# MUD-007

## URDU NIZAM

## اردو نظم

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اسکول آف ہیومنٹیز

اندرا گاندھی نیشنل اوپن یونیورسٹی، نئی دہلی

**Volume-II**

**Block 3,4,5**

تعلیم انسان کو بے جا پابندیوں سے آزاد کرتی ہے اور آج کے عہد میں یہ جمہوریت کے احساس کی بنیاد ہے۔ تعلیم نسل اور دیگر حالات سے پنپنے والی ذات، برادری اور دوسری طبقاتی تفریق کو ختم کر کے انسان کو ایسی تمام برائیوں سے اوپر اٹھاتی ہے۔

اندرا گاندھی

*"Education is a liberating force, and in our age it is also a democratising force, cutting across the barriers of caste and class, smoothing out inequalities imposed by birth and other circumstances."*

- Indira Gandhi

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October, 2023



**ISBN: 978-93-5568-971-9**



*Further Information on Indira Gandhi National Open University courses may be obtained from the University's office at Maidan Garhi, New Delhi-110068 or visit University website http://www.ignou.ac.in.*

**Printed and published on behalf of the Indira Gandhi National Open University by the Registrar, MPDD, IGNOU, New Delhi.**

CRC Prepared by: Tessa Media & Computers, C-206, Shaheen Bagh, Jamia Nagar, New Delhi-110025

Printed at: Hi-Tech Graphics, F-28/3, Okhla Industrial Area, Phase-II, New Delhi-110020

# فہرست

# اکائی 32 شفیق فاطمہ شعریٰ: حیات وخدمات، نظم نگاری اور منتخب نظموں کا متن اور تجزیہ

ساخت



## 32.1 اغراض ومقاصد

عزیز طلبا! اس اکائی کے مطالعے کے بعد آپ اس قابل ہو جائیں گے کہ:

- شفیق فاطمہ شعریٰ کے حالاتِ زندگی اور کارناموں کو تفصیل سے بیان کر سکیں۔
- شفیق فاطمہ شعریٰ کے فکر وفن کو سمجھ سکیں۔
- شفیق فاطمہ شعریٰ کی نظموں کے امتیازات جان سکیں۔
- شفیق فاطمہ شعریٰ کی نظموں کی انفرادیت کا تعین کر سکیں۔
- شفیق فاطمہ شعریٰ کی نظم ''بازیابی'' اور ''بازگشت'' کے جملہ پہلوؤں کو جان سکیں۔
- شفیق فاطمہ شعریٰ کی نظم ''بازیابی'' کے متن کی قرأت اور تجزیہ کر سکیں۔
- شفیق فاطمہ شعریٰ کی نظم ''بازگشت'' کے متن کی قرأت اور تجزیہ کر سکیں۔

## 32.2 تمہید

اردو شاعری کے آغاز سے ہی خواتین کی شاعری کے نقوش ملتے ہیں لیکن یہ نقوش اتنے مدھم اور دھندلے ہیں کہ وہ اردو شعر و ادب کی تاریخ میں کوئی نمایاں اور دیرپا اثر چھوڑنے کے بجائے تاریخ کے اوراق میں گم ہو جاتے ہیں۔ تفنن طبع اور ذہنی تسکین کے لیے کی جارہی اس شاعری میں پر اعتمادی اور انفرادیت کے بجائے تقلیدی رویہ غالب نظر آتا ہے۔اس لئے ابتدائی دور کی شاعری میں ہمیں مرد شعرا کے بلند و بالا آہنگ و لب لہجے کے سامنے خواتین شاعرات کی آواز، نسائی انفرادیت اور ان کا امتیازی لب و لہجہ نظر نہیں آتا ہے۔

