighting an extraordinary game-plan in the clutches of red-men and the way India too Rama leads the vanara army and rescues Sita from being surrounded by Ravana. Similarly, Raja Rao shows Mahatma Gandhi leading the people of India against the British. Rama in the *Ramayana* fought a fierce battle against Ravana and Raja Rao in *Kanthapura* portrayed Gandhiji as a fighting legend through non-violence, satyagraha and quiet inquiry. The dispute between Rama and Ravana leads to the loss of various people. Here in *Kanthapura* Raja Rao shows that different people in *Kanthapura* are killed or confined and casually remember the British when the townspeople associate themselves with the rebellious coolies of the Skeffington coffee locale. How Rama fought Ravana and freed Sita, besides how Mahatma Gandhi bought Swaraj for Indians using *Vairagya*.

Every place in India has a wonderful history of its own. In the *Ramayana*, the legend of Rama's location Ayodhya in which Rama is seen as one of the primordial images of Vishnu. His ideal companion, Sita, is considered by Hindus to be an image of Lakshmi and a symbol of extraordinary womanhood. Essentially, Raja Rao's *Kanthapura* emphasizes the contemporary meaning of the myth. It is a common novel where the city of *Kanthapura* has its own *Sthal-Purana*.

Social myth, a non-existent story that passes through an epic number of ages in oral work in connection with the reformation of fantastic animals or the explanation of confused standard unorthodoxes, is linked to a specific place and area of individuals. *Kenchamma* is a general population deity worshiped by the individuals in the main *Kanthapura*. The close ones feel that they are protected by a goddess named *Kenchamma*. He has other goddesses as goddess of stream and goddess of trend. *Pravritti's* goddess *Himavathi* is the maiden of *Kenchamma*. This vast number of goddesses does not deviate from the Puranic line, rather the inhabitants have given birth to them out of their love for strange standard characteristics..

Radiant man *Tripura* kept things on the right track to glide from heaven. She sought after such a brawl and fought so much throughout the night that blood sprinkled into the earth to make *Kenchamma* red. The myth is incited from the Puranic myth of *Bhagiratha* who is the harbinger of the stream as well as the continuous allotment of time Ganga should carry on our earth and tilt the earth.

### **Mythical Elements in Raja Rao's *Kanthapura***

The coordinating deity *Kenchamma*, as shown by the residents, has since settled among them and has been a part of their ordinary presence. She never breaks them in her jerks. He is likewise dedicated to storming and collecting. When the residents approach her braving the storm, she bows down to them and it actually rains during the night. Early people did not react to dreadful diseases

like smallpox or cholera and it was accepted that with an open mind they loved the deity who caused these infirmities, that their worries would be redressed.

On Kenchamma, the general population goddess of Kanthapura town, is also described as controlling the healer of these diseases. People have an obligation to communicate things or offer things to her on a large scale. It is reported to be inclined towards celebration due to the appreciation of Kenchamma. A person feeling the compulsion to walk around tending to the fire that their significant other's suffering has basically reached the next level. Since its progress in dated time the fire has been considered as brilliant as possible to drive away all prey and dangerous animals from the light used by people. In this way it was used as a weapon to consume its power against every one of the possible attacks on the more experienced ones.

In Kanthapura, the idol rises above the allure of the conventional pleasures of life. He defeats his passions and interests and tries to manage the people as a whole. The idol defeated his resources and accomplished the realm of Jivanmukta by following the beliefs of non-connection, victory over all instincts and overwhelming debauchery and compassionate love towards all mankind. Gandhi's approach to the idol is a shallow recipe for helping his talentless admirers. They depict detachment, truth and love. It is the power of the idol that draws them to unite against the dreaded British. The image and vision of their beloveds like Gandhi and Murthy have become permanently ingrained in the characters of the Kanthapuris.

He has the reserves of being all controlled Kanthapura with the abilities of infinite Dharma with the decisive aim of calling the people from different quarters of the entire people and culture into a common state. He treats the untouchables as individuals and mixes their views and urges them to participate in the activities of the composite people. He suggests different blends as well as some reasonable compromises among the limited number of Kanthapuris. The general public has full faith in the Gandhian idea of power. Similarly it is observed that the Kanthapurian culture actually practiced peace and regardless, when Bade Khan misused the idol, the ideal companions of the coolies pounced on him and hurt him severely, at least asked them to release them.

It is learned that Murthy is credible from the central Gandhian point of view and avoids any kind of debate with distrust or evaluation. In this way, the head figure of the mahatma is placed close to a strikingly bent type and embraced as the least shocking position by standard males. For the people of Kanthapura, as in the eyes of the idol, the Mahatma is a radiant - strong sphere to radiate from. "Kanthapura is a veritable sentence scheme of Gandhian myth—myth with an astonishing grasp of this ongoing reality."

Lama was brilliant, aware, skeptical, decidedly genuine, generous and strong. The novel depicts the Lama Buddhist spirit. Lamas follow all the standards of Buddhism. He is chasing the favoured stream that can wash away all sins: "Where is the nature that washes in it that washes away all harmful substances and fearful attitudes of acting and can thus free itself from the cycle of life.

Chatur enters the Gandhian approach to address the guidelines of truth and peace through his legend, Murthi. Great men have seen Gandhiji's personality as characterized by a combination of the pain of the gate. The entry movement depends on the purposes of the Bhagavad Gita. The statue inspires a display of quietness and genuineness of conversation among the occupants. Mention of

Harikatha, analysis, use of Khadi clothes are examples of saturating Gandhian ideas among the people around. The people of the neighborhood of Kanthapura adore him by saying that 'He is our Gandhi, a Maharajah of the Mysore district, but that Maharajah has another Maharajah who is in London, and he has another one in heaven, after all Each has his own Mahatma, and this idol will be our Mahatma'. He is considered a social reformer, a satyagrahi and the tallest icon of quiet reform in Kanthapura.

Gandhiji's vision of uniting the people of India against the power of the fringes is reflected in the novel as a rejection of serfdom, and the opportunity for women to practice seditious practices. Gandhi's motives are seen as a clever way to counter the ridiculous display of wild power. Rao says the tenants felt; "The Philanthropist, no, the Mahatma need not go to the extent that the ocean, as Harishchandra has done his duty before, the illustrious creatures will dive in and separate their commitment, and the British will leave India, and we will be free." will happen, and we'll set lesser charges, and there'll be no police.

### Discussion

In old India the occasion of myth and history was kept in a different way. These conditions were not independent of each other regardless of their solidification together. History is not merely a presentation of authentic components or events of the past. It is regarded as a method of achieving the fourfold objectives of life. The standard meaning of history found in dated India is related to the four pieces of life.

Before time, anthropologists sometimes believed that there was only a single type of myth, which they then took as an example of the entire repertoire of the peoples they were considering, regardless of whether there was no "single certified" in the way Levi Strauss believed classification. The opportunity of myth in anthropology to make heads or tails of people's outlook on the world in various social systems is treated in a critical way. The myth doesn't just clearly shape the starting points of the fake ones.

Thus, it is dangerous to draw a line between concrete reality and myth. The opposition between these two terms was already fine at this point in the long run in such a way that there is a fluid relationship between the two as they move forward. The part that limits them is 'time'. The time factor has been a legitimation for conflicting viewpoints.

Kanthapura is an optimum blend of myths, legends, model stories and paintings. Goddess Kenchamma is a figure of protection who is said by the residents to progress the entrance reform. Gandhi is accorded the status of a fabulous being as he is first associated with Rama, for killing the devil Ravana (the British) and then with Krishna, for killing Kaliya. The idol is considered an avatar in the book. Satyagraha is presented as an insurmountable limit.

The town of Kanthapura has a local goddess, Kenchamma, who has a mythological closeness to the legend. Her majestic appearance evokes wonderful beasts in old legends and myths that coordinate the fate of individuals. Like Rama, the goddess Kenchamma protects the people of the neighborhood from injury and deals with their attitudes. She protects the tenants from starvation and pollution. People have full faith in goddess Kenchamma and offer petitions and they understand the story that goddess Kenchamma killed a shrewd spirit who is totally open till that end in red tone.

## Conclusion

In the novel, the legend Murthy is a Brahmin. Like a critical cow and an elephant, he considers everyone to be generous, valuable and kind. Everyone in the town calls him ‘the corner house idol’ or ‘our idol’. The residents consider him as a ‘small mountain’ while Gandhiji as a ‘huge mountain’. He is the person who tracked down the half-covered lingam from the city and offered it. Little by little a safe space is built up and it turns into the central quality of the city where overall the basic festivals and occasions are celebrated in the safe space. Similarly they notice Shankar Jayanti, Shankar Vijay etc.

The shrewdness affects a scene where the surrounding characters progress to unleash the mythical power bound upon them by the individuals of the city. Therefore, it is a sequence of reformulation of the myth of persons who are either explicitly or by suggestion influenced by the mythological myth. Acquiring concrete quality or ascending to the level of fantastic creatures due to the general undertakings of the surrounding characters is vital to the legend or myth-group of the society that follows from oral practice.

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## **SEDITION LAWS IN INDIA AND THE RIGHT TO FREE SPEECH AND EXPRESSION**

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### **Abstract**

Due to changes in the political system, particularly the constitutional clause recognising freedom of speech and expression as a basic right under Article 19(1)(a) of the constitution, the law of sedition in India has acquired a contentious significance. Section 124A of the Indian Penal Code, which discusses sedition, is being attempted to be understood and decoded by the scholars in this work. The researcher has attempted to highlight the fact that sedition law may be detrimental to the nation through this article. The researchers will look at the definitions of numerous phrases, the rights granted to citizens, and the tasks expected of them under the Indian Constitution in light of sedition. Sedition has been examined from a number of angles in an effort to understand it better.

**Keywords:** Freedom of speech and expression, Section 124A, Sedition.

### **Introduction**

*“It is the moral responsibility of a person to disobey unjust laws- Martin Luther King.”*

Freedom of speech and expression are fundamental values in democracy and are given the highest importance in a Constitutional System.<sup>1</sup> In general terms, overall development of an individual's personality can only happen when he is given the freedom to live independently, perform his other basic tasks, because as the right to freedom is considered the highest among all the fundamental rights. It is on this pillar that the individual as well as national development is based. The popular saying ‘freedom is life’ lays the foundation and provides the basis for the dignified life which is responsible for the individual development. Liberal democracy has been established in western countries in which the importance of freedom of speech is considered an inherent right. Freedom of unity is the freedom to achieve anything without causing any harm to any person, in this way the western countries understood the importance of their freedom of expression and included it with the utility of society.

John Stuart Mill has discussed three basic freedoms in which freedom of speech and expression is given prime importance<sup>2</sup>-

1. Freedom of speech and expression includes the right to act on ideas, so there is freedom of speech in this statement.
2. The right to follow one's interests, even if they are considered immoral, as long as they do not harm others.
3. The right to come together as long as all parties are of legal age, no one is being coerced to join, and no one is harmed.

Alexander Meiklejohn in his work 'Free speech and its relation to self' has stated that the government has worked on the importance of freedom of expression in a democracy he argues that in a democracy the people control themselves. Therefore, free transmission of speech is very necessary for self-government. He has also emphasized on the right to be heard. Freedom of expression is important in a democracy because the people can be made capable of self-government only when there is free flow of ideas and in addition the people are given autonomy to decide whether to heed to any provocation or not.

Under Article-19 of the Constitution of India, a provision has made for the freedom of expression for citizens to express their views in any form written or oral. However, the right to free expression is not absolute, and reasonable limitations can be imposed on it.

Every society has its own rules and over a period of time it becomes necessary to change the rules of the society because if the society is strongly hindered by these rules, then it blocks the development of the society. The origin of new ideas in the society is only on the basis of disagreeing with accepted rules of the present society, if every person living in the society will follow the old rules and ideas then the development of the society will be blocked. As new ideas and religious practices developed only when disagreements with old practices were expressed.

In a democracy, citizens are crucial because they act as the conscience of the government. People cannot be sent behind bars only because they object to state policies. Sedition is not a crime that can be used to soothe governments' wounded egos.<sup>3</sup>

The legislation against sedition is extremely broad and ambiguous, making it a simple weapon for suppressing dissent and discussion. It is impossible to properly apply Section 124A. It transgresses international human rights legislation. And it goes against India's culture of tolerance.<sup>4</sup> If we want to thoroughly analyse sedition, we must take into account a number of different variables. Sedition is caused by a number of reasons, including socioeconomic level, education, moral principles, cultural influences, religious practices, preaching by religious leaders, and a confluence of all these aspects.

### **Meaning and Definition of Sedition Law**

Neither Section 124A of the Indian Penal Code nor the Defense of Indian Government use the word "sedition". It is not an integral part of Section 124A and only appears as a marginal note. Rather, it gives the term by which the offence described in the section will be known.

As stated in Kenny, *"The law of sedition related to the uttering of the seditious words the publication of seditious libels, and conspiracies to do an act for the furtherance of a seditious intention. Sedition whether by words spoken or written or by conduct is a misdemeanor at common law punishable by fine and imprisonment."*



Sir James Stephen defined- *“The definition of seditious intent is “an intention to incite hatred or contempt, or to raise discontent or disaffection against the person of his Majesty, his heirs or successors, the government and the Constitution of the United Kingdom by law established, or either House of Parliament, or the administration of justice, or to incite his majesty’s subject to attempt otherwise than by lawful means the alteration of any matters in Church or State by law established”*

According to Collins dictionary- *“Sedition is a speech, writing, or behavior intended to encourage people to fight against or oppose the government.”*<sup>5</sup>

According to Cambridge Dictionary- *“Language or behavior that is intended to persuade other people to oppose their government.”*<sup>6</sup>

The Halsbury’s Law of England uses the word ‘treason’ instead of Sedition and defines it as- *“the violation of the allegiance owed to the sovereign.”*

The scope of sedition laws can be traced from the common law. In *R Vs Burns and Others*<sup>7</sup>, it was observed that:

*“Sedition is a broad term that includes all actions that aim to disrupt the peace of the nation and encourage ignorant people to try to overthrow the government and the laws of the Empire, whether they be verbal, physical, or written. Sedition usually aims to incite discontent, insurrection, and stir up opposition to the government, and its very nature tends to inspire insurrection or rebellion among the populace.”*

## Legal Framework

The law on sedition, which in a part of our legal system, is embodied under section 124A of the Indian Penal code (IPC). It states that:

*“Whoever, by words either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.”*<sup>8</sup>

Explanation 1- *“The expression disaffection includes disloyalty and all feelings of enmity.”*

Explanation 2- *“Comments expressing disapprobation of the measures of the government with a view to obtain to their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, did not constitute an offence under this section.”*

Explanation 3- *“Comments expressing disapprobation of the administrative or other action of the government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.”*<sup>9</sup>

The word “disaffection,” which encompasses disloyalty and hostile feelings, was used in explanation 1 of this section, according to the explanations. Therefore, explanation 1 works with the extent of disaffection, while explanations 2 and 3 focus on the components that do not constitute sedition. Unless a person chooses violence, incites others to use violence, or disturbs the peace, they will not be prosecuted if they are simply members of a prohibited organisation.<sup>10</sup>

In case of **Balbir Singh vs. State of UP**,<sup>11</sup> The Terrorist and Disruptive Activities Act of 1987 could have been used to prove that the accused were conspiring or engaging in disruptive activities, and other evidence was provided that led the Apex Court to reverse the conviction. This section's body does not contain the term sedition, which is only present as a marginal note.<sup>12</sup>

### **Indian Sedition Law's Constitutionality**

Democracy is seen as the most acceptable form of governance as it gives a citizen the right to express his opinion and dissent without fear of being victimized (unless such dissent has led to any inhuman or unconstitutional action). Protest plays an important role in civil, political, economic, social, and cultural landscape of a progressive democracy. It is noteworthy that the peaceful resistance of Gandhi ji, Nelson Mandela and Martin Luther King had played an important role in bringing about a change in the socio-political fabric of their respective countries.

The sedition law is being misused by the authorities to trample upon the fundamental rights of citizens to freedom of speech and expression, the way enforcement officers use the sedition law to control free speech and to jail the activists and dissidents. Any law that criminalizes expression on the basis of arbitrary or ambiguous definitions of dissent from the government constitutes an unreasonable restriction on the fundamental right to freedom of expression protected by Article 19(1)(a) and has the effect of stifling speech that is protected by the constitution.

**Ram Nandan vs State of UP**<sup>13</sup> was the first case to address the constitutionality of Section 124A, one of the most well-known instances. The Indian Criminal Code's Section 124A, according to the Allahabad High Court, violates Article 19(1)(a) of the Constitution.<sup>14</sup>

The landmark case related to Section 124A was **Kedarnath vs State of Bihar**<sup>15</sup>. This case supported Section 124A's constitutional validity. The Court ruled that Article 19(1)(a) of the Indian Constitution is not violated by the clauses listed<sup>16</sup>. It was also made clear that criticising public policies or commenting on government actions within the parameters of the basic right to free speech and expression is not regarded as sedition, as stated directly in the explanations attached to the section.<sup>17</sup>

Sinha CJ in this instance made the following observation - "*comments that points towards disapprobation of actions of the Government that does not result in violence or generating the inclination to create public disorder would not be penal.*"<sup>18</sup> This ruling also stated that the sedition legislation should not be applied arbitrarily because doing so would be a blatant violation of Article 19(1)(a) of the Indian Constitution. As a result of this ruling, it is evident that a person has the right to criticise government actions as long as his remarks do not incite violence.

A significant component of legislation pertaining to sedition, in addition to Section 124A of the Indian Penal Code, is Section 95 of the Code of Criminal Procedure. The forfeiture of any newspaper, book, or document (including a painting or a photograph) whose publishing is prohibited by sections 124A, 153A, 153B, and 295A of the Indian Penal Code is covered in this article.<sup>19</sup> Therefore, it can be inferred from Section 124A of the Indian Penal Code that the government must provide justification in order to forfeit the punishable material.<sup>20</sup>

No court may declare an offence to be committed, including section 124A of the Indian Penal Code, unless the central or state governments have approved it first, according to Section 196 of the

Code of Criminal Procedure.<sup>21</sup> Other offences covered by this section include sections 153A, 295A, and 505 of the Indian Penal Code. Because sedition is a serious offence that disrupts public order, this section prohibits unauthorised individuals from instituting prosecution, leaving only the government with the authority.

### Concluding Observations

Independent India has not yet been able to decide the definition of patriotism, nationalism and national interest for the society, that is why even now the definition of sedition and the most irresponsible of the law is being used. Historical facts prove that the British colonial system of governance implemented the statutory provision of sedition to suppress the freedom of expression of Indian society. It was accepted in the Constitution Assembly that as soon as the Constitution of independent India comes into force from that day, all those laws which are inconsistent with or limiting the Fundamental Rights will become void. But till now the provisions of sedition remain there should have been a provision in the Constitution that all the laws issued before the coming into force of the Constitution would be scrutinized. The government should set up an independent commission to review all those laws that curb freedom of speech and expression and bring them into the category of crimes. Section 124A should not be misused as a tool to curb freedom of expression. Its misuse can be checked by prosecuting under law as per caveat given in Kedarnath case<sup>22</sup>. It needs to be tested under changed facts of circumstances and on the basis of an ever-evolving test of need, non-conformity and arbitrariness. In addition, efforts should be made to repeal or amend such laws and to make them consistent with the obligation expressed by India in international human rights norms and treaties.

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## **HUXLEY: A PERENNIAL PHILOSOPHER WITH SPECIAL REFERENCE TO BRAVE NEW WORLD**

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### **Abstract**

As trailblazer self-removed lover, Huxley creates the startling sci-fi Brave New World (1932), an important portrayal in an adolescent mode that has come to confront the current stream of western new twists of events. Addresses things like Created through a pause of instability unmatched in the Western world, the major comes as a projection of a future where the ultimate drive of man that drives life becomes meaningless; Where Brutality, Power, Science, Progress and Improvement are the forces that idealize, control and hold the human race; The race that has actively divulged something from its “perennial self” and data united on “the famous ground of all”. This article originally aimed to examine Huxley’s shrewdness through a mixture of his philosophical work, The Perennial Philosophy (1945), and to present Huxley as the sane one who would be critical of any issue between science and serious philosophy.