شفیق فاطمہ شعریٰ آسمان شعر و سخن پر شعریٰ بن کر نمودار ہوئیں ۔جس کی ضیاپاش کرنوں نے ماقبل کی تاریخ میں ٹمٹماتے ہوئے نسوانی لہجے میں خود کو شعریٰ ( آسمان کا روشن ترین ستارہ Sirius) ثابت کیا۔انھوں نے نہ صرف شاعرات کی دنیا میں ایک نمایاں مقام حاصل کیا بلکہ خوبصورت ، دلکش اور مسحور کن لب و لہجہ کی حامل یہ پہلی شاعرہ تھی جس کی شاعری کے کینوس پر بکھرے ہوئے قوس قزح کے متعدد رنگوں نے مردوں کے ہمراہ اپنا نام درج کرایا۔ اس اکائی میں ہم شفیق فاطمہ شعریٰ کے بارے میں تفصیل سے پڑھیں گے۔ان کی علمی و ادبی خدمات کا جائزہ لیں گے۔ان کی نظم نگاری کی خصوصیات سے واقفیت حاصل کریں گے۔اور ان کی دو منتخب نظموں ''بازیابی'' اور ''بازگشت'' کا مطالعہ کریں گے۔ان نظموں کے تجزیے کے ذریعے ان کی فنی اور موضوعاتی خوبیوں کے بارے میں جانیں گے۔آپ کی آسانی کے لیے اس اکائی کا ماحصل اور اپنی جانچ آپ، آپ نے کیا سیکھا؟ کو بھی شامل کیا گیا ہے۔فرہنگ میں نئے الفاظ کے معنی اور مزید مطالعہ کے لیے سفارش کردہ کتابوں کی فہرست بھی دی گئی ہے۔

## 32.3 شفیق فاطمہ شعریٰ کی نظم نگاری

### 32.3.1 شفیق فاطمہ شعریٰ کی حیات وخدمات

شفیق فاطمہ شعریٰ کا پورا نام شفیق فاطمہ اور شعریٰ تخلص تھا۔گھر میں سب لوگ پیار سے انھیں شفّو کہہ کر بلاتے تھے۔گھر والوں کے ساتھ پاس پڑوس میں بھی وہ اسی نام سے جانی پہچانی جاتی تھیں۔ان کے جدامجد افغانی النسل تھے ۔ افغانستان کے شہر'' مردان'' سے ان کا تعلق تھا اب وہ موجودہ پاکستان کے خیبر پختونخواہ (Khyber Pakhtunkhwa) کا حصہ ہے۔شعریٰ کے پردادا سید قاسم شاہ کسب معاش کی غرض سے افغانستان سے ہجرت کر کے ہندستان تشریف لائے اور سہارنپور کی رڑکی تحصیل میں آباد ہو گئے ۔رڑکی تحصیل کے ایک گاؤں ''مادھوپور'' میں ہی شعریٰ کے والد سید شمشاد علی کا بچپن گزرا۔شعریٰ کے والد سید شمشاد علی کو دیہاتی طرز معاشرت سے دلی لگاؤ تھا۔گاؤں کے کھیت کھلیان، باغ باغیچے اور کھلی فضا کو وہ بہت شدت سے یاد

کرتے تھے۔یہی وجہ تھی کہ وہ شہری زندگی سے بیزار نظر آتے تھے اور ''مادھوپور'' میں گزارے گئے وقت کو ناسٹلجیائی انداز میں بیان کرتے تھے۔

شعریٰ کا تعلق ایک علمی وادبی گھرانے سے تھا۔والد سید شمشاد علی نے علی گڈھ مسلم یونیورسٹی سے بی۔اے کیا تھا۔ بی۔اے کرنے کے بعد ان کے والد نے ناگپور میں محکمۂ تعلیمات سے اپنی ملازمت کا آغاز کیا۔ساتھ ہی ناگپور یونیورسٹی سے تاریخ میں ایم اے کی ڈگری بھی حاصل کی۔والدہ ظفرالنسا بیگم بھی عربی، فارسی اور اردو کا اچھا ذوق رکھتی تھیں اور محلے کی خواتین کو اپنے گھر پر پڑھاتی تھیں۔شعریٰ کی والدہ نہ صرف شعروادب کا پاکیزہ ذوق رکھتی تھیں بلکہ ایک اچھی شاعرہ تھیں۔بدقسمتی سے ان کا کلام زیورطباعت سے آراستہ نہیں ہوسکا اوردست بردزمانہ کی نظر ہوگیا۔شعریٰ کا ننیہال بھی کافی تعلیم یافتہ تھا۔نانا سید اکرام علی ناگپور میں محکمۂ تعلیمات سے وابستہ تھے۔نانا جہاں خانقاہی رسم پرستی کے مخالف تھے اور اس کے خلاف وعظ ونصیحت کرتے تھے تو وہیں دادا کو تصوف سے گہرا لگاؤ تھا وہ اس کے حامی تھے۔اس طرح سے شعریٰ کا گھر مختلف نظریات اور معتقدات کا سنگم بن گیا تھا۔ایسے مختلف نظریات ومعتقدات اور متضاد مسلکوں کے رنگارنگ ماحول میں سید شمشاد علی اور ظفرالنسا بیگم کے یہاں ۱۷رمئی ۱۹۳۰ء کو شفیق فاطمہ شعریٰ کا جنم ہوا۔شعریٰ کی جائے پیدائش ناگپور ہے۔ آٹھ بھائی بہنوں میں شعریٰ اپنے والدین کی چوتھی بیٹی تھیں۔تین بہنیں انیس فاطمہ، کنیز فاطمہ اور طاہرہ فاطمہ شعریٰ سے بڑی جبکہ قدسیہ فاطمہ اور ذکیہ فاطمہ چھوٹی تھیں۔دونوں بھائی سید غضنفر علی اور سید سلیمان علی چھوٹے تھے۔سید غضنفر علی کا عنفوان شباب میں ہی انتقال ہوگیا تھا۔بھائی کی کم عمری اور اچانک موت کے سانحے نے شفیق فاطمہ شعریٰ کو ذہنی ونفسیاتی طور پر بےحد متاثر کیا۔شعریٰ نے بھائی کی یاد میں ایک نظم ''کرن کرن یاداشت'' لکھی ہے۔جس میں انھوں نے اپنے بھائی سے محبت وتعلق اور اپنے جذبات واحساسات کو الفاظ کے پیکر میں بہت ہی خوبصورت اور دلکش انداز میں پیش کیا ہے۔