**Keywords:** Aldous Huxley, Brave New World, Perennial philosophy, religio-philosophy, satirical Sci-Fi, criticism of science

### **Introduction**

Aldous Huxley (1894-19630) has a wonderful place as a sharp creator as well as scientist, social insightful, buffoon as well as a perennial scholar. With the advent of self-exile, first in Italy, then, in the United States, Huxley seems to have given himself the crucial opportunity to break away from his typical environment in order to understand things according to the prevailing perspective.

He uses sarcasm to feel a decisive physical and colossal destruction awaits mankind in the aftermath of power, progress, and an apparently feeble love of science. The shrewd downplays its pressures regarding mankind’s undeniable propensity for such temptations and their lack of any regard for its soul and basic needs. It begins at the second moment on an arrangement belonging to Henry Portage, whose notable statement is “History is fundamentally empty”. Thus, the essential picture is a completely unique productively created world moving within an unusual fresh modern office where individuals are produced using a clear treated egg and are introduced to their organized future lives it happens.

In this brave world, nothing goes conventional; everything is orderly, clearly planned. In relation to parties and serious “hammer porgies”, to approve and provide Worlders with the ideals of “ruler portage” as well as to transcend to a place of all-around euphoria and fulfillment through the companionship of hallucinogens such as soma.

All natal stations are accustomed to being happy with their designated status, content with being people of their own making and calm about how the age of sixty is expected to crash and burn suddenly and horribly, there is no open issue or remorse. The deceased agrees. Raut, frankly, appears to be completely unorganized, administrative and devoid of determination. Furthermore, in order to remain aware of both the abundance of the overall people and the closeness of the Five Positions, the World Controllers handle the need to remain aware of the best number for the people of the Brave New World through the control of birth and death. He denied nature to the breaking point of her norm in incredibly essential issues. Duplication and the public of the state are made aware to be subject to the inside and outside check and ward of the public power controllers and their personally acquired instructions and experts to ensure the stability and strength of the state.

Huxley's finesse was serious, yet he wore his stride combatively, with a maverick, man-of-the-world air that was becoming utterly debilitating. He was regularly, in those days, faulted for academic vanity and genuine factors really demanded that he was perfect for the creation of such fundamentally unconscious figures as the style of the contemporary Narc maker proposed.

From then on, even though he continued to create books and short stories, he hoped to find a more dependable job as a teacher, master researcher, and certainly not an essayist at some point in the future whose central explanation remains to be obtained.

A critic in any event, Huxley saw, by and large, within himself, the need for an outrageous method of managing the universe, or something to that effect. Throughout his calling as a writer, he showed an exceedingly long interest in the characteristics of concrete quality, to the point that Huxley, with his much needed shrewd credulity, would not forsake his observational flair in such matters, and His strategic later philosophical position has finally become careful. His accepted assessment of the mystics convinced him that phenomenal experience itself would lead individuals to act in connection with the divinity, it could be coherently tested.

Despite the uniformity, regardless of his affiliation, he remains an incredibly confusing figure; a genius who investigated the brain at the most fundamental level, a sensualist who had a deep disdain for routine bodily processes, a generally serious man who remained an active pragmatist.

### **Huxley: A Perennial Philosopher with Special Reference to Brave New World**

For the image of the party, the incomparable ticker as Huxley put it forward ‘believably brilliant’ - need to go to the Brave New World (1932). There's Pavlovian stupidity or human readiness at work here, once in a while a brand name part of the world. A shocking joke, near Soma, the tenants of Dictatopia's After Portage World region have their own choice of middle persons. The appropriation is in any case, not without clashing with voices, something like one, incomparably wild. What Vashi calls false satisfaction turns his entire strategy upside down. That is, against the all-powerful state, he declares his right to an entrance. Under these circumstances, it is natural to feel discouraged.

Huxley equipped the novel with the mind. During this, he hesitated to survey the dead body. The completely inorganic nature of his distinctive developments has not eluded anything apart from notice. Theories about the taxonomy of the eyes, the musicalization of the imagination, and the abnormality are revealed rather than shown or embodied.

The epistemological assessment of humanity was emphasized in a way that really bothered Huxley. They told men more about their mystical issues in relation to social and political power. It was interestingly recorded as a printed rendering by the humanist who relied on a dual technique for sociology and cerebrum research. Huxley was cautious that philosophy does not adequately address the issues of mankind's abuse and defeat. In this vast number of books, there are repeated references to peace of mind and quiet thought.

Most dangerous in Huxley's case is that there is a 'perennial philosophy', which is the 'most fundamental part' common to the religions as a whole. Legitimate religions do not affirm the matter except that one clearly chooses the definite thing that one wishes to see. Confucianism is hardly rooted in perennial philosophy; In some surprising parts, Judaism has also been forgiven almost entirely.

Huxley was apparently not surprised by the growing social appeal of his book in academic circles; He could have tried to anticipate it. "Perennial philosophy," he raises, "is basically an emphasis on a single, divine reality vital to the tangled world of things and life and mind. Regardless, it is a fact of fact with a decisive purpose that it cannot be, clearly and immediately squeezed in somewhat different ways.

What may be useful in the field of force is to focus on those created by individuals who were, and who changed their human technology to be, more than the degree of humanity and data they originally were perfect.

Of course Huxley does: taking into account his evaluations made by favorite persons and sages, he gives us their point of view on the customary parts in his blueprint, then, at that point. This is, frankly, a reform that is nothing new to be abandoned. Had he taken the didactic part of his effort more seriously, he might have had the option of pointing out some additional conclusively demonstrated features.

Huxley discusses "the science of mind which finds in the soul that something is essentially at odds with, or even suspicious of, divine reality". Huxley did not fail to attack this subject again and again.

Huxley has little sympathy for the grimly reliable Starkness. Curiously, those past boisterous devotees who force their bodies to the most foolish kind of inaction, or asceticism, are not in every case those who follow the occasion of an unmanifested, immovable, soul.

If it is attempting to differentiate between different reassurance types, then the world of wonder itself begins to separate itself into something by definition. It is not really surprising that credible fiction presents issues of definition, especially given the enduring belief that this solicitation suffers from abnormality and irregularity.

While it is beyond the level of this piece to remove the barriers of individual self-confident groups, it is no joke to reformulate the general characteristics that confirm the transformation of Brave New World into destructive fantasy.

The grand vision of utopia is not to envision a completely impossible world. Another part that portrays the wrong world is their individualistic nature. The standard ripping legend needs to eliminate the very latest thing of a very political structure that prevents people from achieving their squeezing distinctions including the fulfillment of their own goals.

Focusing on individual cases, highlights no less benign issues, keeping in mind that the fights and fundamentals of the legends of the world of abuse should be seen against the support of social abuse and complete emptiness .

Absolutely phenomenological rule making is certainly not clear. For a conversationalist to that end, it most likely went through a long course of the relationship before it apparently managed to supply a total supply of rendezvous. Even as some makers have actually added idioms and world-famous expressions to protect their other dialects, they have expected to accept that the nascent rule will continue. This is the sort of thing that Huxley could never accomplish when he made *Brave New World*. Despite the above difficulties, a verifiable necessity thus misses the suggested social valuation of the wrong world. Thus, there has to be some kind of connection between this persistent reality and the unusual depressing culture so that the reader can form some close questions.

## **Discussion**

The word dharma can be used and translated in various ways, consequently, the piece consolidates the meaning of dharma as an imprint of the universe, a perspective on how we should live, an idea of a world beyond the standard world and a belief in God or in a great deal or cycle.

The process in which a religion is created, the religion is subject to a cycle called validation. This shows that data is seen and legitimizes social mentions or installations. For example, rulers or political experts have been viewed as having been sent by God or even as being God.

The person, as a newly conceived youth, is bound to socialize in any event, yet is a resident. The youth goes through a cycle called elemental socialization, where the imprint of oneself is outlined in the world and others, thus, creating a person who is separate from the typical people and environment that surrounds them. Typical changes in a resident through fundamental socialization.

Discretionary socialization suggests that single fans exclude data from a specific occupation or political position. Vishisht has thus outlined an influence and influenced categorical data such as language and norms. The individual plus, spontaneously or intentionally, takes the evaluation, thoughts and ideas that are considered a place with the specific combination that the individual is basic through his work. The personality of this profession should be close to the character of the dominant socialization.

Huxley's life is fully depicted in the records of Sybil Bedford. Huxley had a protected and exuberant youth, but when Huxley was fourteen, his life as his reverend mother fell out of the blue novel. Soon afterwards, he lost much of his visual insight to a concussion, which caused him to give up school and his plans to become an expert now ridiculous. Five years later again, Huxley had the option of starting to concentrate, but soon after, his family put an end to everything and the explanation is considered hopeless love. Huxley is said to have been fundamentally free of these events.

Huxley, again, expounds that Dennis lacks faith in the religion here and would prefer not to belong to it. The strong view that Huxley, apparently, takes against such certainty can be made in



such a way that Huxley, the running second, is said to “not manage to fake supernaturalism”. Huxley characterizes both the religion and the two lovers as illusory indicating that it is the certified type of supernaturalism that he regards as “fake”. This event takes place a few pages into the novel, which may likewise be indicative of how Huxley viewed this religion as it influenced him significantly to spread it all over, that he believed in this “fake”.

Some speculative conclusions can be drawn from the above assessment. However, the clearly minded and alternative approach to controlling the exploitation of phonological devices is an important piece of gloomy fiction.

## **Conclusion**

According to one point of view, changed proverbs are the prime means to establish the meaning of cure and mental evasion, according to the philosophical game plan of this phenomenon of terrible record; and mindless industrialist commercialism, on the other. These two approaches, chosen as a break course from basic reality, are thus central parts to Huxley’s overall expressive support of the built society.

As a technique to the end, it may be said that the law is for Huxley an important mark of assimilation in his undertaking to create a ghastly culture that heaps obscenity on the present day without doubt as completely devalued. Comparable to the image form in a twisted mirror, the twisting is actually achieved by standard light transmission, which is reflected in a twisted manner.

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## **CRISIS OF MALE BACHELORHOOD IN HARYANA: A SOCIOLOGICAL ANALYSIS**

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### **Abstract**

According to the census 2011, a substantial proportion of males at marriageable age in Haryana state are never married. Males of marriageable age in the state are constrained to living single because of deficiency of brides. They are not able to get wife in a conventional way. This increasing number of involuntarily unmarried males in Haryana is an issue of concern. Although the phenomena of involuntarily bachelorhood are basically an outcome of demographic imbalance but it also can be explained in socio-cultural and economic context. This increased population of involuntarily unmarried males has resulted into many negative consequences also. This paper engages with the present scenario of male bachelorhood in Haryana, responsible factors and consequences of this problem.

### **Introduction**

Today, India is in the stage of population transition which is characterized by fall in the birth rate while the death rate stays constant at a low level. This sudden fall in birth rate is resulted into demographic imbalance. In a patriarchal society where a male child outranks the female child, the birth of first or second offspring is expected to be in the form of male child. Due to this, the sex ratio of India is getting skewed that is resulted into excess of males and deficiency of females. According to the census 2011, the sex ratio of India is 943 females per 1000 male. Major factors responsible for this skewed sex ratio are patriarchy, sex selection against female child, pre-natal sex determination and considering daughter as a burden and preference to male child etc. Due to skewed sex ratio men at marriageable age are getting surplus and they are not able to find girls to marry. This situation is so severe in Haryana where the sex ratio is lowest, i.e., 879 females per 1000 males and 123 males of marriageable age are surplus in Haryana. So, the population of unmarried males in Haryana is increasing rapidly. According to the census (2011) 30.53 % males of age group 20-39 in Haryana are never married. Recent studies by Kaur (2004), Chowdhry (2005), Ahlawat (2009) Mishra (2013) and Kotamraju (2014) examined that in Haryana males at marriageable age are facing a problem to

find brides in local area. There are many other socio-economic and cultural factors like traditional rigid marriage rituals, unemployment, and lack of education, decreasing size of agricultural land, drug addiction and alcoholism which are responsible for this situation. Singh, Parihar & Devi (2018) examined that poverty, size of land, unemployment, physical disability, drug addiction and alcoholism, no sister for *Watta-Satta* or exchange marriage, parents not alive or step parents are all revealed reasons for not getting girls to marry in the local marriage market. This rising population of involuntarily unmarried males in Haryana is a major problem for the society.

This disorder in the marriage market can be harmful for the social system. It is considered that marriage provides duties and responsibilities to the participants and their children. In the Indian society marriage has religious and cultural value along with social and legal importance. According to a Vedic passage a person is unholy if he is unmarried. (Altekar, 1938:36) An unmarried man has different life style, behave, attitude and living conditions. An unmarried person is considered less responsible and trustworthy in the society. Involuntarily unmarried males today are attracting worldwide attention because of their potential threat to social security and stability. Being involuntarily unmarried is considered a stigma in our society. Some studies have examined the antisocial behaviour of unmarried males. According to Robert Wright (as cited by Hudson & Boer, 2004) an unmarried man between 24 to 35 years of age is about three times crime prone than married man. Hudson & Boer (2004) concluded that those young unmarried males involved in mostly violent act against women who lack stable social union. This work is based on secondary data and it throws light on the present situation of the problem of male bachelorhood in Haryana, responsible factors and consequences of this problem.

### Context of the Problem

Marriage is considered the most important social institution in almost societies. Marriage has social, religious, cultural, biological and psychological importance for human being. Marriage is a stable relationship in which a man and a woman are socially permitted, without loss of standing in the community, to have children. (Johnson, H.M., 1961) Marriage is an important institution for admitting male and female into family life that legitimates their children and provides certain rights and obligations to participants and their offspring. Marriage provides safety, security and stability to social life. In the Indian society where religion and culture affect every aspect of life, the institution of marriage is considered very significant. But today in this post-modern society the institution of marriage and local marriage market (from where the individual of opposite sex can be found to marry) are disturbed by socio-economic and demographic factors. The marriage market in India is characterized by surplus of males and drought of brides to marry. Due to shortage of brides a subsequent ratio of young males (*gabhrujawan in Haryana*) is single unwillingly. Involuntarily bachelorhood particularly in rural society is an emerging and worldwide attracting phenomena nowadays. Many demographic and socio-economic circumstances are responsible for the phenomena of involuntarily bachelorhood. According to demographers the skewed sex ratio produces adverse circumstances in local marriage market. Due to which the surplus members of numerically larger group are constrained to remain single or to marry in unconventional way. Haryana having the lowest sex ratio (879/1000) is the most suffering state from this problem. According to this data 123 males will be surplus and they will not able to find a girl to marry in their local marriage market. In

Haryana males at marriageable age are not able to get bride in local marriage market. High level of patriarchy, patrilineal and patrilocal norms, sex selective abortions, sex determination technologies and considering daughter as a burden by parents is resulted into skewed male to female ratio. Ashish Bose (2001) used a new acronym *DEMARU* or daughter killer states for Punjab, Haryana and Himachal Pradesh. Amartya Sen (1990) coined the term 'missing women' to describe the situation of skewed male to female ratio. As explained by Sen that more than 100 million women are missing in China, South Asia, West Asia and North Africa. Due to this Indian society in its contemporary context is struggling with an emerging crisis i.e., involuntarily bachelorhood. The same situation was faced by China when the government imposed *One Child Policy* in 1979 to control the population growth. Due to patriarchy and patrilineal roots and one child restriction the families in China preferred male child and this resulted in 4-5 percent increase in male child. This change produces adverse circumstances in marriage market that led to male marriage squeeze. This decreased sex ratio has resulted into shortage of female child and future brides because when you pick up one end of a stick, you also pick up the other. This problem is very intense in North Indian states particularly in Haryana, Punjab, Rajasthan and Himachal Pradesh. As Chaudhary (2014) concluded that due to misuse of medical technology and abortion of female foetus there can be seen decreasing sex ratio in Haryana, Rajasthan and Punjab. This skewed sex ratio led to bride shortage in local marriage market of these states. According to another perspective socio economic conditions also matter in matrimonial decisions. In the prosperous state like Haryana the parents of daughter seeks a bridegroom equal to their status. (*choribrabr kagharmeindenge*) Every parents of a daughter particularly in dominant caste try to select a groom which is financially strong, having agricultural land, educated, employed, physically normal and having social prestige etc. Absence of most of these traits resulted into involuntarily bachelorhood. As explained by Kaur (2004) there are many factors like unemployment, drug addiction and alcoholism, sex ratio, poverty which are responsible for this situation in Haryana. Singh, Parihar & Devi (2018) examined that poverty, size of land, unemployment, physical disability, drug addiction and alcoholism, no sister for *Watta-Satta* or exchange marriage, parents not alive or step parents are all revealed reasons for not getting girls to marry in the local marriage market. Earlier studies revealed that sex ratio and land disintegration were the primary responsible factor for this situation but at present socio-economic and cultural factors are also as responsible as sex ratio and land. According to the gender perspective feminism movements, women's education, empowerment, equity, more job opportunity, late marriage, urbanization and modernisation are some factors that make a girl and her parents aware about mate selection. Due to these factors the males of marriageable age in Haryana are facing a drought of brides. The situation is very severe in dominant castes. This drought of brides led to non-customary marriages, cross region marriages, bride buying, exchange marriages. The Existence of mass number of involuntarily bachelors can lead to negative consequences and implications on social system.

### **Objectives of the Paper**

The research objectives of the proposed study are the following:

1. Highlight the present situation of male bachelorhood in Haryana.
2. To know the responsible factors of the social problem.
3. Sociological analysis of its consequences and implications.

## Research Methodology

The methodology is an important part of the research process. In this context, Karl Pearson wrote (as cited by Kothari & Garg, 2019;8) ... the unity of all sciences consists alone in its methods, not it's material. This research paper is based on secondary data.

## Present Scenario of the Problem

According to the census (2011) 30.53 % males of age group 20-39 in Haryana are unmarried involuntarily and this ratio was 24.19% in 2001. While only 11.6% girls of age group 20-39 are unmarried in Haryana according to 2011 census. Recently many studies had examined that the proportion of young males who will never get a bride in conventional way is increasing in north Indian states. Chowdhry (2005) in his study throws light on the crisis of masculinity, generated by increasing age, unmarried and unemployed men in Haryana. To meet the shortage of brides many strategies like bride buying and cross regional marriages are following by people of Haryana. According to Kaur (2013), brides are importing from other states like U.P., Bihar and Kerala where the sex ratio is balanced to deal with the drought of brides in Haryana. Young boys of marriageable age in Haryana are getting surplus due to adverse sex ratio. In local marriage market they had become unwanted because they are not fulfilling the socially and culturally defined standards to marry a girl. Kukreja (2018) in a study of Rohtak district of Haryana examined that the males of dominant caste such as Jaat, Yadavas and Ahir have to go for across region and long-distance marriages because they are not able to get a local bride. Kotamraju (2014) highlighted the problem of involuntarily bachelorhood in Bibipur village in Jind district of Haryana.

**Table I**  
**Marital Status of Males and Females of Age group (20-39)**  
**according to Census 2011 in Haryana**

Age Group	Total Male	Unmarried Male	Total Female	U.M. Female
20-24	1372799	919025	1194687	378448
25-29	1178340	313520	1053619	66570
30-34	976844	85184	916747	13990
35-39	912717	38261	849146	6059
TOTAL	44,40,700	13,55,990	40,14,199	4,65,067
Percentage		(30.53 %)		(11.58%)

According to the article, the problem of bachelorhood is so extreme in the village that 67 unmarried males of the village organised the '*Avivahit Purush Sanghathan*' and even in elections they made a demand '*bahudilao, vote pao*'. According to Singla (n.d.) human trafficking is taking place in Haryana in the form of bride buying and forced marriages because of deficiency of local brides. An article in The Economist (2015, April 18) highlighted the problem of lower sex ratio and the deficit of marriageable girls in Haryana. The problem is so intense that the *Satrod-Khap* (*khaps* are informal local councils in Haryana) of Haryana has relaxed its ban on inter-caste marriages because of a shortage of brides in dominant caste and local area of Haryana. *Kandela-khap* in Jind district of Haryana has divided its 28 villages into two parts to allow the marriage in nearby villages.