تین بیٹیوں کی پیدائش کے بعد یقیناً والدین کی خواہش بیٹے کی رہی ہوگی۔والدین نے اپنی خواہش کی تکمیل کے لیے اپنی چھوٹی بیٹی کی پرورش بیٹوں کی طرح کرنے کا فیصلہ کیا۔چنانچہ شعریٰ کی پرورش لڑکوں کی طرح کی گئی۔ باہر کھیلنے کودنے پر کوئی پابندی نہیں تھی لیکن شعریٰ خود کھیلنے کے بجائے چھوٹے بھائی غضنفر اور دوسرے بچوں کا کھیل کود اور تماشا دیکھتی رہتی تھیں۔

شعریٰ نے ابتدائی تعلیم اپنی والدہ سے حاصل کی جو عربی، فارسی اور مذہبی علوم کی ماہر تھیں۔پہلے قرآن مجید کا حفظ کیا پھر قرآن کریم کو ترجمے کے ساتھ پڑھنا شروع کیا۔شعریٰ نے عالم وفاضل کا امتحان پاس کیا۔گھر پر ادبی ومذہبی کتابوں کی کمی نہ تھی اس لیے شعریٰ نے بچپن میں ہی جہاں ایک طرف رامائن، مہابھارت اور گیتا (مراٹھی) میں پڑھ لیا تھا وہیں حافظ، رومی، سعدی، غالب، اقبال اور ان کے ہم عصر شعرا کی شاعری کا مطالعہ کرلیا تھا۔عربی شاعری میں سبعہ معلقات کے شعرا سے بےحد متاثر تھیں۔عربی کے بہت سے اشعار زبانی یاد تھے۔عربی بحروں

سے بھی واقف تھیں یہی وجہ کہ ان کی شاعری میں عربی بحروں کا جا بجا استعمال ملتا ہے۔ بقول سلیمان اریب کے ''یہ چھوٹی چھوٹی جانیں معقول، منقول اور ادب کی منتہیات کو چاٹ گئیں۔'' (سلیمان اریب، حیدرآباد کے شاعر جلد دوم، ص: ۳۶۳)

تقسیم ملک کے بعد فرقہ وارانہ فسادات سے متأثر ہو کر شعریٰ کے اہل خانہ کو ہجرت کے کرب سے گزرنا پڑا۔ یہ ہجرت اگر چہ ہندستان کے ایک حصے سے دوسرے حصے میں تھی تاہم ہجرت کے درد و غم اور مصائب و آلام سے ان کے اہل خانہ کو دوچار ہونا پڑا بالخصوص معاشی تنگ دستی نے شعریٰ کے اہل خانہ کو منتشر کر کے رکھ دیا۔ تقسیم ملک کے بعد ۱۹۴۸ء میں شعریٰ مع اہل خانہ ناگپور سے اورنگ آباد منتقل ہو گئیں جو نظام حیدرآباد کی مملکت میں ہونے کی باعث مسلمانوں کے لیے محفوظ علاقہ سمجھا جاتا تھا اور اردو شعر و ادب کا گہوارہ بھی تھا۔ اورنگ آباد میں ان کا گھر وحید اختر کے پڑوس میں تھا۔ یہ گھر ''حمید منزل'' کے نام سے موسوم تھا۔ اورنگ آباد آ کر شفیق فاطمہ شعریٰ پر یہ حقیقت آشکارا ہوئی کہ ابھی تک انھوں نے عربی، فارسی اور مراٹھی کی جو تعلیم حاصل کی تھی موجودہ عہد میں ان سے حصول معاش میں کوئی خاطر خواہ فائدہ نہیں مل سکتا ہے۔ اورنگ آباد میں انھیں عصری تعلیم کی اہمیت وافادیت کا اندازہ ہوا اور انھوں نے عصری تعلیم کے حصول کے لیے اسکول و کالج کا رخ کیا۔