According to Khatry (2014) due to skewed sex ratio, *Gabhru-Jawans* of Haryana are facing a bride crisis. They have no choice except bride buying and cross region marriages. Dheer (2015) highlighted that the people in Haryana are breaking traditional marriage stereotypes to counter the problem of bachelorhood. The barriers of marriages in villages of same block or brotherhood villages have removed to solve this problem. Involuntarily bachelorhood is increasing as a critical issue in our society. Involuntarily bachelors are those people who became non illegible in marriage market and who are unwanted. They are not fulfilling the the culturally and socially defined parameters of local marriage market. Involuntarily bachelors are considered as bare branches because they will not bear any fruit. Many terms are used for these involuntarily bachelors like '*chhada*' in Punjab, '*randa / randamalang*' in Haryana & '*randiyon*' in Rajasthan. Involuntary bachelorhood is a worldwide crisis nowadays and attracting many researchers to study. Mostly researcher examined this problem from a demographic perspective. But this problem is also associated socio-economic and cultural dimension. As explained by Wei & Jhang (2015) involuntary bachelorhood is compounded by marriage patterns which conform to the patrilineal power structure where men outrank women in many respects.

### **Responsible Factors for the Problem of Involuntary Bachelorhood**

There are many demographic, socio-cultural and economic factors which are responsible for the phenomena of involuntary bachelorhood. According to demographers the skewed sex ratio produces adverse circumstances in local marriage market. Due to which the surplus members of numerically larger group are constrained to remain single or to marry in unconventional way. On the other hand poverty, property, size of land, unemployment, physical disability, drug addiction and alcoholism, no sister forexchange marriage, traditional restrictions on marriage system, absence of parents at the age of marriage are all revealed reasons for not getting girls to marry in the local marriage market. Recently studies revealed some of most responsible factors for this emerging crisis in Haryana are as follow:

#### **I. Demographic Factor**

According to the demographic perspective skewed sex ratio produces adverse circumstances in local marriage market. Due to which the surplus members of numerically larger group are constrained to remain single or to marry in unconventional way. According to the census 2011, the sex ratio of India is 943 females per 1000 male. It means that 57 males are surplus and they will not able to get an Indian bride. The census (2011) data revealed that about 2 million males of marriageable age are never married in India. This situation is more adverse in Haryana due to its lowest sex ratio. The sex ratio of Haryana, according to 2011 census is 879 females per 1000 males. This data reveals that 121 males are surplus and they will not get a local bride. Sex determination techniques and declining fertility rate has resulted into skewed and male favoured sex ratio. High level of patriarchy, patrilineal and patrilocal norms, elimination of daughter before birth, sex determination technologies and considering daughter as a burden by parents is resulted into skewed male to female ratio. Ashish Bose (2001) used a new acronym *DEMARU* or daughter killer states for Punjab, Haryana and Himachal Pradesh. Amartya Sen (1990) coined the term 'missing women' to describe the situation of skewed male to female ratio. As explained by Sen that more than 100 million women are missing in China, South Asia, West Asia and North Africa. Due to this imbalanced sex ratio young boys in

Haryana are getting surplus in local marriage market. Mishra(2013) concluded that due to skewed sex ratio Haryanvi boys are facing a bride drought and they have to go for cross region and unconventional marriages. So, the skewed sex ratio is one of the most affecting and responsible factors for involuntarily bachelorhood in Haryana. Women's educational level, job opportunity, changing perspective of society towards a daughter, urbanization and western culture made it a rational decision to select a bridegroom.

## 2. Socio-Cultural Factors

The problem of male bachelorhood can also be explained in socio-cultural context. Forsyth & Johnson (1995) told that men are defined in terms of their socio-economic status while women in terms of their look. Some social and cultural factors like traditional marriage norms, drug addiction and alcoholism, low social prestige, absence of parents at the age of marriage are such responsible factors for this crisis. Singh, Parihar & Devi (2018) examined that poverty, size of land, unemployment, physical disability, drug addiction and alcoholism, no sister for exchange parents not alive or step parents are all revealed reasons for not getting girls to marry in the local marriage market. In Haryana clan exogamy, village and territorial (*khap*) exogamy, prohibition to marry in clan of mother, father's mother, mother's mother and caste endogamy are some marriage norms that distorted the local marriage market in Haryana. Social structure of Haryana can be characterised as mechanical solidarity of Emile Durkheim because people in Haryana follow traditional rules and rituals unconsciously. Daughter in Haryana is considered as an issue of social prestige for whole family (*Baap ki pagdi*). Many couples who breached traditional marriage norms in Haryana have been killed for flaunt social prestige. Kaur (2015) examined that *khap* activism and honour killings are resulting in bride shortage in Haryana, Punjab and western U.P. So, inter-caste marriage, love marriage and runaway marriages are considered stigma. So, the parents of a daughter want a bridegroom of socially acceptable group. These socially and culturally defined norms of marriage are major barriers to find a local bride for males of Haryana. Another responsible factor for crisis of brides in Haryana is alcoholism and drug addiction. Drug addicted males of marriageable age are ruling themselves out of local marriage market due to addiction of drugs and alcohol. They are considered as non-responsible and trustworthy and having low social status. As Ahlawat (2009) examined that families of drug addicted are not ready to take responsibilities of them and they did not want to marry them. Kotamraju (2014) explained in her study of a village *Bibipur* that alcoholism is as much an issue as daughter elimination. According to Ahlawat (2009) drug addicted are not responsible to their family and they do not contribute economically to their family.

## 3. Economic Factors

The crisis of marriage in North Indian states especially in Haryana and Punjab is also aggravated by changing economic structure. Economic situation is considered very important in matrimonial decision. There are some most effective factors responsible for the crisis of bachelorhood in Haryana like unemployment, small land holding, poverty, occupation of parents etc. As Srinivasan (2013) concluded that lack of education and employment are the root cause for this situation. Now service sector especially government jobs are considered prior than traditional occupation, i.e., agriculture. However, the parents desire for a groom which has salaried and urban job. As explained by Kaur (2015) jobs are very crucial for males to marry in local marriage market. But due to population

growth and lack of resources many younger males remain unemployed and without any occupation. Those unemployed males become unwanted in marriage market. Ahlawat (2009) concluded that unemployed and lower status males have to go for across region marriages. Prior only the symbolic capital educed from agricultural land was sufficient for a man to be eligible in marriage market but today the scenario is no longer so. Earlier, agricultural land was considered most important and an issue of social prestige. The more land holding an individual had, the more chances to get a local bride. Due to patrilineal norms and division of land, the size of agricultural land per individual is decreasing day by day. The capital income derived from small land holding is considered not sufficient for livelihood. So, parents prefer a groom who have regular sources of income or big land holdings. Also, the extreme poverty and occupation of parents of groom is a responsible factor for not getting a local bride in Haryana.

#### **4. Other**

Having lower social status, absence of parents at the age of marriage, no sister for exchange marriage, are also some of reasons for the situation of bachelorhood in Haryana. Physical disability is also a major barrier in finding a girl to marry. As Singh, Parihar & Devi (2018) in a research work in Kaithal district found that a man with sound economic situation and big land holding is unmarried due to physical deformity. In traditional societies marriage is also linked with the age of person. If a man has crossed the right age of marriage, there is very few chances for him to find a bride. In Haryana *Watta-Satta* marriage or marriage by exchange is also opted for getting a bride. But those males who have only brothers but no sisters for exchange, have to remain single.

#### **Consequences of the Problem**

Because of sex selection in the favour of male child and son preference, the number of brides is decreasing, so, males are not getting a bride to marry. The number of bare branches is increasing day by day. Recent studies only focused on this problem in the context of the imbalanced sex ratio. Mukherjee (2013) focused on major social implications due to crisis of girls in India. Bride buying, cross-region marriages, violence against women, forced marriages, loss of human capital, etc. are some consequences of societies having imbalanced sex ratio. These unmarried males have following consequences on social structure.

##### **1. Impact on traditional marriage practices**

Due to male marriage squeeze in Haryana, traditional marriage practices are breaching. Unmarried males in Haryana are moving towards coping strategies such as inter-caste marriage, cross region marriages, removing barrier of *khaps*, specific clans and nearby villages and exchange marriages. Kaur (2005) examined that rules of village and *khap* exogamy which squeeze the marriage market are relaxing. Recently, a famous territorial group of Haryana, the *Satrol Khap*, relaxed its rule to marry in nearby villages because of shortage of girls. Dheer (2015) examined that traditional stereotypes like not to marry in nearby villages are breaching today. Due to shortage of girls in local area brides are buying from other states like Bihar, Jharkhand and Utter Pradesh.

##### **2. Impact on dowry system and bride price**

Brides are buying from those states which are economically weaker and where sex ratio is



balanced. As Singh, Parihar & Devi (2018) explained that the shortage of brides in prosperous states like Haryana has led to the import of brides from poverty ridden areas. Kaur (2014) revealed that due to crisis of brides in Haryana, brides are importing from other states like U.P., Bihar and Kerala etc. where the sex ratio is balanced. Another prominent feature in local marriage market of Haryana i.e., dowry is not important today. The families of those males who have low chances to get marry, only demand a girl not any type of dowry. As Ahlawat (2009) concluded that demand of dowry in marriage has gone up. Mishra (2013) examined that males of such states where sex ratio is low are opting for dowry-less and across-region marriages.

### **3. Impact on Individual**

Being unmarried in traditional society is considered as a stigma. These unmarried males are unstable factors for society and wield significant impact on collective conflict. Society has a different perspective towards these unmarried males, so they feel alienated from society. They do not contribute in the progress of society. They have no responsibility and commitments towards their families. They feel disturbed emotionally, socially and mentally. So, they follow the way of deviance and engage in anti-social activities.

### **4. Crime and Violence**

Increasing numbers of unmarried males in Haryana is an issue of concern. It is considered that unmarried males are like those branches that will never bear fruits and they will not have their own family. Marriage not only provides safety, security and stability to a person in life but also impose a bundle of duties, responsibilities and maturity. As Skardhamar, T. & others (2015;433) stated that marriage is expected to change routine activities in ways that increase time spend in pro-social settings and reduce time spent with antisocial peers. But unmarried males have no such duties and responsibilities regarding their off-springs and life partner. So, unmarried males feel alienated from society and engage in criminal and anti-social activities. Robert Wright (as cited in the study) explained that an unmarried man between 24 and 35 years of age is about three times as likely to murder another male as is a married man the same age. Homosexuality, adultery, prostitution, sexual assault etc. are also some consequences increased due to male marriage squeeze. Laub, Nagin & Sampson (1998) concluded that resistance from crime is facilitated by marriage or marital bonds.

### **5. Human trafficking in the form of forced marriage**

Due to imbalanced marriage market males of Haryana are seeking brides by force. It is considered that marriage is one's personal choice. So, United Nations considers forced marriage as human trafficking. Many studies examined that girl from economically weaker states such as Bihar, Jharkhand, Uttar Pradesh etc. are trafficked for marriage in Haryana.

### **Conclusion**

Marriage provides stability and value to human relationships. A married person has high responsibilities and duties towards his family and offspring. Recently, many changes can be seen in the institution of marriage. Many factors are affecting the rites and rituals of marriage. One of the most important factors is the skewed sex ratio. Skewed sex ratio is the result of son preference, patriarchal ideology and selection of offspring in the favour of a male child. This situation is very

intense in highly patriarchal societies like Haryana. Due to this skewed sex ratio in Haryana, local marriage market gets imbalanced. Males of marriageable age are not able to getting local brides. The problem is correlated with demographic, socio-economic and cultural factors. The study examined that there are some most prominent factors such as skewed sex ratio, unemployment, poverty, land ownership, drug addiction, physical disability responsible for the crisis of brides in Haryana. This disorder in the marriage market can be harmful for the social structure. This crisis of male marriage is coping with non-traditional strategies such as inter-caste marriage, cross region marriages, bride buying and forced marriages. Also, the problem is resulted into breaching traditional marriage norms and crimes and violence against women. The unmarried males are experiencing and creating a lot of tension in their society particularly regarding their masculinities. The study revealed that males who are marginalized in the local marriage market because of demographic imbalance, cultural and socio-economic factors are getting stigmatized in society.

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# **CONTRIBUTION OF TRADITIONAL KNOWLEDGE IN DEVELOPING ORGANIC COSMETIC INDUSTRY IN INDIA: ANALYSING THE FRAMEWORK, ISSUES AND THE ROAD AHEAD**

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“When an elder dies, a library burns down to the ground.”

—**African Proverb**

## **Abstract**

For millennia natural ingredients have been observed as an integral part of many indigenous cultures. Traditional Knowledge (TK) in most local and indigenous communities is said to be their backbone, providing not only medicinal value but also plays an important role in beautification, healing, wellness, etc. In both developed and developing countries, organic cosmetics are now gaining importance over their conventional counterparts. In countries like India where there is a reservoir of rich natural resources, organic cosmetic culture is the best way to turn TK into rich quality products. But in this quest for safer alternative transgression into the rights of indigenous people is clearly evident. This paper provides an overview on range of organic cosmetic owing to the traditional usage of plants and herbs in Indian indigenous communities. At the same time, it also sheds light on the current situation of unprecedented exploitation of TK thereby leading to expropriate the indigenous community of their rights. Finally, the paper explores the points of convergence and divergence on the application of IPRs with respect to TKDL which not only help facilitate development and but also protect the indigenous community and their interest. TK if wisely explored, various cost-effective organic product(s) can be developed, boosting the Indian organic market, and strengthening the socio-economic condition of the country.

**Keywords:** Traditional Knowledge, WIPO, TKDL, Organic Cosmetic, Intellectual Property Rights.

## **Introduction**

Intellectual property right (IPR), most commonly envelops the set of rights that provide the creator with exclusive right over their creation. Innovation-based intellectual property rights may

be protected by a patent, copyright, trademark, geographical indicator, trade secret, or private information. Such rights are per se industrial or commercial intellectual property rights (IPRs), establishing rightful ownership and preventing unlawful use of property, in any of the ways. Among them is a comparatively newly acknowledged right specially pertaining to the indigenous people's rights and local communities rather than being purely industrial or commercial, widely known as traditional knowledge (TK).

Traditional knowledge is knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual<sup>1</sup> identity. It can range from traditional medicine, environmental knowledge to art, symbols, and music.<sup>2</sup> It includes traditional practices, and philosophies, often held collectively by indigenous communities, rather than by individual person. Traditional knowledge can be comprehended as 'a living body of knowledge' or information which is transmitted over generations, within the community or families there in, generally in an oral and informal form. Since, traditional knowledge is often oral and practical, hence cannot be completely protected by conventional intellectual property (IP) systems. Although indigenous knowledge could not be patented per se, but innovations derived from them, either in combination or after reformulation have been found patented not just in the country of origin, but beyond.

India is a hotspot of diverse flora and fauna, housing innumerable fragile and unique species, forms an extremely rich biodiversity. The unique characteristics of different ecosystem and its combination allow various natural and organic adaptations, leading to the production of a large spectrum of bio diverse resources. India holds a vast repository of traditional knowledge associated with biological resources,<sup>3</sup> which holds a high potential for producing natural and organic compounds. Lately, such bio-resources have been exploited for various purposes, ranging from sheer commercial to research purposes, including cosmeceutical<sup>4</sup> and medicinal purposes. Despite, most of it is either untapped or lost with time. This includes herbal and plant based medicines, homemade remedies, cosmetic preparations, health products etc. TK closely interlinks biodiversity preservation and rights of indigenous people over their knowledge and assets. In recent years, with technological advancement and growing research pattern, this traditional knowledge is being exploited and further commercialised at an incessant pace, without acknowledging the interest of indigenous groups. This Growing trend in exploitation of traditional knowledge, and demand of protection, has led international law to recognize and establish protection relating to TK. Consequently, in its policy, WIPO has administered a system under which protection has been categorised in two different aspects- Defensive Protection and Positive Protection<sup>5</sup>. WIPO along with its member states take part in negotiations within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC),<sup>6</sup> to develop international legal instrument(s) to ensure effective and balanced protection of traditional knowledge, genetic resources and traditional cultural expressions (folklore).

### **Reasons for the trend in Organic Cosmetics**

Cosmetics are useful items or products that you put on your body or face in an effort to improve your appearance<sup>7</sup>. Cosmetics, thus form an integral part of daily lives in present times. Cosmetics are majorly the chemical preparations of several active ingredients meant to address various issues, right from beautification, cleansing, correcting and to check the damage caused to the skin (or hair). Increasing consciousness of sustainability and the consequences of using chemical-laden products on human health and well-being has led people to shift from conventional cosmetics

to their organic counterparts. Other reasons contributing to the increase in demand for organic cosmetics, especially in developing countries like India is, due to their affordability, capacity to be customized, accessibility and wide range of raw materials available, and abundance of rich traditional knowledge about the use of plants and their medicinal and healing properties. Presently, modern consumers are exhibiting a great inclination towards ancient traditional knowledge and techniques of beautification, rejuvenation and healing more than ever. As a result, natural, organic and plant-based products have garnered immense faith even in the west. The use of organic ingredients from a variety of botanicals and natural sources performs dual functions (i) the organic and active ingredients present therein provide adequate potency to the product which influences and enhances the biological function of skin/hair and, (ii) organic products are not only chemical free and safe for skin and body but also for the environment. Organic cosmetic is thus associated with not only superior quality, chemical free safer products, but also promotes environmental-friendly-ness, improved health, and even animal welfare. Today owing to various research and scientific advancements, these natural preparations in the form of cosmetics have garnered a wide range of commercial and non-commercial attention. This increasing interest towards organic cosmetics is posing threat to this valuable asset in many parts of the world. Growing inclination towards indigenous knowledge has made this age-old traditional know-how vulnerable to exploitation.

### **The Significance of Traditional Knowledge in the Indian Cosmetic Industry**

Natural ingredients and preparations have been used traditionally for millennia across various cultures around the world. India being home to 104,545,716 indigenous<sup>8</sup> populations holds a vast reservoir of traditional knowledge. Traditional knowledge (TK) is closely associated with identity of local and indigenous communities. They rely on this knowledge reservoir for their routine purposes and other aspect of daily life. Application of traditional knowledge in form of medicines and healing preparations has been observed as a common practice in various indigenous cultures. In countries like India, the traditional value of medicinal plants and herbs has never been denied, rather it is interwoven closely with the lives of the native people. Based on Indian traditional knowledge, many homegrown indigenous brands have sprouted in the last few years. With the effective utilisation of TK, they are able to harness the power of organic ingredients and create natural blends fulfilling the need for organic cosmetics in the consumer market. Plant-based medicine<sup>9</sup> and preparation along with potency ensure less or no consequence. Natural products derived from plants and herbs exhibit similar beneficial effects just like chemically formulated products, but with the least chemical exposure. Medicinal plants are primarily the secondary source of income for poor populations, after health care<sup>10</sup> thereby strengthening these sectors may benefit not only indigenous people but may provide new dimensions for indigenous businesses to thrive. This helps to develop, create and customise products according to the need of the consumer base, integrating locally available resources and indigenous techniques with some modern transition. Without this knowledge, many species and their properties may never have been identified. Thus traditional knowledge is potentially guiding the modern organic cosmetic industry by reviving the (forgotten) importance of various plants and their beneficial properties. The importance of traditional knowledge in the Indian economy, especially in industries like pharmaceuticals, cosmetics and wellness cannot be denied, as their focus has been shifted to organic and naturally derived products. Traditional Knowledge has renewed the face of organic cosmetic industry in India by revealing the benefits of various bioactive compounds incorporating them with modern know-how, to augment the potency of the preparation

## Protecting Indian Traditional Knowledge

Traditional knowledge systems are passed on to us by our ancestors. They had a rich and deep understanding of the characteristics and elements of the biodiversity they inhabited. Since most traditional knowledge is practical and oral; they are available freely in the public domain. These knowledge systems have been known to be exploited commercially minting money, endangering the cultural heritage and even livelihoods of indigenous communities that completely rely on them. Our traditional knowledge about the use of plants and herbs as described in the ancient system of Ayurveda, Siddha and Unani is of great help to identify the bioactive compounds. These combinations form the basis of the preparation of modern organic cosmetic formulations. None of these herbs, biological resources and their combination is patented, which leaves them unprotected and vulnerable, especially to foreign threats. Investors sensing the inherent potential in this segment, quickly grasp this opportunity to mint more money, providing competition to their Indian counterparts. Consequently, it gives international conglomerations the opportunity to monetise on these indigenous formulations and earns profit by overlooking the interest of these communities.