شعریٰ نے ۱۹۵۲ء میں میٹرک اور ۱۹۵۴ء میں انٹرمیڈیٹ فرسٹ ڈویژن کے ساتھ پاس کیا۔ ۱۹۵۷ء میں عثمانیہ یونیورسٹی سے بی اے فرسٹ ڈویژن پاس کیا اور ڈاکٹر بابا صاحب امبیڈکر مراٹھواڑہ یونیورسٹی سے بی ایڈ کیا۔ بی ایڈ کی تکمیل کے بعد درس و تدریس کے مقدس پیشے سے منسلک ہو گئیں اور گورنمنٹ گرلس ہائی اسکول اورنگ آباد میں انگریزی و مراٹھی کی معلّمہ کے طور آٹھ سال تک اپنی خدمات انجام دیں۔ دوران ملازمت انھوں نے ۱۹۶۲ء میں ناگپور یونیورسٹی سے پرائیویٹ ایم اے سکینڈ ڈویژن سے پاس کیا اور مولانا آزاد کالج اورنگ آباد میں لیکچرر کے عہدے پر فائز ہوئیں۔ ۱۹۶۴ء سے ۱۹۶۶ء تک بحیثیت لیکچرر اپنی خدمات انجام دیتی رہیں۔

۱۹۶۰ء سے قبل شعریٰ کا خاندان ایک اور المیہ سے دوچار ہوا وہ تھا شعریٰ کے والد کا گھر چھوڑ کر اپنے گاؤں مادھوپور چلے جانا۔ شعریٰ کے والد مذہبی اور مشرقی اقدار و روایات کے علمبردار تھے۔ مغربی تہذیب اور مخلوط نظام تعلیم کے وہ شدید مخالف تھے۔ شعریٰ اور ان کی بڑی بہنوں نے اپنے والد کی اجازت کے بغیر اپنی دو چھوٹی بہنوں (قدسیہ فاطمہ اور ذکیہ فاطمہ) کو مخلوط نظام تعلیم کے تحت چلنے والے میڈیکل کالج میں داخلہ دلوانے کی جرأت رندانہ کر لی تھیں۔ بیٹیوں کی بغاوت اور من مانی سے دل برداشتہ ہو کر ان کے والد اپنے گاؤں ''مادھوپور'' ہمیشہ ہمیش کے لیے چلے گئے اور تا عمر دوبارہ اورنگ آباد واپس نہیں آئے۔ والد محترم کا اس طرح گھر چھوڑ کر چلے جانے پر شعریٰ کو بہت رنج ہوا۔ انھوں نے والد محترم سے اپنے تعلق اور اپنے دلی جذبات واحساسات کو نظم ''بیابان بصرہ'' میں بہت خوش اسلوبی سے پیش کیا ہے۔

۲۳؍اکتوبر۱۹۶۵ء میں ۳۵ سال کی عمر میں شعریٰ ڈاکٹرمحمد ولی اللہ سے رشتۂ ازدواج میں منسلک ہوگئیں۔ ڈاکٹر ولی اللہ صاحب حیدرآباد میں مقیم تھے اس لیے شادی کے بعد شعریٰ حیدرآباد منتقل ہوگئیں۔ شادی کے بعد حیدرآباد میں شعریٰ ولی اللہ کے نام سے پہچانی جانے لگیں۔اس نئے نام کے سلسلے میں شعریٰ خود لکھتی ہیں۔ ''اس طرح بغیر کسی ریاضت اور مجاہدہ کے شعریٰ ولی اللہ بننے پر ہم ولی اللہ صاحب کا جتنا بھی شکریہ ادا کریں کم ہے۔'' (شفیق فاطمہ شعریٰ،سلسلۂ مکالمات،ص:۴۱۶)