The way intellectual property rights have been designed in modern prospect, traditional knowledge stands outside the purview of patent laws, and does not protect it directly. In India, traditional knowledge per se cannot be patented<sup>11</sup> because such knowledge lacks the inherent characteristic of *novelty* and *inventive character*, which is essential for patents. Since traditional knowledge systems have existed for years, they are considered 'prior art' and do not qualify for patents. It is strongly believed and feared by these communities that documentation of traditional knowledge would expose their traditional knowledge to the outside world, which would gradually expropriate them of their inherent right. Thus, there is a rising demand to strike a balance between documenting traditional knowledge and protecting it from exploitation and misuse. The Traditional Knowledge Digital Library (TKDL) was established in 2011 to deter patent offices from approving requests based on India's profusion of centuries-old TK. The TKDL is a unique repository of India's traditional medical philosophy aiming to prevent the patenting and misappropriation of countries' indigenous knowledge. It bridges the linguistic gap between indigenous traditional knowledge expressed in various Indian and international languages. So, it can be described as a prior art catalogue that could assist patent examiners in identifying and rejecting patent applications based on already existing Indian traditional medical knowledge.<sup>12</sup> TKDL is a proactive strategy that establishes a database to stop the issuance of invalid patents. A representative database of TKDL contains about 1250 formulations selected from various classical texts of Indian Systems of Medicine<sup>13</sup>. As per WIPO's policy,<sup>14</sup> TKDL proves to be a powerful weapon defensively protecting India's traditional knowledge. Prior art may be quickly categorised and biopiracy can be avoided by converting Indigenous traditional knowledge into systematically organised, documented information. Wherever traditional knowledge is transformed into scientific innovations and classified as TKDL, prior art will invalidate the patent application if it is claimed as intellectual property under the protection of patent law anywhere in the world. More than 4.0 lakh formulations/practices have been transcribed into the TKDL database to date.<sup>15</sup>

## Conclusion

Traditional Knowledge being a rich cultural heritage and backbone of indigenous community is adapted, evolved and transmitted through generations. It not only forms an integral part of the

culture, environment and tradition of indigenous communities but at the same time holds the potential for economic growth and development of a country. However, considering the vulnerability of this rich heritage and the intervention of foreign players and large conglomerations, indigenous knowledge seems to be in danger of misappropriation. To provide a defensive protection mechanism, the digital library on Traditional Knowledge (TKDL) was created. It was an attempt made by the Indian Government to curb biopiracy and misappropriation of traditional knowledge. Intervention by TKDL reveals both possibilities and pitfalls, as it documents the hidden gems of indigenous traditional knowledge in classified databases. On the one hand, documentation acts as a means to record and protect it from erroneous patents, whereas at the same time, it also opens the door for the world to explore it. Nevertheless, if properly explored, various low-cost locally manufactured product(s) can be developed, which can strengthen not only the socioeconomic well-being of society in general but also the local communities. It has proved to provide the opportunity for local businesses to explore the wealth of indigenous knowledge and curate a different kinds of organic and herbal products, making a difference for both consumers and businesses.

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## **CHOICE BASED CREDIT SYSTEM (CBCS) IN INDIA: AN ANALYSIS**

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### **Introduction**

The prime aim of Indian education is the all round development of a child, but it is quite evident that all round development is like a day dream because the current system is not developing even a single ability in the child. Our education guides students to get good marks and not to get knowledge. The nature of Indian education system is much diverse and encompasses inherent problems of diversity in implementing the uniform system of evaluation. The fundamental weaknesses of the system are lack of transparency. Undoubtedly, education plays very important role in the process of nation building. Among all the sectors of education, higher education is considered as the backbone of the nation. As, all the sorts of discoveries and innovations took place within the premises of higher education. In India, Higher education is imparted largely through Universities and Colleges. Majority of universities and colleges, particularly central universities, have adapted semester system to make higher education more compatible. However, present Indian education system producing graduates who are lacking in knowledge, skills, values, confidence and academic efficiency as a whole. The current pathetic conditions of Indian higher education system calls the necessary reformation and transformation of higher education system by introducing and devising innovations, and also by developing learner centre approach as well as globally claimed evaluation system.

The issue of assessing and assuring quality of Indian higher education is a challenge. To overcome these challenge's various reforms are put forward by different organisations and commissions from time to time.<sup>3</sup> In purview with such reforms, the University Grants Commission (UGC) is working tirelessly to bring efficiency and excellence in the Higher Education System. This efficiency in higher education is possible through innovation and improvements in aims, objectives, teaching-learning process, curriculum, techniques, examination and evaluation systems. The University Grants Commission (UGC) has initiated several measures to bring equity, efficiency and excellence in the Higher Education System of country. One such measure was the introduction of CBCS 'Choice based Credit System and grading pattern'.

The grading system is considered to be better than the conventional marks system and hence it has been followed in the top institutions in India and abroad. So it is desirable to introduce uniform grading system. This will facilitate student mobility across institutions within and across countries and also enable potential employers to assess the performance of students. To bring in the desired uniformity, in grading system and method for computing the cumulative grade point average (CGPA) based on the performance of students in the examinations, the UGC has formulated these guidelines.

### **Concept of Choice Based Credit System**

University Grants Commission (UGC) has recommended the Indian universities to adopt Choice Based Credit Commission system. In CBCS the students have to choose from the prescribed courses, which are referred as core, elective or minor or soft skill courses. The students are provided with a chance to learn at their own pace and the assessment is graded based on a credit system. The basic idea is to look into the needs of the students so as to keep up-to-date with development of higher education in India and abroad. The semester system accelerates the teaching-learning process and enables vertical and horizontal mobility in learning. This system provides the flexibility in the curriculum designing and assigning credits. This system of evaluation is proving a boon to the students as they get the opportunity of mobility across institutions and learning at their own pace. It helps in the shift from teacher-centred education to learner-centred education.

This system is in compliance with the global grading system. All the major higher education institutions across the world are implementing a system of credits. For instance, we have the European Credit Transfer System (ECTS) in Europe's universities, the 'National Qualifications Framework' in Australia. There is the Pan-Canadian Protocol on the Transferability of University Credits. In the UK, we have the Credit Accumulation and Transfer System (CATS). Even the systems operating in the US, Japan, etc. are based on credit system.

### **General Features of CBCS**

UGC has uniformly implemented CBCS in all central, state, and other recognized universities in India. UGC has implemented this system to all undergraduate and postgraduate levels of education. CBCS consists of three main courses: Core, Elective and Foundation which are as follows-

1. **Core:** It is a compulsory course in every semester to get a specified degree. It covers the basic requirement of the programme. It is the major essential part of the discipline.
2. **Elective:** Elective courses consist of a pool of subjects from which student has to choose a specified number of subjects from which selection is to be done by students themselves. It may be specific, specialized or supportive part to the discipline. These courses may provide an exposure to the students about other disciplines along with their core part.
3. **Foundation Course:** The foundation course includes two type: Compulsory course and Elective course.
  - (a) Compulsory Foundation course are the content based courses and leads to knowledge enhancement of the individuals. These will lead to the development and amplification of cognitive skills in the discipline. They are mandatory for all disciplines

- (b) Elective foundation course or skill development course are value based courses and leads to man-making education. These will develop and amplify the affective and conative skills in the individuals.

Effective and balanced result will be drawn from the credits of all the three domains. CBCS includes non-credit courses which will be assessed as ‘Satisfactory’ or ‘unsatisfactory’. This is not included in the computation of SGPA/CGPA.

### Basic Elements of CBCS

1. **Semesters:** The assessment is done semester wise and each year is divided into two semesters. Each student is assessed on the basis of the courses taken rather than time taken. Each semester will have 15–18 weeks of academic work which is equal to 90 days of teaching. The odd semester is from July to December and even semester from January to June. There is complete flexibility in this course.
2. **Credit Point:** It refers to the number of credits for a course or to the product of grade point.
3. **Credit:** it is the unit by which the course work is measured, number of hours of instructions required per week. One credit is equivalent to one hour of teaching or two hours of practical work per week. A course can be of 2 credits, 3 credits, 4 credits.
4. **Credit system:** Each course has some basic credit requirement to be passed for awarding a degree. On passing the course at their own pace the students earn these credits allotted to the course. This act of earning the credits for a degree, diploma is referred to as credit system.
5. **Credit transfer:** If due to certain reasons an individual is not able to cover up the whole work load of a semester, the work load left in one semester can be carried out in the next semester along with the present work load. The credits of left over work load are then transferred to the present semester. It can be in two ways:
  - (a) **Horizontal transfer:** the transfer of credit is from one course to the other course but at the same level.
  - (b) **Vertical transfer:** the transfer of credit is from one course completed earlier to the other course but at higher level

These both types of credit transfer can be in the same institution (intra- institutional) or in the different institutions (inter- institutional)

6. **Semester Grade Point Average (SGPA):** It is ratio of total credit points secured by the individual in various courses registered in a semester and the total course credits taken during the semester. It shall be expressed up to two decimal places.
7. **Cumulative Grade Point Average (CGPA):** It is the ratio of total credit points secured by the individual in various courses in all semesters and the sum of the total credits of all courses in all the semesters. It is expressed up to two decimal places.
8. **Comprehensive continuous assessment:** As it is clear from the words the assessment of the students is in continuity by the teachers and the individuals themselves.
9. **Allotment of Grading:** UGC has introduced a 10-point grading system which is shown in the following table:

S.No.	Letter Grade	Grade	Grade Point
1.	O	Outstanding	10
2.	A+	Excellent	9
3.	A	Very Good	8
4.	B+	Good	7
5.	B	Above Average	6
6.	C	Average	5
7.	P	Pass	4
8.	F	Fail	0
9.	Ab	Absent	0

### How is the Credit Counted?

CBCS divides each year into two semesters. Each semester has specified hours of teaching, which provides specific credits to the students. One hour of teaching provides one credit to the students. It includes both lecture (L) or tutorial (T) or two hours of practical work/ field work (P) per week. A study course can have only L component or only T or P component or combination of any two or all the three components. The total credits counted are denoted as:

$$\text{Total Credits} = L + T + P$$

### Computation of SGPA and CGPA

The UGC recommends the following procedure to compute the Semester Grade Point Average (SGPA) and Cumulative Grade Point Average (CGPA):

1. The SGPA is the ratio of sum of the product of the number of credits with the grade points scored by an individual in all the courses taken by a student and the sum of the number of credits of all the courses undergone by an individual, i.e

$$\text{SGPA (Si)} = \Sigma(C_i \times G_i) / \Sigma C_i$$

where,  $C_i$  is the number of credits of the  $i$ th course

$G_i$  is the grade point scored by the individual in the  $i$ th course.

2. The CGPA is also calculated in the same manner taking into account all the courses undergone by an individual over all the semesters of a programme, i.e.

$$\text{CGPA} = \Sigma(C_i \times S_i) / \Sigma C_i$$

where,  $S_i$  is the SGPA of the  $i$ th semester

$C_i$  is the total number of credits in that semester.

3. The SGPA and CGPA shall be rounded off to 2 decimal points and reported in the transcripts.

### Advantages of Choice-Based Credit System

CBCS promotes all round development of the students. It would take education system as par the global standard. It permits learners to follow an interdisciplinary approach to learning. It has

shifted the education system from teacher centre to learner centre education. It helps the learners to choose courses as per their interest and complete at their own pace. It has enhanced work efficiency of the learner. It helps in the development of professional skills and avoids stress. It focuses on continuous assessment. It helps the learners to choose courses as per their interest and complete at their own pace. It ensures the uniformity in education system in terms of assessment and evaluation. It provides a cooperative and healthy learning environment. It gives a chance of mobility in education from one institute to the other institute. The system improves the job opportunities of students. This system motivates the learner to use new techniques and ICT in education. Beneficial to all types of learners, slow learners, average and gifted learners. It is easy to transfer credits from one institution to other. Individuals can select different parts of a course in different institutions. It is a sensible system not stressful and examination dominated. It helps to maintain uniformity in the education system. Loss of year/semester due to attendance shortage in any one subject is avoided. CBCS provide quality and a cross-cultural education system.

### **Disadvantages of Choice-Based Credit System**

It is not very easy to estimate the exact marks of the learner. Work load of teachers and institutes would be increased a lot. There is less focus towards main courses and no deep understanding of the course as such. It needs good infrastructure and extra burden for a universal spread of education. Regular teaching would be affected. Mobility of students from one institution to another institution would be problematic. Problems of discipline arise as students are given freedom. Subjectivity occurs in the process of evaluation. Individuals will be least serious towards their study. Mastery over concerned subject would be hampered.

### **Challenges in the Way of CBCS in India**

Though the UGC could be feeling proud in introducing and giving force to CBCS since 2015, among Teachers and Students a sense of dissatisfaction is prevalent over a number of issues throughout the country. A few of these are discussed as under:

1. To convert higher education in India from being a ‘public good’ into a ‘commodity’ in the name of quality will systematically minimize the credibility and autonomy of institutions of higher learning and make them irrelevant.
2. Indulging Teachers in policy making and curriculum design of courses is sine-qua non of any educational institution. Still, this aspect has been ignored in a designed manner.
3. The intent of the CBCS is to bring uniformity in Course structure and syllabi on an all India basis. This intended uniformity negates and undermines creativity, critical thought and is against the socio-cultural diversity and realities of society.
4. A move towards a Common Syllabus is destructive, as courses should evolve according to needs and diversity of students.
5. A close scrutiny of CBCS indicates it is going to make workload highly fluctuating. This fluctuating workload will encourage recruitment of contractual teachers. This contract- basis system will in turn adversely affect teaching standards and research programs.

## Conclusion and Suggestions

Thus, the present education system demands quality in education through the use of integrated and multidimensional approaches to meet the needs of the 21<sup>st</sup> century. So the education system should be globally framed with the help of such programmes. It is too early to say whether CBCS will be successful or not. However, so far multiple methods are followed by different universities across the country towards examination, evaluation and grading system. Considering this diversity, the implementation of the choice based credit system seems to be a good system in assessing the overall performance of a student in a universal way of a single grading system. Therefore there is the need to explore the concept of CBCS.

This is only possible through efficient teachers, proper academic environment, infrastructure etc. All the Central University, State University and Colleges should step forward towards the implementation and proper functioning of CBCS. Following are certain suggestions to improve CBCS:

1. Positive attitude is the basic requirement towards CBCS. Proper orientation, seminars and workshops for students and teachers are needed to be organized.
2. Experts are needed to be appointed for proper implementation of this education system. Professional training to the teachers to handle it effectively is definitely the need of the hour.
3. CBCS should be based on the present and future needs of students and society. Under CBCS, Percentage and grading system both the provisions should be maintained. Equalization in standard of education system should be maintained so that mobility of students could be checked. Efforts are needed to minimise the gap between Central and state Universities in regard to quality of education as well as the availability of infrastructure at point.

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## **CONSTITUTIONAL VALIDITY OF MUSLIM WOMEN (PROTECTION OF RIGHTS ON DIVORCE) ACT, 1986**

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### **Abstract**

Before the enactment of this Muslim Women (Protection of Rights on Divorce) Act, a Muslim woman, who was divorced by or from her husband, was granted a right to livelihood from her quondam husband in the shape of maintenance under the provisions of Chapter IX of the Code of Criminal Procedure until she remarried. From the enactment of this Act, questions are raised that it violates the constitutional provisions. The present papers attempts to analyze it from the point of view of constitutionality.

### **Introduction**

In India, Muslim women are simultaneously included and excluded from the enjoyment of equal rights. The reciprocal system controlling Muslim women is discriminatory on the grounds of gender and religion. If the human rights are upheld, there is a greater chance of reducing the state of discrimination. The issue of family life are an element of muslim culture. Because of their faith and the law they follow, muslim continue to maintain their unique identity.

As a result muslims also enjoy the fundamental right to preserve a their culture that is guaranteed by Article 29(1) of the Indian constitution. Family laws are a characteristic feature of Islamic civilization and are interwoven with muslim culture, as a result, maintain family law is a crucial component of Islamic culture.

### **Definition of Maintenance**

The Arabic word for maintenance Literally translated as “what a person invests over his family,” nafqah Maintenance refers to and comprises three items in the legal sense;

- (i) Food
- (ii) Clothing
- (iii) Lodging.

**Fatawa - I - Alamgiri** says maintenance comprehends Food, clothing and loading, though in common parlance it is limited to the first.



**Hedaya :** All those things which are necessary to the support of life such as food, clothes and lodging, many confines it solely to food.

Following persons are entitled to maintenance under Muslim law:

- (i) The wife
- (ii) The children
- (iii) The parents and grand parents
- (iv) The other relation

### **The Wife**

The Muslim Husband's obligation to maintain his wife arises only in two circumstances:

- (a) Status arising out of a valid marriage.
- (b) Pre-nuptial agreement entered into between the parties to the marriage.<sup>1</sup>

Right of Muslim wife to claim maintenance is different under personal law and under section 125 of the code of criminal procedure.

According to Muslim law a woman is entitled to maintenance only during iddat. However under section 125 of the code of criminal procedure, 1973 and under section 4 of the Muslim woman (Protection of Rights on divorce) Act 1986 a woman can claim maintenance even after the expiry of iddat period.<sup>2</sup>

### **The Muslim Women (Protection of Rights on Divorce) Act, 1986**

The Act extends to the whole of India and makes provisions for the nafaqa of a divorced Muslim woman during and after the period of Iddat and also for enforcing her claim to unpaid dower and other exclusive properties

#### **Preamble**

Every divorced woman in Pakistan who was married in accordance with Muslim law and who was divorced by her husband or who gained divorce from him is subject to the Act. The Act did not intend to restrict or eliminate any divorce-related rights of Muslim women.

- (i) **Reasonable and Fair Provision and Maintenance:** Section 3 of the Act provides that a divorced woman is entitled to fair provision and maintenance to be made and paid to her within Iddat period by her former husband. She will also be entitled to get an amount equal to sum of Mehr or dower agreed to be paid at time of marriage.<sup>3</sup> **Seenath v. Iqbal**<sup>4</sup>. Under section 3(1)(a) of this Act, a divorced woman shall be entitled to a reasonable and fair provision and maintenance to be made to her within the Iddat period by her former husband. It means that the divorced woman is entitled to have a reasonable and fair provision and maintenance from her former husband. The time limit for this provision and maintenance is only during the period of Iddat, as mentioned under section 2(b) of this Act.

There is nothing in this section which can be read to mean that the husband is liable to make reasonable and fair provision and maintenance beyond the period of Iddat. Use of the word 'within'

does not permit an interpretation to be put to the section that the liability of the husband to make a reasonable, fair and non-discriminatory provision for his divorced wife extends beyond Iddat.

Under section 3(b) where she herself maintains the children born to her before or after her divorce, a reasonable and fair provision and maintenance to be made and paid by her former husband for a period of two years from the respective dates of birth of such children. **In Md. Raziban Alam versus State of Bihar<sup>5</sup>**, court held that under this section a divorce Muslim woman is entitled to claim maintenance for her minor children for 2 years from the date of birth of infant.

A divorced woman is entitled to file an application before a Magistrate if the former husband has not made and paid to her a reasonable and fair provision of maintenance, Mahr or Dower. The child maintenance provision applies to all children born to her after her divorce, whether or not she remarried.

Section 3(1)(a) does not limit its scope only to maintenance. It also contemplates making of provision and maintenance to be made and paid to her within the Iddat period. Once the law is codified and brought out as an Act, it would have overriding effect on the texts, etc.. The term 'provision' takes within its fold residing, food, clothing, etc., thus fairly contemplating all future needs. Therefore, the fair and reasonable provision and maintenance contemplated by clause (a) of section 3(1) cannot be confined to the period of Iddat.'

### **Divorced Muslim Wife is not entitled to get maintenance beyond Iddat Period [Section 3(1)]**

A divorced Muslim wife cannot claim maintenance under section 125 of the Cr. P.C. from her husband after passing of the Act of 1986.

An application by a divorced woman under section 125 or under section 127 of the Code of 1973 pending before a Magistrate on the commencement of the Act shall be disposed of by the Magistrate. Any order of the maintenance which is sought to be enforced under section 128 of the code imposing a liability on the husband which is not warranted by the Act cannot be executed against the husband. This is based on the principle that when a divorced man is not liable to make provision for maintenance after Iddat, then there is no question of an order being enforced against him under section 128 of the Code. **Mohd. Ahmed khan v ShaBano<sup>6</sup>** The supreme court held that a Muslim husband is liable to provide maintenance to a divorced wife who is unable to maintain herself even after expiry of iddat so long as she does not marry.

Under section 3(4), it state that if any person against whom an order has been made under sub-section (3) fails without sufficient cause to comply with the order, the Magistrate may issue a warrant for levying the amount of maintenance or dower.

### **Application for the Divorce under the 1986 Act**

The jurisdiction of the judicial Magistrate under section 3 of the 1986 Act cannot be affected by the establishment of the Family Court. That jurisdiction is one specifically conferred on the Magistrate. It is not one coming within Chapter IX of the Code, as understood by the Public Prosecution Service. Section 4(1) of the Act provides that where a divorced woman has not remarried and is not able to maintain herself after the Iddat period, he may make an order directing her relatives to pay her maintenance. Section 4(2) provides that the State Wakf Board (established under the

Wakf Act, 1954 or under any law for the time being in force in the State) may pay such maintenance as determined by him.

Under Muslim Women Act, 1986, Wakf Board may be liable to maintain a divorced woman only where she has no parents, children or other relatives. But Supreme Court held in a case that if relatives are unable to maintain the divorced woman, she is entitled to plead and prove in one proceeding, the inability of these relations.

Constitutionality of section 4(2): Constitutionality of section 4(2) was challenged on the ground that it is violative of Article 26 of the Constitution of India. But Kerala High Court has held that the provisions of section 4(2) of the Muslim Women Act, 1986 directing Wakf Board to pay maintenance to divorced Muslim women, is not violative of Article 26 of the Constitution. The Court observed that Wakf Board is not a 'religious denomination' for purposes of Article 26 of Indian Constitution.

**Section 5: Option of section 125 of the Cr. P.C.:** The Muslim Women Act, 1986 has now made the operation of sections 125-128 of the Cr.P.C. optional in respect of the Muslim women. Section 5 of the Act provides that on the date of the first hearing of the application if the divorced woman and her former husband. It declares by affidavit or any other declaration in such form as may be prescribed, either jointly or separately.

### **Objective of 1986 Act**

The All India Personal Law Board draws the attention of the government on the Shah Bano judgment. Muslim made a demand for preserving their personal law based Object and reason of the bill provides that:

1. After passing iddat, Muslim women are entitled to seek recourse of S. 125 of the Cr.P.C. Act for maintenance if she is unable to maintain herself. Islamic law limits the husband's liability to provide for maintenance of the divorced wife to the period of iddat.
2. A Muslim divorced woman is entitled to a reasonable and fair provision and. maintenance with in the period of iddat by her former husband. She will also be entitled to Mahr or dower and all property given to her by her relatives, friends, husband, etc.
3. A Muslim divorced woman is unable to maintain herself after the period of iddat, the Magistrate is empowered to make an order for the payment of maintenance. Her relatives would be entitled to inherit her property on her death. If there are no relatives then the case is referred to Wakf Board.

The main object of the Bill is to take divorced wife out of the beneficial purview of S. 125 the code to protect the quandam husband from the divorced wife's claim for maintenance against him. The Bill also further conferring upon divorced Muslim woman the right to recover from her husband through the instrumentality of the Criminal Court, the outstanding amount of her Mahr.<sup>7</sup>

### **Constitutionality of Muslim Women Act, 1986**

The constitutionality of Muslim women Act had been challenged in Supreme Court in several writ petitions and the fate of the Act had been hanging in uncertainty for more than one decade. Ultimately all the writ petitions challenging the Act were clubbed together in PIL writ petitions filled by Daniallatifi & others against the union of India under Article 32 of Indian Constitution. The judgment has been delivered by a five judge bench<sup>8</sup>.

The supreme court upheld the constitutional validity of Act in case of **Daniel Latifi v. Union Of India**<sup>9</sup>. The Supreme Court of India has ruled that maintenance under section 3(I) (a) is not limited for the iddat period, it extends for the entire life of the divorced wife, until she remarries. The court also held that right to a reasonable and fair provision referred to in section 3 is only enforceable against a divorced woman's former husband.

A divorced woman can move against the relatives who will inherit her properties if she is unmarried to provide maintenance beyond the period of her iddat.

The law codifies what was stated in the Shah Bano case. As per the Olga Tellis and Maneka Gandhi cases, the right to life and personal liberty as provided under Article 21 of Indian constitution includes the right to live with dignity. It seems not to be the intention of parliament to deprive women of section 125 of the criminal procedure code by discriminating against her due to her religion and thus, provide maintenance from relatives who will inherit or the wakf board only.

Thus, the Act is valid and constitutional and all the decisions of the high courts to the contrary were overruled.

In **Iqbal Bano v. state of U.P**<sup>10</sup> the Supreme Court held that Muslim Women (Protection of Rights on Divorce) Act, 1986 only applies to divorced women and not to women who is not divorced. Furthermore proceeding under Section 125 of the Code of Criminal Procedure, 1973 are civil in nature.

### **Enforcement under Criminal Procedure Code**

A Muslim wife may apply for an order of maintenance under section 125 of the Criminal Procedure code, 1975. A Magistrate of the first class may order the husband to provide monthly allowance not exceeding five hundred rupees. The Magistrate has an authority to cancel or vary his order if the wife has obtained a decree from a civil court.<sup>11</sup>

### **Inter-relationship between Personal Law and Criminal Procedure Code**

As regards the inter-relationship of personal law and the Criminal Procedure Code it is submitted that the legal remedy available to a wife under Section 125 of the Criminal Procedure code is meant only to provide for the being, a quick and immediate relief to a needy and aggrieved wife without going into the question of her entitlement under her personal law. Ultimately the question is to be settled by civil court under personal law. The civil court need not be guided by the provisions Of the Criminal Procedure Code on the contrary the Magistrate should cancel or vary his order in view of the civil court decision.

### **Conclusion**

In pre-Islamic countries, women were subject to many forms of cruelty and discrimination. The idea of equality between men and women was unknown and inappropriate. Islam, on the other hand, gave women social prestige and position on par with men. It mandated a dramatic overhaul of the social structures that were in place at the time. In actuality, none of the Indian state's institutions exhibit a viewpoint on Muslim individuals. Changes that could upset stability are less likely to be implemented by the political system. Given that maintenance is only offered during the iddat period, the law governing maintenance appears to be insufficient.

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## **COMMUNITY POLICING: A HUMANITARIAN PURVIEW OF POLICE**

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This paper will present Law enforcement and community policing noted as proactive crime prevention, greater visibility for police operations, the decentralization of police operations and more cooperation between the police and community residents. Another feature of community policing is “problem-oriented” policing, whereby a pattern of crime or disorder in a community is analysed and a strategy developed and implemented to counter it. community policing establishes strong links between police and communities and increases the capacity of police to identify, research, and respond to community problems in systematic ways. The study confirms the central role of community policing in crime prevention efforts and advises that community policing to intend to address and focuses on all policing problems, such as organised crime, primarily street crime and the maintenance of public order etc. The aim of this paper is to explain and identify the benefits of community policing as a reduction in fear of crime, increased citizen confidence in the police, improved police job satisfaction, and improved strategies for countering community crime problems.

**Keywords:** Community, Proactive, Crime, Policing, Enforcement, Justice, etc.

The United States Department of Justice defines community policing as a philosophy that promotes organisational strategies in the community to combat potential situations that might create public safety issues. For instance, crime, social unrest and fear of crime are all public safety issues that community policing seeks to address.

Community policing involves partnerships between municipal agencies, businesses, individual citizens, non-profit groups and the media to develop methods to police the community. These organizations work together to address criminal matters and reduce crime. Instead of simply leaving it to the police force, community policing revolves around a philosophy that the entire community can help take measures to prevent crime.

Community policing is the best known and the most widely adopted police innovation of the past three decades. Community policing focuses on humanitarian grounds in police departments. Community policing focuses on three components, i.e. community involvement and consultation, decentralization and problem-solving; because community policing is focused on close collaboration with the community and addressing community problems, it has often been seen as an effective way to increase citizen satisfaction and enhance the legitimacy of the police<sup>1</sup>.

Community policing is a policy that requires police to inherit a proactive approach to address public safety concerns. The overall assessment of Community-oriented policing is positive as both officers and community members attest to its effectiveness in reducing crime and raising the sense of security in a community. Community-oriented policing was a cornerstone of the Clinton Administration. Bertus Ferreira explained that “Community policing is a philosophy of full-service personalized policing, where the same officer patrols and works in the same area on a permanent basis, from a decentralised place, working in a proactive partnership with citizens to identify and solve problems.”<sup>2</sup>

Community policing creates partnerships between law enforcement agency and other organizations like government agencies, community members, nonprofit service providers, private businesses and the media. The media represent a powerful pattern by which the police can communicate with the community. Community policing recognises that police cannot solve every public safety problem alone, so interactive partnerships are created and deals with the public to develop problem-solving solutions.

The community policing era in the United States began in the 1980s. Community policing started when police became more involved in local communities to deter and reduce criminal activity. Today's community policing has its origins in the 1960s. The 1960s saw its fair share of urban riots and gang activity.<sup>3</sup> Police often responded to these criminal actions with brute force, and the police's reputation was subsequently damaged. As a result, some police departments realised that the community was where the police needed to show a presence and regain trust. Consequently, the police started to develop an increased local community presence.

In the 1970s and 1980s, community policing became the new norm, with more police walking the beat in communities throughout the United States. More and more, the police began to engage community members, businesses, non-profits and others in partnerships to combat crime in joint efforts. Currently, community policing is present in most regions throughout the United States and failure to have such a model is rare.

Public satisfaction with the police both decreased trust in law enforcement and increased fear of crime. This disorganisation among the community can heavily affect the fear of crime as it can make you afraid to leave your home or walk down the street, leaving you figuratively confined to your home.<sup>4</sup>

Sir Robert Peel came up with nine principles for modern law enforcement in 1829, known as the Peelian principles. Peel's principles explain that there is an alternative to using military force in that police are there to prevent crimes. Police need to gain willing cooperation from the public and will lose public cooperation proportionately to the amount of force used in situations. The police need to maintain relationships with the public and keep their respect.<sup>5</sup> These principles provide a basis for community policing in U.S. law enforcement.

Community policing was derived from the Broken windows theory, which suggested that since a broken window is not against the law, then it would be ignored by the “professional” police officer. However, it is an indicator of social disorganization and therefore requires the attention of the community-orientated officer. Research by Michigan criminal justice academics and practitioners started publishing as early as the 1980s. As a Professor of Criminal Justice, Bob Trajanowicz in the

late 1990s, influenced many future law enforcement leaders on how to implement elements of community policing. One experiment in Flint, Michigan, involved foot patrol officers being assigned to a specific geographic area to help reduce crime in hot spots.<sup>6</sup> Many community-oriented police structures focus on assigning officers to a specific area called a “beat” and having those officers become familiar with that area or beat through a process of “beat profiling.” The officers are then taught how to design specific patrol strategies to deal with the types of crime experienced in that beat.

In the United States, the violent crime control and law enforcement Act of 1994 established the office of community-oriented policing Service (COPS) within the Justice to promote community policing.

These ideas are implemented in a multipronged approach using a variety of aspects such as broadening the duties of the police officer and individualising the practices to the community they’re policing. Refocusing police efforts to face-to-face interactions in smaller patrol areas with an emphasised goal of preventing criminal activity instead of responding to it. Solving problems using input from the community they’re policing and making an effort to increase service-oriented positive interactions with police. Community policing consists of citizens’ perceptions of the legitimacy of their actions as procedural justice has the components that citizens need to participate in the decision process and individuals want to be treated with dignity and respect. Procedural justice and community policing were both emphasised in the recommendations of President Obama’s Task Force on 21<sup>st</sup> Century Policing. Task Force recommends that law enforcement culture should embrace a guardian mindset to build public trust and community policing programs may be one way for the police to incorporate principles of procedural justice into their interactions with citizens and as a result, improve police-community relations. These enhanced citizen perceptions of police legitimacy may contribute to increased compliance with the law and reduced crime and long-term crime reduction.<sup>7</sup>

The contemporary community policing movement emphasizes changing the role of law enforcement from a static, reactive, incident-driven bureaucracy to a more dynamic, open, quality-oriented partnership with the community. Community policing philosophy emphasises that police officers work closely with local citizens and community agencies in designing and implementing crime prevention strategies and problem-solving measures.

Common implementations of community policing include:

- Relying on community-based crime prevention by utilising civilian education, neighbourhood watch, and a variety of other techniques, instead of relying solely on police patrols.
- Re-structuralizing of patrol from an emergency response-based system to emphasising proactive techniques such as foot patrol.
- Increased officer accountability to civilians they are supposed to serve.
- Decentralising the police authority, allowing more discretion amongst lower-ranking officers, and more initiative expected from them.



The goal of traditional policing is to protect law-abiding citizens from criminals. They do this by identifying and apprehending criminals while gathering enough evidence to convict them. Traditional beat officers' focus on duty is to respond to incidents swiftly and clear emergency calls. Many officers working busy shifts only have time to respond to and clear emergency calls. This type of policing does not stop or reduce crime significantly; it is simply a temporary fix to a chronic problem.

In contrast, community policing's primary goal is to assist the public in establishing and maintaining a safe, orderly social environment. While apprehending criminals is one important goal of community policing, it is not necessarily the most important goal. Community policing is concerned with solving the crimes that the community is concerned about and solving concerns by working with and gaining support from the community. The most effective solutions include coordinating police, government resources, citizens, and local business.<sup>8</sup> They get in touch with the community in various ways including polls or surveys, town meetings, call-in programs, and meetings with interest groups. They use these connections to understand what the community wants out of its police officers and what the community is willing to do to solve its crime problem.

The experience of community alienation among police officers is closely tied to the experience of *mastery*, the state of mind in which an individual feels autonomous and experiences confidence in his or her ability, skill, and knowledge to control or influence external events. Community policing requires departments to flatten their organisational pyramid and place even more decision-making and discretion in the hands of line officers. As the level of community alienation or isolation that officers experience increases, there will be a corresponding decrease in officers' sense of mastery in carrying out their expanded discretionary role. Second, a strong sense of community integration for police officers would seem to be vital to the core community policing focus of proactive law enforcement. Proactive enforcement is usually defined as the predisposition of police officers to be actively committed to crime prevention, community problem-solving, and a more open, dynamic quality-oriented law enforcement-community partnership.

A lack of community support resulted in an increased sense of alienation and a greater degree of apathy among police officers. A lack of community support and working in a larger populated community was associated with an increased sense of alienation and a greater degree of inactivity among police officers. An increased understanding of alienation resulted in a greater degree of negative feelings and lethargy among police officers.<sup>9</sup> The more police officers felt socially isolated from the community they served, the more they withdrew and the more negative they felt towards its citizens.

Community policing is more complicated than simply comparing crime rates and there is also no universally accepted criteria for evaluating community policing. However, there are some commonly used structures. One possible way to determine whether or not community policing is effective in an area is for officers and key community members to set a specific mission and goals when starting out. Once specific goals are set, participation at every level is essential in obtaining commitment and achieving goals.

Community policing has far-reaching implications. The expanded outlook on crime control and prevention, the new emphasis on making community members active participants in problem

solving, and the patrol officers' pivotal role in community policing require profound changes within the police organization. The neighbourhood patrol officers, backed by the police organization, help community members mobilize support and resources to solve problems and enhance their quality of life. Community members voice their concerns, contribute advice, and take action to address these concerns. Creating a constructive partnership will require the energy, creativity, understanding, and patience of all involved. Reinvigorating communities is essential to deter crime and create more vital neighborhoods. In some communities, it will take time to break down barriers of apathy and mistrust to forge meaningful partnerships. Trust is the value that underlies and links the components of community partnership and problem solving.<sup>10</sup> A foundation of trust will allow police to form close relationships with the community that will produce solid achievements. Without trust between police and citizens, effective policing is impossible.<sup>11</sup> This monograph is a product of the Community Policing Consortium, which is made up of the International Association of Chiefs of Police, the National Sheriffs' Association, the Police Executive Research Forum, and the Police Foundation.<sup>12</sup> Reflecting the Consortium's perspective, the document describes the historical evolution of community policing and its potential for the future, and it will provide the basis for the Consortium's work with demonstration sites and law enforcement organisations as they implement community policing.<sup>13</sup>

Community policing encompasses a variety of philosophical and practical approaches and is still evolving rapidly. Community policing strategies vary depending on the needs and responses of the communities involved; however, certain basic principles and considerations are common to all community policing efforts. To date, no succinct overview of community policing exists for practitioners who want to learn to use this wide-ranging approach to address the problems of crime and disorder in their communities. Understanding Community Policing, prepared by the Community Policing Consortium, is the beginning of an effort to bring community policing into focus.<sup>14</sup> The document, while not a final product, assembles and examines the critical components of community policing to help foster the learning process and to structure the experimentation and modification required to make community policing work. Established and funded by the U.S. Department of Justice, Bureau of Justice Assistance (BJA), the Community Policing Consortium includes representatives from the International Association of Chiefs of Police (IACP), the National Sheriffs' Association, the Police Executive Research Forum (PERF), and the Police Foundation. BJA gave the Consortium the task of developing a conceptual framework for community policing and assisting agencies in implementing community policing. The process was designed to be a learning experience, allowing police, community members, and policymakers to assess the effectiveness of different implementation procedures and the impact of community policing on local levels of crime, violence, fear, and other public-safety problems. The development of this community policing framework presented policing organizations with an opportunity to contribute to the evolution and implementation of community policing. The sharing of successes, failures, and frustrations was and will continue to be an inherent part of this process.<sup>15</sup>

Barriers to Community Policing in India As stated above, the main element of community policing is involving community in their own security. But it is easier said than done. It requires a whole gamut of activities that ultimately lead to the ultimate aim of safe community through people's partnership. Looking to the police image in India, even if the police organization is ready to partner

with people, people are not going to accept it easily. Socialization of children by parents to fear and distrust the police is still a common feature in our society. The belief within and outside the organization is that, order in the society is maintained due to police fear. This fear is a major stumbling block in bringing people closer to the police. Thus Police fear among the common people in the society is a major hindrance for implementing community policing. Abysmal police-population ratio is one of the barriers to community policing in our country. According to the Bureau of Police Research and Development (BPR&D), with just one policeman for 761 people which translates into approximately 131 policemen per lakh population, India has fewer cops per capita than most of the countries. Ideally, a policeman should look after just 568 people (176 policemen per lakh population) as per BPRD. Police-population ratio in Tripura is 936.69. Apart from these, impunity for human rights violations by police stands in the way of public faith in police. Community policing cannot be possible if people do not trust police. Conclusion Community policing is philosophy policing where police and people come together to ensure safety and security of the community. It is a must for any police organization to function effectively.<sup>16</sup>

Community policing encompasses all activities that bring police and people together, that improve police image and public faith in police and motivates them to cooperate with police and get involved into their own security.<sup>17</sup> The transition to Community policing requires a change in mission statement, departmental organisation, leadership style and general approach to fighting crime. A department's vision should include the essential elements of the community policing philosophy: problem solving, empowering everyone, forming community partnership and being proactive — making preventing crime as important as enforcing the law. It involves intensive training and sensitization of police to accept the equal role of citizens. Lastly, community policing is virtually one aspect of the police reforms. Therefore, it cannot be successful without a holistic approach to the police reforms.