ڈاکٹر ولی اللہ Andhra Pradesh Agricultural University جواب Acharya N.G. Ranga Agricultural University کے نام سے موسوم ہے میں ایسوسی ایٹ پروفیسر کے عہدہ پر فائز تھے۔شوہر ولی اللہ کی تعلیم اور پیشہ دونوں شعریٰ سے مختلف تھا لیکن انھوں نے شعریٰ کی ذاتی زندگی میں کوئی مداخلت یا ان کی شاعری پر کبھی کوئی اعتراض نہیں کیا، بلکہ ہمیشہ انھوں نے حوصلہ افزائی ہی کی۔۱۹۷۱ء میں جب شعریٰ کی تقرری بحیثیت لیکچرر ممتاز کالج حیدرآباد میں ہوئی جہاں مخلوط تعلیمی نظام رائج تھا تو ولی اللہ نے مخلوط نظام تعلیم والے ادارے میں پڑھانے پر کوئی اعتراض نہیں کیا۔شعریٰ کہتی ہیں۔''وہ کہتے تھے کہ مجھے اس پر رشک نہیں آتا بلکہ فخر محسوس ہوتا ہے کہ تم جہاں بھی رہی ہو مقبول خلائق رہی ہو،مگر تمہاری شاعری کو سمجھنا میرے لیے مشکل ہے۔'' (مصحف اقبال توصیفی،شفیق فاطمہ شعریٰ کے ساتھ ایک بے تکلف گفتگو،نیا ادب،ص:۳۶۴)

شعریٰ ولی اللہ کی دوسری بیوی تھیں۔ولی اللہ نے اپنی پہلی بیوی کو طلاق دے دی تھی جس سے ان کی ایک بیٹی تھی۔شعریٰ سے ولی اللہ کو تین بیٹے تھے۔محبّ اللہ واصف ۱۹۶۷ء میں،ثناء اللہ قسیم ۱۹۶۸ء میں اور اکرام اللہ امان ۱۹۶۹ء میں پیدا ہوئے۔۱۰؍جنوری ۱۹۸۶ء میں ولی اللہ نے شعریٰ کو زندگی کے پرپیچ اور مشکل سفر میں تنہا چھوڑ کر اس دارفانی سے حیات جاویدانی کی طرف ہمیشہ ہمیش کے لیے کوچ کر گئے۔شعریٰ کے لیے یہ بہت مشکل گھڑی تھی جس سے باہر نکلنا ان کے لیے آسان نہیں تھا۔ان کے تینوں بچے ابھی زیر تعلیم تھے اس لیے انھوں نے خود کو اس غم سے باہر نکالا اور اپنے بچوں کی تعلیم کی طرف توجہ دی۔ان کے تینوں بچے اعلیٰ تعلیم سے آراستہ ہوئے۔شعریٰ ۱۹۹۰ء میں ممتاز کالج سے بحیثیت لیکچرر ریٹائر ہوئیں۔

شعریٰ کی شاعرانہ عظمت کا اعتراف کرتے ہوئے غالب انسٹی ٹیوٹ نے ۲۰۰۷ء میں انھیں غالب ایوارڈ برائے شاعری سے سرفراز کیا۔ اردو کی مشہور افسانہ نگار اور ناول نگاری جیلانی بانو نے شعریٰ کو غالب ایوارڈ ملنے پر مبارکباد پیش کرتے ہوئے کہتی ہیں۔'' غالب انسٹی ٹیوٹ نے شعریٰ کو ایوارڈ دے کر اپنی قدر میں اضافہ کیا ہے۔''شفیق فاطمہ شعریٰ ۲۰۱۰ء میں جگر کی بیماری میں مبتلا ہوئیں اور اسی بیماری سے لڑتے ہوئے بالآخر ۱۳؍اگست ۲۰۱۲ء کو حیدرآباد میں اپنے مالک حقیقی سے جاملیں۔ان کی موت سے شعروادب میں جو خلا پیدا ہوا اس کا پر ہونا آسان نہیں ہے کیونکہ شعریٰ جیسی کثیر المطالعہ اور ہمہ جہت شاعرہ صدیوں میں پیدا ہوتی ہیں۔

مشق 1

1۔ شعریٰ کا پورا نام بتائیے؟

2۔ شعریٰ کو گھر میں سب لوگ پیار سے کیا کہہ کر بلاتے تھے؟

3۔ شعریٰ کب اور کہاں پیدا ہوئیں؟

4۔ بھائی سید غضنفر علی کے عنفوان شباب میں ہی انتقال ہو جانے سے شعریٰ نے بھائی کی یاد میں ایک یادگار نظم لکھی، اس کا نام بتائیے؟