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## **CRIMINALISTICS OF CYBER FORENSIC: INVESTIGATION OF CYBER CRIME IN CYBER WORLD**

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### **Abstract**

Information and communications technology (ICT) has evolved over many years to support people efficiency and development. Computer systems, cellphones, and other digital equipment are deeply ingrained in practically every part of our daily lives. Despite the huge benefits and the reason, we engage in such innovation, cybercriminals are taking advantage of it for their personal gain. The amount of information found during criminal investigations has greatly grown. More than ever, investigators must deal with enormous amounts of huge datasets, a wide variety of file formats, and growing complexity in dispersed encoded content. Processing or simply storing a portion of the web traffic is highly difficult due to the continually expanding network bandwidth. However, criminal inquiries must promptly put a stop to offences. It is necessary to use new statistical techniques, technology, and computational procedures. People may now easily link to the rest of the world thanks to technological advancement, yet technology abuse in the online world leads to cybercrimes. This study seeks to draw focus on contemporary issues in cyber forensic investigation as well as potential strategies for stopping cybercrime. The objectives of the paper are not to stifle technology's burgeoning development, but rather to raise awareness of the hazards so that we, as individuals, may understand them and find ways to limit them.

**Keywords:** Cybercrimes, cyber forensic, technology, cyber security, Internet, criminalistics cyber forensics

### **Prologue**

By misusing information and utilizing the channel for the goal of doing evil and committing crime, humans are doing more damage to society. Data security and information restriction become major concerns when we discuss the privacy of data. Because of the exponential rise of cybercrimes and the constant introduction of novel technologies, it has become very challenging to find an immediate resolution to every cybercrime. It is very difficult to guarantee that data on the web or on

our system is entirely protected.<sup>1</sup> It is predicted that the world will have 21 billion IOT (Internet of Things) gadgets by 2020, and these devices will interact with one another.<sup>2</sup> Laws such as the Information Technology Amendment Act of 2008, Indian Evidence Act of 1872 and Indian Penal Code 1860, have formalized regulations that sanction any criminal engaged in cybercrime, yet the ongoing development of software and the crafty yet bright minds of the perpetrators occasionally pave a way out.

### **Delineating Cyber Forensics**

Cyber forensic is the science of detecting, gathering, safeguarding, evaluating, and presenting digital evidence from technological devices like laptops, hard drives, cell phones, etc. that are employed to perpetrate a crime.<sup>3</sup> A digital device that has been employed to perform a cybercrime may hold information that a cyber forensic specialist can find in a variety of ways. Using the right equipment and procedures, they can extract information from encoded, erased, and corrupted files. The retrieved information is then used to solve the offence and is crucial to the legal process. The forensic professionals conduct a comprehensive examination of the computer system showing every obvious trend following the detection of concealed files and the restoration of erased files.<sup>4</sup>

The science that unifies all the examinations and analysis required to solve these kinds of cybercrimes is known as digital forensics.<sup>5</sup> The practice of gathering, retaining, analyzing, and disseminating digital information with the help of a computer network as a tool for the commission of a crime is known as computer forensics.<sup>6</sup>

### **Historical Overview of Cyber Forensics**

What is currently referred as cyber forensics was diversely described as “computer forensics” till the late 1990s. Law enforcement professionals with a knowledge and passion for computers were the pioneer digital forensics specialists. In the USA, the FBI Computer Analysis and Response Team (CART) started operations in 1984. The UK law intelligence departments’ analysts and support staff, as well as external experts, acknowledged that cyber forensics needed established methodologies, standards, and processes just like other disciplines did. The present British cyber forensic approach was developed throughout a sequence of seminars that were initially organized by the Serious Fraud Office and the Inland Revenue at the Police Staff College in Bramshill in 1994 and 1995.<sup>7</sup> Information security, data collecting, visualization, excavation, probing, standardization, evaluation, and dissemination are just a few of the many requirements in these fields.<sup>8</sup>

### **Relevance and Application of Cyber Forensics**

The purpose of Cyber forensics is to locate digital information so that an examination can be conducted using the empirical approach to reach findings. Juvenile obscenity, illegal technology use, and online harassment are a few examples of cases that make utilization of digital forensics. The discipline of digital forensics has become a popular research area for the following reasons:<sup>9</sup>

- (a) Cyber Forensics enable the administrator to identify problems,
- (b) To prevent cybercrimes, remote monitoring systems are essential.
- (c) Preemptive forensics can be used to track cybercrimes.

## Different Stages of Digital Forensic Investigation Processes

According to the National Institute of Standards and Technology, the full inquiry procedure for digital forensics is categorized into following categories<sup>10</sup>

- (a) **Gathering Stage:** The identification of possible data resources and the acquisition of forensic evidence from them constitute the first phase in the forensic examination. Computers, storage devices, modems, smartphones, digital cameras, and other devices are significant data providers.<sup>11</sup>
- (b) **Assessment Stage:** After data has been gathered, the following step is to analyze it, which entails evaluating and obtaining the pertinent details from the data.
- (c) **Testing Stage:** To draw inferences, pertinent retrieved data are analyzed. In-depth data gathering will be required if more information is required for a detailed examination.
- (d) **Reporting Stage:** This is the practice of putting together and disseminating the findings from the analysis phase.

## Variant Nature of Cyber Crimes and National Standards for its Prevention

With time, there has been a rapid rise in cybercrimes. The development of new technology has made criminals' minds keen and devious, and many offenses are now being perpetrated on the internet.

### 1. Unlawful Access: Hacking

Typically, it alludes to an unlawful entry into a computer system or network. A hacker is a talented coder who engages in hacking. The goal of hacking is to engage in unlawful acts including compromising commercial or confidential data, identity theft, privacy violations, etc., the hacker may modify the software or alter the security protocols. The Information Technology Act (I T Act) of 2000 contained provisions referring to "hacking". After the revision, in the year 2008 the provisions<sup>12</sup> that covered hacking were eliminated in order to protect the interests of conscientious and lawful hacking carried out bonafide by professionals. The IT Act of 2000 does not specifically include the term "hacking," but it does include provisions for malevolent and unlawful cracking/hacking under *sections 43 and 66* of the statute.

### 2. Impersonation

It means pretending to be someone else in order to obtain sensitive information about the user, like banking and credit card credentials, etc. While committing a crime, such as drug smuggling, financial fraud, trafficking, or other cyberattack, identity fraudsters have the ability to employ someone else's identity. *Section 66 C* of the Information Technology Act of 2000, states that anyone caught using another user's digital signature, passcode, or other personal identification attribute, deceitfully faces up to three years in prison as well as other penalties including fine upto one lakh rupees.<sup>13</sup>

### 3. Distribution of Erotic and Pornographic Material

One of the first types of data to be profitably made available over the Internet was sexually explicit content, which provides retailers of arousing and pornographic material with benefits such as media exchange including pictures, films, and live streams without the requirement for expensive

shipments and worldwide access, approaching a much larger audience than physical stores. Printing or transferring pornographic content is punishable by a fine and confinement that may be as much as five lakh rupees and three years on first prosecution under the IT act of 2000. Additionally applicable are voyeurism<sup>14</sup> and sale of pornographic items to minors<sup>15</sup> as defined and punishable under the Indian Penal Code of 1860.

#### **4. Ransomware Attack**

Ransomware involves the unlawful utilization of software that conceals the user's data or intimidates to make it public unless a ransom is paid to the criminal. By inserting a Trojan inside a valid file that the victim is misled into accepting or downloading, ransomware assaults are committed out. According to *Section 66 A* of the IT Act, 2000, the offence is penalized by a period of confinement that may exceed three years as well as a fine.<sup>16</sup> Extortion<sup>17</sup> as made punishable under the Indian Penal Code, 1860 also applies to this specific offence.

#### **5. Phishing**

Phishing is a type of cybercrime wherein users are tricked into giving away their personal credentials, such as passwords, credit card numbers, and financial data, by pretending to be a trustworthy body in an online correspondence. The IT Act makes no mention of the offense of phishing, but *section 66 A (c)* makes it a criminally punishable by three years in prison and a fine.<sup>18</sup> Additionally, the offence of cheating and dishonestly inducing delivery of property<sup>19</sup> as defined in IPC is applicable along with the *section 66 A (c)* of I T Act.

#### **6. Financial Frauds/Scams**

There has been an abrupt increase in different types of economic crimes throughout the world. These crimes include frauds in banking and corporate sectors, manipulation in stock markets, counterfeiting of currency, bribery, and embezzlements. A global survey carried on by Association of Certified Frauds Examiner (ACFE) had published its findings 'The Report to the Nation' in the year 2020. The report has revealed that in 125 countries nearly 2.504 cases of frauds had resulted into loss of US\$3.6 bn.<sup>20</sup>

#### **Cyber Forensic Inquiry Vis-à-vis Right to Privacy**

In accordance with Article 19 of the Indian Constitution, the right to privacy is a basic freedom.<sup>21</sup> When information in digital formats is sent to forensic science analysts, there is a danger of privacy breaches. It makes sense to assume that forensic experts should have accessibility to anything that might be useful in finding the offender so that the aggrieved might receive justice. However, overwhelming many a times, the analyst takes not only the essential data but also all of the sensitive data that is irrelevant to the case or is not valuable for it. This information can be later applied to different ends. Therefore, there is frequently a chance of privacy violation during a cyber forensic inquiry.

In India, it is necessary to establish some sort of governing body that will create a standard of practice and accredit forensic experts. This code of conduct may also include rules for the violation of a person's right to privacy if a disclosure of personal information puts that person's life in danger. The International Society of Forensic Computer Examiners<sup>22</sup> (ISFCE) is one such group that the



Indian forensic department ought to join. The National Agreement on Crime of the Council of Europe<sup>23</sup> also systematically addresses cybercrime.

## Conclusion

After the 2008 amendment, the IT act has emerged essential for unravelling cybercrimes yet, due to technical improvements and offenders prompt and crafty minds, they occasionally manage to evade the reach of the law. In almost every law enforcement agency in India, there is a cyber-crime investigation unit where the cops and cyber forensic professionals work to fight criminal activity using a variety of computer forensics technologies and a methodical process of search and seizure, collection, evaluation, and publication. In one of the landmark cases<sup>24</sup> it was noted that conventional inquiry tactics are nonetheless being pursued, resulting in police abuse of people despite being inadequate to handle complicated cyber-crimes.

## Suggestions

To prosecute cybercrime cases strictly, it is necessary to acquire processes and staff. It must be ensured that the system imposes severe penalties on computer crimes and their perpetrators in order for it to serve as a means of crime prevention for others. Many infractions under the Information Technology Act are now punishable by up to three years in jail and are bailable. This sentence needs to be lengthened to a level that discourages computer criminals from engaging in similar crimes in the future. For quick tracking and efficient documentation of computer cases, a dedicated bench must be constructed. The law enforcement department can demonstrate their skill in situations involving cybercrimes with the help of a bench constituting cyber judges. With Increased internet security, adoption of encryption software and invasion detection and prevention technologies frequent cyber-attacks can be checked. The establishment of a cyber forensic lab in each police station are all important for curbing digital crimes. Sensitizing the population about cyber violations is extremely important in fight against cybercrimes. Another important step in this regard would be the creation of cyber courts to handle cybercrime cases.<sup>25</sup>

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## **CHILD SEX RATIO IN INDIA AND ITS DEMOGRAPHIC COVARIATES: TRENDS AND ANALYSIS**

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### **Abstract**

India's demographic transition is an economic opportunity for changing its position in the new economic order of the world. The demographic dividend of India will remain untapped if the gender imbalances in workforce participation in economic activities will persist. Hence, it is significant to study the sex imbalances in India's demographic structure. The child sex ratio of a country is the first indicator which reflects the changing gender profile of the demography of a country. In this article, the decadal variations in child sex ratio and its demographic covariates are examined and analysed.

**Keywords:** Demographic transition; Sex Ratio; Child sex ratio; Sex ratio at birth; Mortality rate.

**JEL Classification:** J1, J10, J11, J13, J16.

### **Introduction**

Economic growth of a nation demands productive contribution of all sections of the society, especially the youth who require encouraging opportunities for self-improvement. Economic investment in the youth of a country may yield long-term returns pertaining to their economic productivity. India is currently experiencing demographic transition where it can yield the demographic dividends through "the window of demographic opportunity" (Mitra & Nagarajan, 2005). In order to make the best of this opportunity, India needs to take certain detrimental steps in the direction of human capital, health and nutrition, education, female workforce participation and economic differences among the states. These steps are related to improvement in demographic indicators of our country including sex ratio and mortality rate. Correcting imbalances in sex ratio and declining mortality rate is very important to reap the benefits of demographic transition (Galar and Weil, 1996; Lagerlöf, 2003; Aksan, 2022).

In the 1990's, Amartya Sen talked about more than 100 million women missing globally, i.e.,

the number of women in relation to men who should have constituted the global population but are missing (Sen, 1990). Later in 2012, a global estimate of “missing girls”, i.e., the number of girls missing from the total child population, was 117 million and most of them belonged to China and India (United Nations Population Fund, 2012). These estimations drew global attention towards the issue of unbalanced sex ratios and missing women/girls in the modern society in the wake of developments in medical science which made it possible for not allowing girls to take birth at all (Kolk & Jebari, 2022).

In this article, we made an attempt to study the trends and patterns of child sex ratio in India along with the demographic covariates of child sex ratio to examine their relationship and the pattern of co-movements over the years. The demographic covariates of child sex ratio studied in this article are overall sex ratio, sex ratio at birth, infant mortality rate and under-five mortality rate. This analysis has been conducted at pan-India level.

## **Trends in Child Sex Ratio and Its Demographic Covariates in India**

### **I. Overall Sex Ratio in India**

Child sex ratio is a part of overall sex ratio of a country and the two are strongly correlated, hence, before analysing the trends in child sex ratio in India, it is significant to observe the decadal variation in overall sex ratio (sex ratio for all population) in India as depicted in Table 1. The statistics on decadal variation in sex ratio in India since 1901 until the last census (2011) depict that the overall sex ratio (females per thousand males) in India has always been unfavourable to women throughout this period and it declined from 972 in 1901 to 943 in 2011.

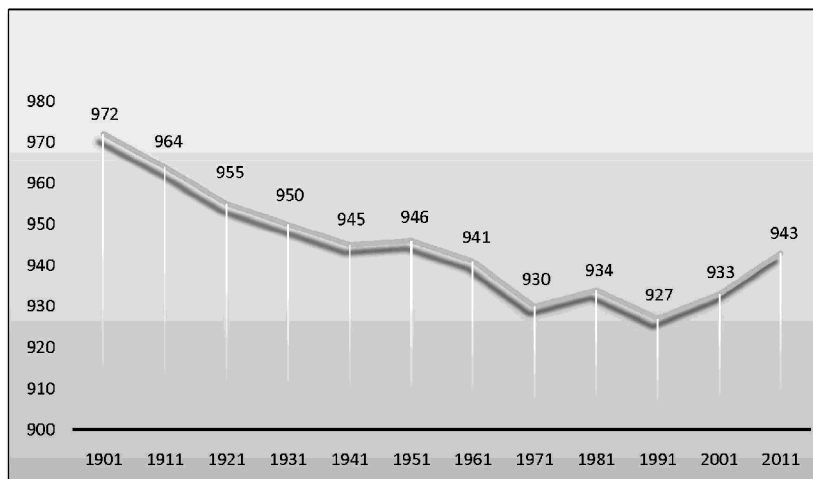
**Table 1**  
**Decadal Variation in Sex Ratio for All Population (Females per 1000 Males)**  
**in India (1901-2011)**

<b>Census Year</b>	<b>Total</b>	<b>Rural</b>	<b>Urban</b>
1901	972	-	-
1911	964	-	-
1921	955	-	-
1931	950	-	-
1941	945	-	-
1951	946	965	860
1961	941	963	845
1971	930	949	858
1981	934	951	879
1991	927	938	893
2001	933	946	900
2011	943	949	929

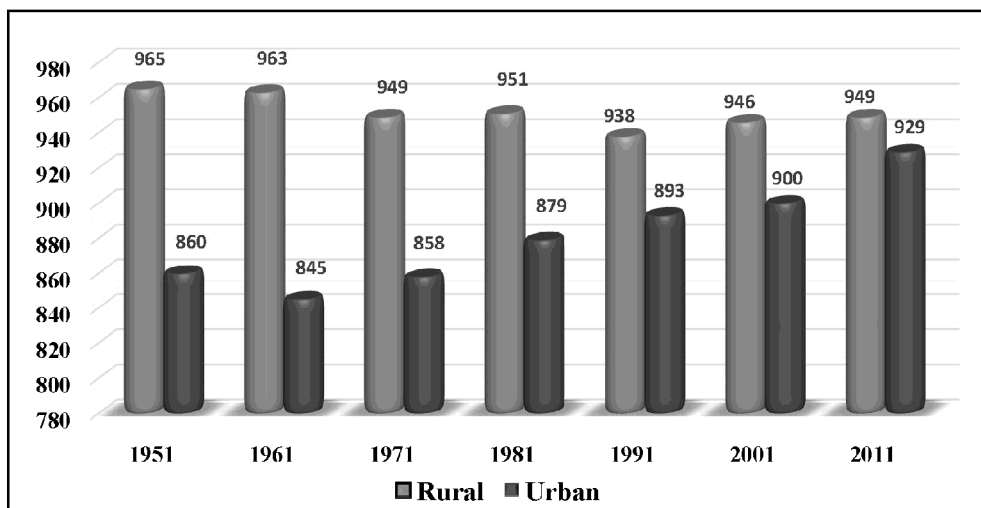
**Source:** Data Highlights (India, Series-1), Primary Census Abstract, Census of India 2011.

Figure 1 graphically displays the trends in overall sex ratio in India since 1901 and it highlights that the overall sex ratio has been constantly declining ever since until 1991, after which it has increased slightly from 927 in 1991 to 933 in 2001 to 943 in 2011.

Table-1 also contains the rural-urban statistics on decadal variation in sex ratio for all population in India since the first census of independent India (1951) until the most recent census (2011) conducted in India. These figures depict that the overall sex ratio in India has always been higher in rural areas of India as compared to its urban areas. Figure 2 graphically presents the same data which highlight that although the sex ratio in rural areas has always been higher than that of the urban areas, but the sex ratio in rural areas has been declining and the sex ratio in urban areas has been improving, which means that the rural-urban gap in overall sex ratio in India is slowly bridging. The rural-urban differential in overall sex ratio in India in 1951 was 105 which has declined to just 20 in 2011.



**Figure 1**  
**Decadal Variation in Sex Ratio for All Population**  
**(Females per 1000 Males) in India**



**Figure 2**  
**Sex Ratio for All Population (Females per 1000 Males) in India by Area of Residence**

## 2. Child Sex Ratio in India

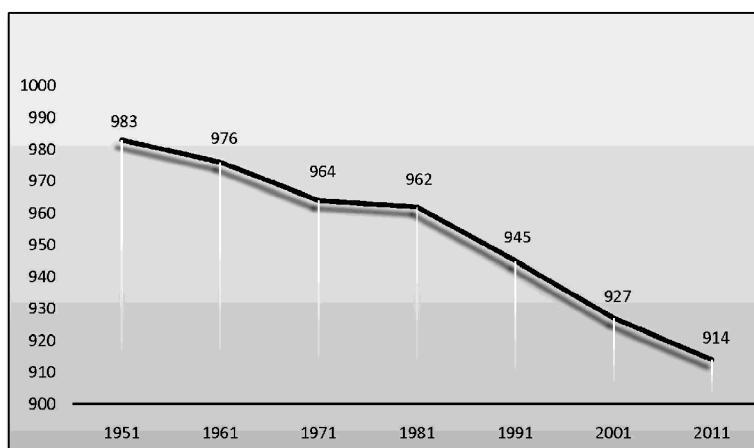
After analyzing the decadal variation in overall sex ratio of India, we have examined the decadal variation in child sex ratio of India as given in Table 2. The figures in the table depict India's child sex ratio since the first census of independent India (1951) until the most recent census (2011) conducted in India. Unlike, the overall sex ratio in India, child sex ratio in India has been

constantly declining since 1951. Not just that, the magnitude of decline in child sex ratio in India during 1951-2011 is 69 points as opposed to 3 points decline in overall sex ratio in India during the same period. This data is graphically depicted in Figure 3 which shows the steep downfall in India's child sex ratio.