5۔ شعریٰ مولانا آزاد کالج اورنگ آباد میں لیکچر کے عہدے پر کب سے کب تک فائز رہیں۔

6۔ والد محترم کے ناراض ہو کر گھر چھوڑ کے چلے جانے پر شعریٰ نے رنجیدہ ہو کر ایک بہت ہی حساس نظم لکھی اس کا عنوان کیا ہے؟

7۔ شعریٰ کی شادی کب اور کس سے ہوئی؟ اور یہ بھی بتائیے کہ شادی کے بعد وہ کہاں رہیں؟

8۔ شعریٰ کی شاعرانہ عظمت کا اعتراف کرتے ہوئے غالب انسٹی ٹیوٹ نے انھیں کب اور کون سا ایوارڈ دیا۔

9۔ جیلانی بانو نے شعریٰ کو غالب انسٹی ٹیوٹ کے ایوارڈ ملنے پر مبارکباد پیش کرتے ہوئے کیا کہا۔

## 32.3.2 شفیق فاطمہ شعریٰ کی نظم نگاری

جدید اردو شاعری اور جدید نظم کو ایک نئی سمت و رفتار عطا کرنے والی شاعرات میں ایک اہم اور ممتاز نام شفیق فاطمہ شعریٰ کا ہے۔ شعریٰ اپنے عہد کی ایک منفرد تخلیق کار ہیں جن کی صلاحیت وانفرادیت کا اعتراف متقدمین و متاخرین سبھی نقادوں نے کیا ہے۔ انھوں نے میدان شعر وادب میں اس وقت قدم رکھا جب اردو شاعری نسوانی آواز سے ناآشنا تھی۔ اگر چہ ان سے قبل چند شاعرات کا ذکر ملتا ہے تاہم ان میں کوئی ایسا قابل ذکر نام نہیں ہے جس نے اردو شاعری کے ارتقا میں کوئی اہم رول ادا کیا ہو۔ یعنی اردو شاعری کے ایوان میں یہ عورت کی پہلی آواز تھی، نہایت سنجیدہ، لطیف، ملائم، مسحور کن، معتدل اور بے مثال جوان کی ہم عصر کسی شاعرہ کے یہاں نظر نہیں آتی ہے۔ شفیق فاطمہ شعریٰ نے شاعری کا آغاز ترجموں سے کیا۔ انھوں نے علامہ اقبال کی ''پیام مشرق''، ''ارمغان حجاز'' اور ''جاوید نامہ'' کا منظوم ترجمہ کیا۔ ''پیام مشرق'' اور ''ارمغان حجاز'' دونوں منظوم ترجمے کہیں شائع نہیں ہوئے اس لیے دستیاب نہیں ہیں۔ شعریٰ نے اسپین کے نوبل انعام یافتہ غنائی شاعر جان ریمن جیمنیز (Juan Ramon Jimenez) کی کچھ نظموں کا ترجمہ ''تارا چمکا''، ''وہ رادھارانی امر''، ''یادوطن''، ''فطانت''، ''پریتی''، ''چلنا چلنا مدام چلنا'' اور ''آزردہ قمری'' وغیرہ کے عنوان کے تحت کئے ہیں۔ یہ نظمیں ان کے پہلے مجموعۂ کلام ''گلۂ صفورہ'' میں شامل ہیں۔

شعریٰ نے ۱۹۵۳ء میں طبع زاد نظمیں لکھنی شروع کر دی تھیں ۔ان کی پہلی مطبوعہ نظم ''فصیل اورنگ آباد'' ہے جو ۱۹۵۳ء میں شائع ہوئی۔ان کا پہلا شعری مجموعہ ''گلّہ ٔ صفورہ'' ہے جس میں شادی (۱۹۶۵ء) سے پہلے کی نظمیں شامل ہیں ۔اس مجموعہ کی اشاعت بہت تاخیر سے نومبر ۱۹۹۰ء میں مکتبہ جامعہ لمیٹڈ، جامعہ نگر سے ہوئی۔ دوسرا شعری'' مجموعہ آفاق نوا'' ہے جس میں شادی کے بعد کا کلام شامل ہے ۔یہ مجموعہ ٔ کلام دسمبر ۱۹۸۷ء میں شالیمار پبلیکیشنز ، حیدرآباد سے شائع ہوا۔تیسرا شعری مجموعہ'' کرن کرن یادداشت'' ہے اور چوتھا شعری مجموعہ ''سلسلہ ٔ مکالمات'' ہے جن میں ۱۹۸۷ء کے بعد سے ۲۰۰۶ء تک کا کلام شامل ہے۔مذکورہ بالا چاروں شعری مجموعوں کا کلیات ''سلسلہ ٔ مکالمات'' کے نام سے ۲۰۰۶ء میں ایجوکیشنل پبلشنگ ہاؤس، دہلی سے شائع ہوا۔ان کے کلیات ''سلسلہ ٔ مکالمات'' میں بھی شعری مجموعے کی ترتیب میں سب سے پہلے'' آفاق نوا''، ''کرن کرن یاد داشت''، '' سلسلہ ٔ مکالمات'' نامی مجموعے ہیں جب کہ ان کا پہلا مجموعہ ٔ کلام ''گلّہ ٔ صفورہ'' سب سے آخر میں ہے۔مجموعے کی اس تقدیم وتاخیر کے سلسلے میں شعریٰ مصحف اقبال توصیفی کے سوال کا جواب دیتی ہوئی کہتی ہیں۔''کلیات میں ابتدائی کلام آخر میں رکھا گیا ہے۔جب اشاعت میں اس قدر تاخیر ہے تو ترتیب میں حسب مرضی ردوبدل کیوں نا روا ہو۔'' (مصحف اقبال توصیفی ،شفیق فاطمہ شعریٰ کے ساتھ ایک بے تکلف گفتگو،مشمولہ نیا ادب ،ص:۳۶۵)

شعریٰ کے اس قول سے یہ ثابت ہوتا ہے کہ ان کا پہلا مجموعہ ٔ کلام'' گلّہ ٔ صفورہ'' ہے۔گلّہ ٔ صفورہ کی نظموں کی زبان وموضوعات سے بھی اس مجموعہ ٔ کلام کے اول ہونے کی تصدیق ہوتی ہے۔شعریٰ نے اپنے تخلیقی سفر کا آغاز پابند نظموں سے کیا لیکن بہت جلد ہی وہ آزاد نظموں کی طرف مائل ہوئیں اور آخر تک آزاد نظمیں ہی لکھتی رہیں۔ شعریٰ کے کلیات میں کثیر سرمایہ آزاد نظموں کا ہی ہے۔

شعریٰ کی نظموں کا مطالعہ کرنے سے معلوم ہوتا ہے کہ ان کے یہاں موضوعات کی رنگارنگی پائی جاتی ہے۔انھوں نے اپنی نظموں میں ان تمام موضوعات ومسائل کو پیش کیا جن سے ان کے عہد کا انسان نبرد آزما تھا۔شعریٰ کی ابتدائی نظموں میں رومانی اور عشقیہ جذبات واحساسات کی ترجمانی ملتی ہے۔شعریٰ کی عشقیہ شاعری خالص جذبات واحساسات کی شاعری ہے جو ظاہری آلائش سے پاک وصاف ہے ۔انھوں نے اپنی نظموں کے توسط سے لوگوں کی اس غلط فہمی کا ازالہ کیا کہ عورت صرف معشوقہ نہیں بلکہ عاشق بھی ہے۔ان کی شاعری میں عشق ومحبت کے تمام رنگ موجود ہیں۔نظم ''ارض نغمہ'' کے یہ اشعار ملاحظہ ہوں جن میں عشقیہ جذبات واحساسات کا اظہار ایک عاشق کی نظر سے ہوا ہے۔