**Table 2**  
**Decadal Variation in Sex Ratio for the Population Age 0-6 Years (Females per 1000 Males)**  
**in India (1951-2011)**

Census Year	Total	Rural	Urban
1951	983	-	-
1961	976	-	-
1971	964	-	-
1981	962	963	931
1991	945	948	935
2001	927	934	906
2011	914	923	905

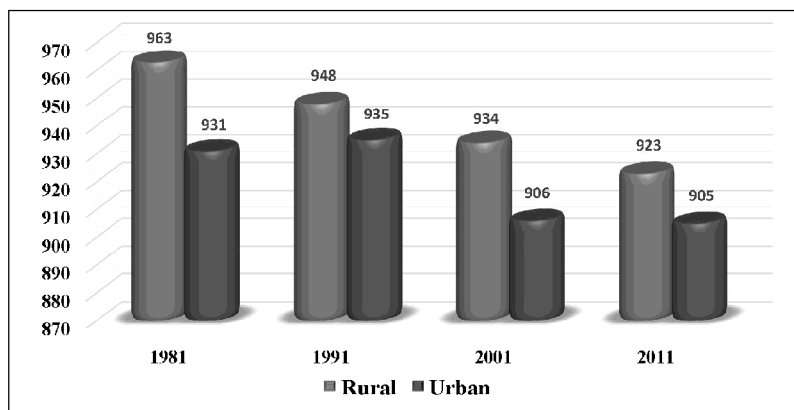
**Source:** Data Highlights (India, Series-1), Primary Census Abstract, Census of India 2011.



**Figure 3**

**Decadal Variation in Sex Ratio for the Population Age 0-6 years**  
**(Females per 1000 Males) in India**

Table 2 also contains the rural-urban statistics on decadal variation in sex ratio for child population (0-6 years) in India since 1981 until the most recent census (2011) conducted in India. These figures depict that the child sex ratio in India has always been higher in rural areas of India as compared to its urban areas just like the rural-urban trends in overall sex ratio of India. Figure 4 graphically presents the same data which highlight that the child sex ratio in rural as well as areas has been declining, but the child sex ratio in rural areas is declining at a faster pace than that of urban areas due to which the rural-urban gap in child sex ratio in India is slowly narrowing. The rural-urban differential in child sex ratio in India in 1981 was 32 which has declined to 18 in 2011. This shows a deteriorating performance of child sex ratio in both rural as well as urban areas of India. As we know that overall sex ratio is a reflection of child sex ratio in a country over time, this trend will reflect in overall sex ratio of India in the coming decades.



**Figure 4**  
**Sex Ratio for the Population Age 0-6 years (Females per 1000 Males)**  
**in India by Area of Residence**

### 3. Sex Ratio at Birth in India

Going further into the root of skewed sex ratios, we must observe the trends in sex ratio at birth of a country to gain a deeper understanding of sex selection. Sex ratio at birth is defined as the ratio of females born to per thousand males born. Biologically, the sex ratio at birth is 952 females per thousand males (United Nations Population Fund, 2010). However, in case of certain prenatal sex selection measures against a particular gender may cause the sex ratio at birth to become unbalanced against that gender and in favour of the other.

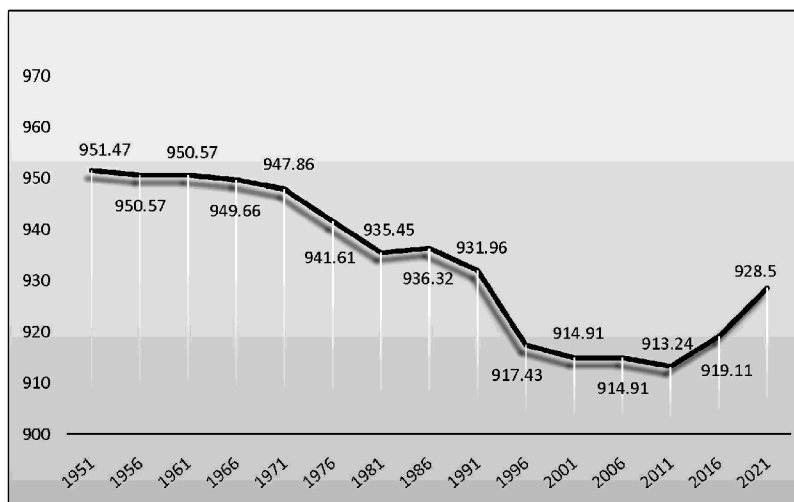
**Table 3**  
**Sex Ratio at Birth (Females per 1000 Males) in India (1951-2021)**

Year	Sex Ratio at Birth
1951	951.47
1956	950.57
1961	950.57
1966	949.66
1971	947.86
1976	941.61
1981	935.45
1986	936.32
1991	931.96
1996	917.43
2001	914.91
2006	914.91
2011	913.24
2016	919.11
2021	928.50

**Source:** World Population Prospects 2022, Population Division, Department of Economic & Social Affairs, United Nations.

**Note:** The SRB data from the source is defined as number of boys born alive per 100 girls born alive which is converted to number of girls born alive per 1000 boys born alive as per definition used in India.

Trends in sex ratio at birth in India may be observed in Table 3 which portrays the data from 1951 to 2021 sourced from World Population Prospects database of the United Nations. Similar data collected in India by Population Census or Sample Registration System (SRS) is measured as the ratio of females born to per thousand males born. Whereas according to international convention, sex ratio at birth is measured as number of males born per 100 females born. Therefore, to bring uniformity in the data the figures from World Population Prospects database have been converted to Indian definition of sex ratio at birth by using the conversion formula suggested by the United Nations Population Fund (2020). The figures in the table suggest a declining trend in sex ratio at birth in India from 951 in 1951 to 928 in 2021.



**Figure 5**  
**Sex Ratio at Birth (Females per 1000 Males) in India (1951-2021)**

Figure 5 presents the diagrammatical rendition of the data on sex ratio at birth in India which illustrates that sex ratio at birth in India has been constantly declining since 1951 until 2011 after which it started rising gradually. The government is strictly imposing the Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 which is expected to improve the sex ratio at birth in India and make it more feminine.

#### 4. Infant Mortality Rate in India

Infant mortality rate which is defined as the number of children dying before reaching the age of one per thousand live births depicts the socio-economic construct of a country in which children live and survive. After the birth, the infant has to face the injustice of gender and the bigotry of the society. The mothers are put to work sooner in case of female births as the birth of a girl child is not celebrated in most of the Indian households. Female infants are often neglected and fed poorly due to which their mortality is usually higher than male infants (Singh, 2010). Hence, infant mortality rate is also correlated with child sex ratio of a country as survival and mortality of infants of a particular gender more than the other will impact the child sex ratio of that country. Biologically, the survival rate of females against males is more at all ages so, the mortality of males should be higher than that of females. Sex-selection practices in India are not just pre-natal but also post-natal which adversely affect the mortality of female child. Gender specific infant mortality rate is an appropriate indicator of post-natal discrimination against a particular gender which affects the survival rate of infants of a particular gender.

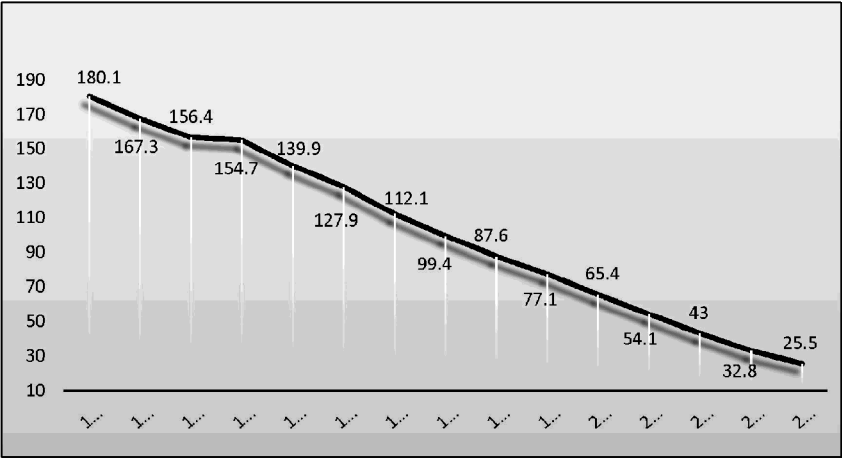


**Table 4**  
**Infant Mortality Rate (per 1000 Live Births) in India (1951-2021)**

Year	Total	Female	Male
1951	180.1	184.7	176.2
1956	167.3	171.6	163.6
1961	156.4	160.2	153.1
1966	154.7	158.0	151.9
1971	139.9	143.2	137.2
1976	127.9	130.7	125.4
1981	112.1	115.0	109.7
1986	99.4	102.1	97.0
1991	87.6	90.3	85.2
1996	77.1	80.6	74.0
2001	65.4	68.8	62.6
2006	54.1	56.8	51.8
2011	43.0	45.0	41.2
2016	32.8	33.8	32.0
2021	25.5	25.8	25.2

**Source:** World Population Prospects 2022, Population Division, Department of Economic & Social Affairs, United Nations.

Table 4 reveals the data pertaining to infant mortality rate in India since 1951 until 2021 sourced from World Population Prospects database of the United Nations. This data exhibits constant and sharp decline in infant mortality rate in India during this period from 180 in 1951 to 25.5 in 2021. Figure 6 illustrates the trend in infant mortality rate in India during 1951 to 2021 which shows a steep decline in infant mortality rate and a remarkable progress in case of infant survival in India.



**Figure 6**  
**Infant Mortality Rate (per 1000 Live Births) in India (1951-2021)**

The trends in gender specific infant mortality rate in India may also be observed in Table 4 which high-lights that the mortality rate of both male and female infants have been constantly declin-ing during this period, however the infant mortality rate of females in India has always been above that of males which clearly indicates the presence of post-natal discrimi-nation against females and low rate of survival of female infants in India. Figure 7 depict these trends graphically and illustrate the gap between male and female infant mortality rates in India.

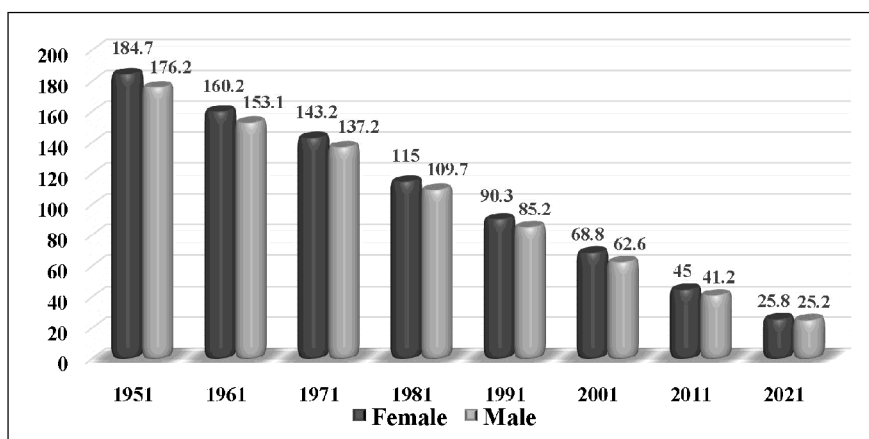


Figure 7

**Gender-wise Infant Mortality Rate (per 1000 Live Births) in India (1951-2021)**

## 5. Under Five Mortality Rate in India

Under five mortality rate is another indicator of child mortality in India which is defined as the number of children dying before reaching the age of five per thousand live births. Just like infant mortality rate, this indicator also reflects the socio-economic structure of a country in which children live and survive. Children who survive their first birthday despite discrimination or carelessness may not survive further hence, this indicator is important to estimate the survival rate of children in India below the age of five. This indicator is also strongly correlated with overall sex ratio and child sex ratio of a country.

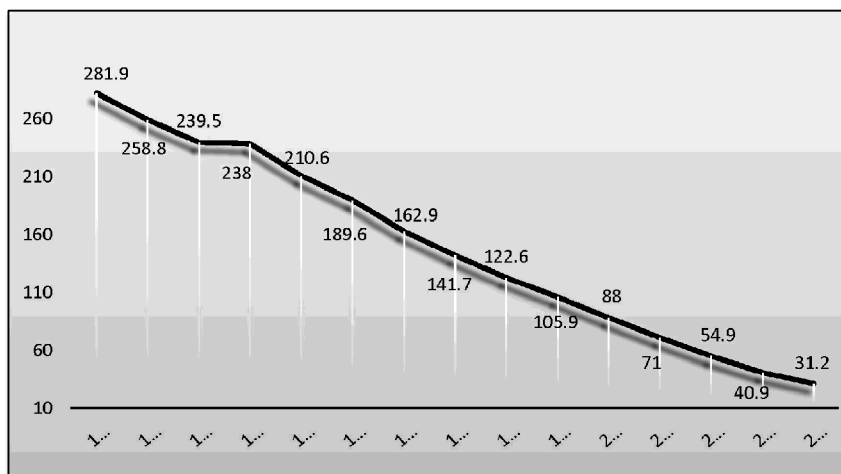
Table 5

**Under-Five Mortality Rate in India (1951-2021)**

Year	Total	Female	Male
1951	281.9	290.0	274.6
1956	258.8	266.2	252.1
1961	239.5	246.2	233.5
1966	238.0	243.9	232.7
1971	210.6	216.1	205.6
1976	189.6	194.4	185.2
1981	162.9	167.6	158.7
1986	141.7	146.0	137.7
1991	122.6	126.9	118.7
1996	105.9	111.3	101.0
2001	88.0	93.1	83.5
2006	71.0	74.9	67.6
2011	54.9	57.7	52.5
2016	40.9	42.2	39.8
2021	31.2	31.6	30.8

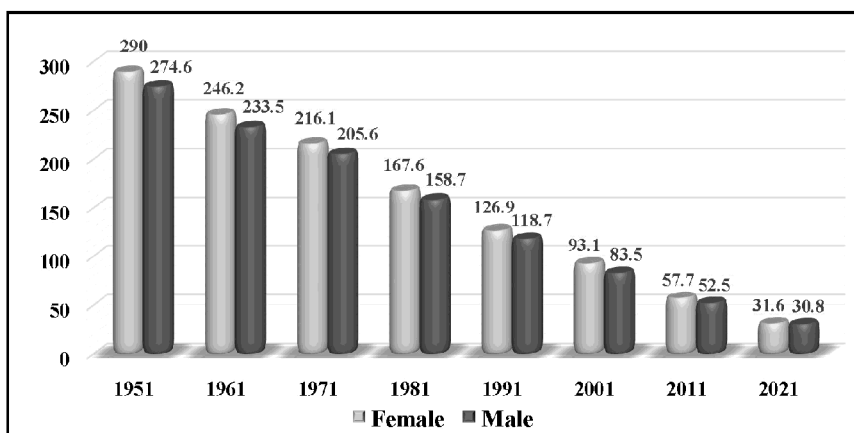
**Source:** World Population Prospects 2022, Population Division, Department of Economic & Social Affairs, United Nations.

Table 5 displays the data related to under five mortality rates in India since 1951 until 2021 sourced from World Population Prospects database of the United Nations. Just like infant mortality rate, this data also demonstrates constant and sharp decline in under five mortality rates in India during this period from 281 in 1951 to 31 in 2021. Figure 8 reflects the trend in under five mortality rates in India during 1951 to 2021 which shows a steep decline in and a phenomenal progress in case of child survival in India.



**Figure 8**  
**Under-Five Mortality Rate in India (1951-2021)**

The trends in gender specific under five mortality rates in India may also be observed in Table 5 which shows that the mortality rate of both male and female children under five have been constantly declining during this period, however the under-five mortality rate of females in India has always been higher than that of males which clearly indicates the presence of post-natal discrimination against females and low rate of survival of female children in India. Figure 9 depicts these trends graphically and illustrates the gap between male and female child mortality rates in India.



**Figure 9**  
**Gender-wise Under-Five Mortality Rate in India (1951-2021)**

## Conclusion

The sex ratio in India has always been in favor of males and against females. Not just that, it has been constantly declining since 1901 until 1991, after which it has increased slightly. Unlike, the overall sex ratio, child sex ratio in India has been constantly declining since 1951 and with a much higher magnitude than that of the former. Both, overall sex ratio and child sex ratio have always been higher in rural areas of India as compared to its urban areas. In a similar fashion, sex ratio at birth has also been constantly declining since 1951 until 2011 after which it started rising gradually. The infant mortality rate in India has also depicted constant and sharp decline during 1951 to 2021. Just like infant mortality rate, a constant and sharp decline in under five mortality rates in India is also observed during this period. The gender specific mortality rates of infants and under-five children in India of both males and females have also been constantly declining during this period, however the mortality rate of females in India has always been above that of males which clearly indicates the presence of post-natal discrimination against females and low rate of survival of females in India. These trends depict the co-movements in the child sex ratio of India and all its covariates including overall sex ratio, sex ratio at birth, infant mortality rate and under-five mortality rate.

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## **THE CONFLICT BETWEEN REALITY AND ABSTRACTION IN ART**

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### **Abstract**

The primitive man never attempted to depict observable forms exactly as they were; instead, he painted with sloppy, unskilled hands to express his passionate, indomitable emotions. So came upon an extremely large buffalo that was in proportion to him while out foraging for food. The buffalo may kill So at any moment by charging him with its lethal horns. To state his hunger, however, it was also required to hunt him. That buffalo was completely a shadow in his thoughts because of this. To keep his mind engaged for a full day, he repeatedly painted it on the cave's walls and ceilings. His tiny head, enormous bulk, and razor-sharp teeth are visible in nearly all of these appearances. Because it is the expression of the artist's emotions, art is inherently abstract. Since the beginning of time, when man first used chalk, ochre, or coal to depict the ramblings of his mind on the cave walls because there are no lines in nature, art has been abstracting.

**Key Words:** Abstraction, Aesthetic sense, Forms, Symbol.

### **Introduction**

It was produced by people. Art is the expression of fictitious form, and the line itself creates its design. A sign is marked by a drawn line, and that sign is modified by the artist's emotions and conveyed to us through many forms of art. (1)

The primitive man never attempted to depict observable forms exactly as they were; instead, he painted with sloppy, unskilled hands to express his passionate, indomitable emotions. So came upon an extremely large buffalo that was in proportion to him while out foraging for food. The buffalo may kill So at any moment by charging him with its lethal horns. To state his hunger, however, it was also required to hunt him. That buffalo was completely a shadow in his thoughts because of this. To keep his mind engaged for a full day, he repeatedly painted it on the cave's walls and ceilings. His tiny head, enormous bulk, and razor-sharp teeth are visible in nearly all of these appearances.

As an example of the artist considering himself as a “genius romantic gifted by divine craziness”, Courbe's realistic self-portraits from the 19th century are also said to be examples of

this.(3) presented an insightful analysis of taming neuroticism(4) and Amrita Sher-Gil shared this viewpoint in the 20th century. An excellent portrait does not necessarily have to be an excellent piece of art. The artist's intent is never to capture the apparent forms exactly as they are, as is seen from these examples. He does not observe the physical shapes; rather, he sees them immediately because his mind has been shaped by inherited influences in accordance with his basic tendencies and attributes, and he places those mental images on the picture table according to his talent.

The visual arts of the Renaissance were at their height as artists attempted to render both natural and man-made items authentically, including trees, air, and atmosphere. Leonardo da Vinci earliest expertly demonstrated the effects of light and shadow on three-dimensional shapes in his well-known works, including “Mona Lisa”, “The Virgin of Rocks”, “The Madonna and Child”, and “Bacchus”.

Yet if we think about it carefully, these paintings are not superior because the artist has succeeded in conveying a realistic impression of the shapes in them; rather, notably in Monalisa, the artist has succeeded in expressing his unique ideas using these shapes. which the Encyclopaedia of Global Art describes as follows: The sitter’s well-known and frequently cited smile is the they also incorporate external materials like colours, canvas, brushstrokes, etc. to such an extent that they must be distinguished from physical forms.

In his explanation of the creative process, Paul Klee viewed it as an instinctual activity that is driven by the individual conscience of the artist but also impacted by his conscious and unconscious experiences, visions, and the materials and shapes he worked with. While being abstract, Klee’s work varies from that of Mondrian and Kandinsky in that it is always influenced by natural shapes. Hence, in artistic representation, the mystical spirit present in the visual forms is more significant, giving them their individuality and serving as a symbol of the artist's personality. Similar to this, at the start of the 16th century, Leonardo da Vinci used “sfumato” to try to capture the ambient and magnificent visual qualities of nature. The artist's subconscious entirely creates and customizes these results. The paintings of Raphael, Rembrandt, Jan Vermeer, and Monet, among others, demonstrate how the scenes are based on form but also emotive and expressive. Here are a few of the effects that ordinary individuals might occasionally experience at specific periods. Yet neither of them is holding nor characterizing the plating’s. So how are these intangible impacts made into decisions? Moreover, only highly rhythmic manifestations of the soul are used here. Art can never live in a bubble; rather, it is deeply entwined with all aspects of social life. (7)

Even with the development of photography, there has been a definite line drawn between “explanation” and “illustration-delineation” in art. As a result, the terms “image” and “symbol” have been separated, albeit in art the symbolic “image” is always seen as being greater. Because it is totally composed of visual shapes, Michelangelo's “Pieta” has more symbolic significance in art throughout history.

The fundamental quality of art is an aesthetic sense, with its unwavering purity and strength. It doesn't change, and art is born from it, yet as a human civilization grows into many civilizations, people always blend their fundamental sensibilities with societal circumstances. Moreover, this context change can explain later shifts Also, there is now a definite boundary between “explanation” and “illustration-delineation” in art because of the development of photography. As a result, there

has also been a division between “picture” and “symbol”, yet in art, the symbolic “image” is always seen as being greater. This is the reason why Michelangelo’s “Pieta”, which is solely dependent on visual shapes, has a greater symbolic significance in art throughout history.

The aesthetic sense, with its ultimate purity and strength, is the fundamental quality of art. It remains constant, and art is born from it, yet pure sensitivity has little value in art; rather, as human civilization develops many cultures, people always combine their fundamental sensibilities with social context. And this difference in the environment might explain ensuing variations in order to create amazing art, one must just be creative. The production of art is seen by artists as a supernatural act rather than being influenced by such nebulous and undefined ideas as “universal association” and “collective unconscious”. But, in order for the world to accept such art, it must also have the conventional aspects of traditional art, such as form and colour, which are universal to all forms of art.

To project his sensations, the man merely needs pictures. It may be both symbolic and visual. Man from its inception, there has been a rhythm in art between visual-organic art and symbolic-geometric art, but in contemporary art, is it possible to see an unresolved dialectical contradiction? Also, the confluence of images and symbols in art helps to understand the movement's complexity and division.(8) Being true to our personal experience rather than using symbols requires greater effort. As they painted only using visual effects at the end of the 19th century, Impressionist artists reduced each discernible item to minute particles of light that were based solely on colour. Towards the conclusion of his life, Claude Monet painted the top of the Rouen Cathedral and said, “I have started a fight against the Sun... to make it sparkle, priceless gold and stones will have to be inlaid.” I want to show moving underwater creatures and moving vegetation. When closely examined, Monet's paintings have little in common with actual visual shapes; instead, they only closely resemble the artist's unique, individual sense of colour and brushstrokes.(9) There are images available This is the catalyst for abstract art. This style of painting set the way for 20th-century abstraction.

Emile Bernard and Paul Gauguin both used symbolisms to abstract visual shapes while painting them in unrestricted, random colours. In order to convey his own visual perception that the pictorial world is founded on visual forms but is entirely apart from them, Cézanne likewise clarified and reduced visual forms. The idea of the association was applied to the artist's visual sense in cubism, Chirico's early metaphysical paintings, futuristic art, structuralism, neo-formalism, etc.(10) The artist creates abstractions that are human or personal in character. Conversion takes place. The worst painter creates a meaningless, unreal, lifeless resemblance, while the finest painter creates a priceless, unreal, living likeness. The objective world conveys traits and first-hand experience rather than being photographed in any form in “Naturalist Art”. It uses a picky approach. Artists are aware that perception is inherently selective. It is not necessary to include every detail in order for our senses to be clear; instead, we must get rid of anything that is unnecessary. It is the duty of the artist to choose the crucial elements and The foundation of contemporary abstract art is the simulacrum of Durah (obscure) notions. The study of the components of form and the universe's structure is as old as abstract art, which may appear weird and radically contemporary to others. Art is the same today as it was then and will always be the same in its multiplicity of goals and adherence to various aspects of human nature and mental states. True art has the quality of going deep and staying near to the heart. Barbara Hepworth described the contrast between realistic and abstract work in one of her

letters: “When I produce a painting or a sculpture, I do not perceive any difference in aim or frame of mind. The lines and colours have the same emotions—both pleasure and anguish. the same emotion while work and after completion. Both approaches effortlessly complement one another and flow into one another, giving total freedom. Working in a realistic way fosters a love of life, of people, and of the planet. When we engage with abstraction, our personalities appear to be emancipated, our life observations and perceptions are acute, and we are intensely motivated.(11) The concept of “mutual tension” is reached, and this is one of the most transparent manifestations of the creative process in the artist.

## Conclusion

What we refer to as life-death, conscious-unconscious, or realism-abstraction. Depending on whether the artist is a complete realist or an abstractionist, the “consciousness of the artist” oscillates between the two poles; the unmanifested pole is left behind. Only when both polar tensions are articulated can art achieve its optimal equilibrium. Mandrian emphasized that art cannot in any way be equated with the experience of the outside world; rather, it is a parallel experience. Nevertheless, this parallelism is really a mirage. The limited ability of human beings makes the construction of a “new” reality impossible. How many more experiments art and artists undergo in the conflict between reality and abstraction is yet to be seen.

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## FORETELLING THE RAINS: ENVIRONMENTAL WISDOM IN FOLKLORE OF RAJASTHAN

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### **Abstract**

There is an abundance of praise and lament for the changing seasons in folk culture. There are many folk songs that emphasize the importance of rainfall in the common man's life. Rainfall is a recurring feature but it is strongly influenced by various climatic factors. Predictions about rain are based on the *watt* and *pitt* of Ayurveda as well as the activities of insects and animals. It is also said in songs that if the fruits of neem tree dry on the tree itself and do not fall to the ground, it is going to be famine year.

**Keywords:** Folk songs, rainfall, culture, seasons, monsoon, environment, moon.

Literature is considered one of the best sources for knowing the culture and ideas of any society. The Indian masses being traditional and orthodox, its authentic culture and ideas lie in its rich heritage of oral and verbal traditions: folk drama, Folk Theatre, Folk Song etc., are popular forms of folk literature. The songs connected with folk or '*lok*' may be described as folk songs or '*lokgeet*'. Scholars have given various versions of Folk songs. According to Encyclopaedia Britannica, "Primitive Spontaneous music has been called folk Song". It is neither new nor old. It is like a forest tree with its root deeply buried in the past but continually puts forth new branches, leaves, and fruits<sup>1</sup>. Similarly, a Folk Song is "essentially of the people, by the people and for the people<sup>2</sup>". Stressing the importance of folk songs, Grieson has termed them as 'Mine, almost entirely unworked.'<sup>3</sup>

The existence of popular culture enables communities to make their lives effective and successful in various ways, and they aspire to achieve good results and advancement in their work and duties. Popular culture provides information on daily activities such as farming and agriculture, life events such as birth, marriage and death, how to deal with natural disasters such as earthquakes, famines and storms and prevent casualties and attributes; how to maintain yourself and how to generate income streams.

"Although all of these sayings may sound superstitious, they did represent a complex web of meanings and values, which the rural folk attached to different phenomena of nature," writes Mayank Kumar in his book 'Monsoon Ecologies' of Rajasthan. Monsoon is essential for agricultural society

and economy in India. “The uncertainty associated with seasons, winds, rains, etc., has caused immense anxiety among the peasantry since ancient times. The absence of scientific instruments to measure or record the meteorological features led to the growth of conjunctures based on the different permutations and combinations of those visible factors. Such observations were converted into popular sayings and practices”, says Kumar.<sup>4</sup>

Popular culture is full of praise and lament, complaining about the changing seasons. Folk traditions sometimes use satire about seasons. There is a lack of perennial rivers and low water tables, especially in arid areas, where rainwater is the primary source of drinking water for humans and animals. All the people anxiously await for rain. The timely arrival of rain is significant. The following sentence represents despair of rain, and it shows that the people are prepared to sacrifice their wealth to ensure that it rains:

सौ सांढीयो सौ करहलां, पूत निपूती होय  
मेवड़ला बूठा भला, होगी होय सो होय।<sup>5</sup>

It means hundred female camels can be sacrificed, sons may die, but we need rain.

मेह ने पावणां किताक दिनां रा।  
राधा मान्या सो मानवी, मेयां मानी धरती।<sup>6</sup>

(The rain time is very limited. If the king is happy, everybody is happy. Similarly, the earth will only be happy because of the rain.)

मोरिया तो मेहू मेहू करे,  
पर बेरसणू तो इन्दर कै हाथ है।

(Peacock may cry the whole year, but Indra- king of rains, manages rains.)

Although there are two monsoon winds to the southeast and to the southwest covering the region, the rain in the area is still irregular. Most precipitation is concentrated in the monsoon months from June to September. One of the sayings emphasizes the need for rain for agricultural production. The despair of ordinary people is clearly visible in the above sayings. It is more evident from the following statement that even the initial formation of the cloud was analysed in an attempt to predict a reasonable and timely rain.

जिण दिन होवै मरभड़ो, तिण धक्की छै मास।  
उपर पनरा दीहड़ै, बरसै मेह सुमाज

(Rainfall occurred due to cloud formation, and it was determined to be conception.)

The above statement highlights the importance of rainfall in ordinary people's lives. Rainfall is a recurring feature, but it largely depends on various other climatic factors scattered throughout the year. The anxious man of Rajasthan, whose survival greatly depended upon the timely arrival of monsoon, attempted very carefully to relate the climate and rains. These observations become buzzwords.

These are countless references, but before discussing them, it is essential to remember that these beliefs may not be scientifically proven. The common people's observation is based on the

visible characteristics or the characteristics that he knows may have various other factors that he does not know or cannot see. Therefore, we can say that his buzzwords are based on observation and it is part of their experience.

अतः पित वालो आदमी, सावे निद्रा घोर,  
अणपढ़िया आतम थकी, कहै मेघ अति जोर ।  
वात पित युत देह ज्यां, होय रहे धम धूम,  
अणमणिया आगम कथ, रहे मेह की धूम

(It is said that if Pete is inclined, People sleep well, people with a tendency of warts have headaches because of heat, if all these happen, then it will rain heavily.) Similarly,

कुन्दन जमै नं जड़ाव प, जमसलायन कीट ।  
कहे जढ़िया सुणजो जगत, उड़े मेह की रीठ ।  
धेब्बां धेखो मिट गयो, मन में डूबो हुलास ।  
देख सूदणी गजबजी, मेह आबण की आस ॥  
कोरा कपड़ा सूदणी, जद अत गर्मी होय ।  
सूछम कीड़ा सूक्षणी, मेहा मुक्ता जोय ॥  
बणकर केरी पांजनी, सूखे नहीं सताब ।  
आबादानी मेह की, लाल रंग वहै आभ ॥  
देख खुरड़ कहे ढेढ की, कथा टूटे नेह ।  
ल्लेई चढ़े न चामड़े, मुक्ता बरसे मेह ॥  
ढोल दमामा दुड़बड़ी, बोरे सादर बाज ।  
कहे डोम दिन तीन में, इन्द्र करै आवाज ॥  
बिगड़े धिरत बिलोवणो, नारी होय उदास ।  
जद असवारी मेह की, रहें छास की छास ॥

When the gem cannot be fixed on the jewel, the insects will breed on the stick; it will rain a lot. It will rain heavily if wet fabric is stained with minor bugs and Clothes do not take starch. Similarly, if. Leather does not bind with glue, the drum, Tasha, etc., the musical instrument does not emit a proper sound, it will rain heavily.

These statements clearly show the relationship between the environmental characteristics developed by humans to predict the nature of the rainfall in the next season. At the same time, these correlations between the natural environment, social practices and possible rainfall levels must be rooted in the actual physical environment of the relevant area. The observations are even based on animal activities, namely

आम सूजै सांढणी, दौड़े थलां अपार,  
पग पटकै वैसे नहीं, जद मेह आवणहार ।  
सावण काछा झाग सुण, माडर हंदा हंत,  
दौड़े सनमुख पवन दिस, जल थल ठेल भरन्त ।

मांडे राड सांप री मासी ।  
तो जाणी चोकस मेह आसी ।

(Meaning a female camel running, throwing legs, sheep spits foam from her mouth and runs in the direction of the wind, and then it rains)

Similarly, bird activity is also closely observed:

चिडींज नहाये धूल में, मेहा आपणहार ।  
जल में नहाबै चड़कली, मेह विदा तिण बार ॥  
बग पंखां पौय, उझकि चोंच पवनां भखे ॥  
तीतर गुंगा थाय, इन्द्र धडूके माघजी ॥  
टीलै मिलकी कांबली, आय थलां बैठन्त ।  
दिन चौथे कै पाँचवें जल थल ठेल भरन्त ॥  
पपैयो पिउ पिउ करै, मोरां धणी अजग्ग ।  
छत्रा करै मोरयो सिरै, नदियां बहै अधम्म ॥  
अत तरणावै तीतरी, लक्खारी कुरलेह ।  
सारस गिरी – शृंगन भ्रमें, जद अत जोरे मेह ॥

When the birds play in the dust, it will rain. The little bird is playing in the water, means rain is over. *Bagula* spread his wings and breathed with beak, *Titalis* silent, *Cheelensat* on the ground, *Papiha* and the peacock began to cry and dance, *Saras* began to fly high and so on, and then it's time for heavy rains.

सांप, गोयरा, डेडरा, कीड़, मकोड़ी जाण,  
दर छाड़े बाहर भगे, नहीं मेह की हाण ।  
गिरगिट रंग-बिरंगो हो, मक्खी चटखे देह,  
मकड़ियाँ चह-चह करें जद अत जोरे मेह ।  
कीड़ी मुख में अण्डा लें, दर तज भूमि भमन्त,  
बरखा तु विशेष यो, जल थल ठेल भरन्त ।

(It means that when snakes, frogs, ants, spiders, etc., come out of their dwelling in the land, chameleon changes colour quickly, flies stick to the skin of humans and ants carry their eggs, then it is going to rain heavily.)

We have studied pictures of interrelated environmental characteristics to predict rainfall. The bizarre efforts can be seen in these statements. This also means that ordinary people are closer to the natural environment, was not just confined to the social environment.

The activities of various animals, birds and insects also depend upon inter-linkage with rain and pattern of mutual relationship. Observations of immediate climatic factors were also an important part of the sayings.

बिजनस पवन सूरियो बाजे ।  
घड़ी पलक महिं मेह गाजे ॥

पवन गिरी छुटै परवाई ।  
 धर गिर छोलां इन्द्र धपाई ॥  
 सवार रो गाजियो, ऐलो नहीं जाय ।  
 प्रातःकाल बादल का गरजना वृथ नहीं जाता ॥  
 बादल रहे रात रा बासी ।  
 तो जाणों चोकस मेह आसी ॥  
 सुकरवार री चादरी, रही सनीचर छाया ।  
 ढंक कहै हे भड्डुली, बरस्याँ बिना न जाय ॥  
 अम्मर राच्यो, मे माच्यो ।  
 तारा अत तग-तग करे, अम्बर नीला हून्त ॥  
 पढ़े परल पाणी तणी, जद संजया पूलन्त ।  
 अस्भर पीलो, मे सीलो ॥  
 चैत महीने बीच लुकोवे ।  
 धुर बैशाखां केसू धेवे ॥  
 उगंते रो माछली, आंधवते रो मोख ॥  
 डंक कहे हे भड्डुली, नदियां चढ़सी गोख ॥  
 आँधी साथै मेह आया ही करै ।  
 आँधी रांड मेहां रो पाली रैवै ॥

(If the wind blows from the northwest, it will rain. If the wind blows from the east at, it will be heavy rain. If the cloud thunders in the morning, it will rain. If the dark clouds from the night before continue to exist, then it will rain. If cloud appears on Friday and continues Saturday, then will definitely rain. If the sky is red, it will rain. In the monsoon season, if the sky is blue, it will rain. If the sky is yellow, the rain will weaken downwards. If there were lightning flashes in the month of *Chaitra*, rains in the month of *Baisakh* would have started. If you can see a rainbow in the morning and the sun's rays are red at in the evening, it will cause flooding. Rainfall was accompanied by sandstorms. The dust storm will only decrease with the arrival of rains. )

निम्बोली सूखे नीम पर, पड़े न नीचे आय,  
 अन निपजै नहीं एक गण, काल पड़ैलो आय ।<sup>7</sup>

It is said that 'if the fruits of *Neem* tree dry on the tree itself and do not fall to the ground it is going to be famine year'.

वन-बेरी, फूलै फले, यूं खेजड़ ढहगट्ट,  
 नहिं अंकुरै-बड़ जटन, वहै दुमिच्छन हमट्ट ।  
 अंकुर फूटे बड़ जटा, बैशाख जेठ के मांय,  
 बैत डौढ़ परमाण तो, समयो आछो थाय ।

जो लम्बी आ होवे नहीं के बेगी ही बाघजाय,  
 अल्प मेह बिखा घणो, के देरी करके आय  
 बन बेरी अरू खेजड़ी, अर्धपात झड़ जाय।  
 अर्धपात साबत रयां, करसण समो कहाय।<sup>8</sup>

(If the small *Ber* and *Chhonk* trees grow thick in *Ashsad*, this will be a monsoon- free year. But if leaves fall and the remaining half is left on the tree, the average annual agricultural production should be.)

These proverbs once again reflect the close interaction between humans and the environment and try to connect various natural phenomena: such as changes in vegetation during arrival of next season's rainfall. A closer look at the quote above clearly highlights the fact that this person knows the natural vegetation around him very well. This perspective also extends to wild vegetation. In addition to these, we have a few popular proverbs that prove common man's dependence on nature and many manifestations of the rainfall forecast: wind pattern, sky, clouds, sandstorms, etc. The movement of the celestial bodies also has forecasts of rain. These include not only the sun and the moon, but also other planets and stars:

सोमां सुकरां सुरगुरा, जे चन्दो उगन्त।  
 डंक कहे है भड्डली, जल थल एक करन्त॥  
 सावण तो सूतो भलो, उभी भलो असाढ़।  
 मंगल रथ आगे हुबे, लारे हुबे जो भान॥  
 आरभिया चूं ही रहै, ठाली रैबे निवाण॥  
 सूरज कुंड अर चांद जलेरी।  
 टूटा टीबा भरगी डैर॥  
 आदरा भरै खाबड़ा, पुनरबसु भरै तलाब।  
 न बरस्यो पुषै तो, बरसही घणा दुखै॥

(If in *Ashad*, the moon appears on Monday or Thursday or Friday, then it will rain. On the second day of *Sawan* moon is not bright, and in *Ashad* is bright, then this is a good sign. However, if the moon rises before the sun in these months, then it should be drier. If there is a ring around the sun and Jaleri around the moon, then the rain will be very heavy, and the sand dunes will flow down. The same is true if the constellation *Adra* then it will be very heavy, if it starts in the constellation *Pushya*, it will not be a good year.)

The important thing is that the connection between the physical features of environment and the rain also includes the movement of the celestial bodies. Since most of the celestial bodies follow a cyclical pattern distributed throughout the year, many connections have been observed. Countless festivals and *vrats* (days of fast and worship) on designated days (the calculation of these is based on the movement of celestial bodies) shows the reasonable understanding and greater role of the calendar in social life. Although these statements sound superstitious, they represent a complex meaning and value network, which rural people attribute to different natural phenomena. Their

frequent citations in the literature not only indicate their popularity, but also the importance of their own perception of weather and climate.

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