جب سے مجھ کو دل ملا دل کو دھڑکنیں ملیں
تب سے میرے دل میں تھا اس کے پیار کا قیام

اس کی راہ میں مجھے کتنے ہم سفر ملے
ایک مے سے ہیں گداز جن کی زندگی کے جام

شعریٰ کی نظموں میں نیچر اور فطرت کی بہترین ترجمانی ملتی ہے۔ انھیں قدرت و فطرت سے والہانہ لگاؤ تھا۔ پانی، ہوا، ندی، پہاڑ، کنوئیں، طیور وحشور، شجر و حجر، چرند و پرند، جنگل وبیابان، صحرا اور ریگستان، کھیت کھلیان، سرسبز و شاداب علاقے، ٹیلے، کھنڈرات اور گپھائیں غرض یہ کہ ہر مظہر فطرت ان کے لیے غیر معمولی کشش رکھتا ہے۔ ''فصیل اورنگ آباد''، ''ایلورہ''، ''خلد آباد کی سرزمین''، ''یادنگر'' جیسی نظموں میں مناظر فطرت کی بہترین عکاسی پائی جاتی ہے۔ شعریٰ کی نظموں میں نسائی حسیت اور تانیثیت منفرد انداز میں ملتی ہیں۔ نسائیت اور تانیثیت کے ضمن میں شعریٰ اپنی الگ شناخت رکھتی ہیں۔ ان کی شاعری میں ہم عصر شاعرات کی طرح شدت پسندی، احتجاج اور بغاوت کے عناصر بہت کم نظر آتے ہیں۔ بلکہ ان عناصر کے برعکس ان کی شاعری میں ایک خوشگوار توازن پایا جاتا ہے جس سے ان کی شاعری نعرہ بازی ہونے کے بجائے ایک مستحکم لہجہ اور آہنگ کا سنگم بن گئی ہے۔ ''زوال عہد تمنا''، ''زیر چرخ کہن''، ''گلۂ صفورہ''، ''پریتی'' اور ''سیتا'' وغیرہ نسائیت اور تانیثیت کے احساس سے بھرپور نظمیں ہیں۔ ان نظموں میں منظر کشی کا فنکارانہ استعمال پایا جاتا ہے۔ شعریٰ کا کمال یہ ہے کہ انھوں نے موضوع کی سنگینی کے باوجود مسائل کو اساطیری و دیومالائی پس منظر میں ایسے فنکارانہ انداز میں پیش کیا ہے کہ موضوع کی سنگینی مزید دو چند ہوگئی ہے۔

شعریٰ کا تاریخی اور مذہبی شعور بھی بہت بالیدہ ہے۔ وہ ہندستانی اور اسلامی تاریخ و تہذیب سے یکساں استفادہ کرتی ہیں۔ ان کی نظموں کی تفہیم کے لیے تاریخی و مذہبی شعور و آگہی لازمی ہے۔ ہندستانی اور اسلامی تاریخ کے متعدد واقعات کو انھوں نے اپنی نظموں میں اساطیری کرداروں کے ذریعے اس خوش اسلوبی سے پیش کیا ہے کہ ان کی نظموں میں فکر و فلسفے کی ایک نئی جہت پیدا ہوگئی ہے۔ شعریٰ کے پہلے شعری مجموعہ ''گلۂ صفورہ'' کا نام ہی خود شاعرہ کے تاریخی شعور کی عمدہ مثال ہے۔ تاریخی و مذہبی پس منظر میں لکھی گئی نظموں میں ''بازیابی''، ''ذوالنون''، ''رابعہ تابعیہ کی یاد میں''، ''سیتا''، ''گلۂ صفورہ''، ''نوا پیرائے کارگہ شیشہ گری'' اور ''فصیل اورنگ آباد'' وغیرہ خاص طور پر قابل ذکر ہیں۔

شعریٰ کی نظموں میں حب الوطنی کا جذبہ مقام معراج پر ہے۔ اپنی مٹی اور اپنے وطن سے ان کی یہ محبت عقیدت کی انتہا تک پہنچی ہوئی ہے۔ حب الوطنی کا جذبہ شعریٰ کے یہاں ایک وقتی جذبے کی طرح نہیں ہے بلکہ وہ خون کے مانند ان کی سریانوں میں رواں دواں ہے۔ ان کی حب الوطنی سے معمور نظموں کو پڑھتے ہوئے محسوس ہوتا ہے کہ جذبات کا ایک بحر بیکراں ہے جو جوش مارتا ہوا امڈا چلا آ رہا ہے۔ حب الوطنی کا یہ جذبہ ان کی پوری شاعری میں ایک زیریں لہر کی طرح بہتا ہوا محسوس ہوتا ہے۔

شعریٰ ایک کثیر المطالعہ اور حالات حاضرہ سے باخبر رہنے والی شاعرہ تھیں۔ ان کی نگاہ میں پورا عالمی منظرنامہ تھا۔ انھوں نے اپنے دور کے ان اہم قومی اور بین الاقوامی واقعات وسانحات کو نظم کیا جن کا تعلق انسانوں بالخصوص مظلوم مسلمانوں سے تھا۔ برق رفتاری سے بدلتے ہوئے قومی و بین الاقوامی حالات وواقعات پر مبنی نظموں میں ''ایک تیز رفتار نظم''، ''حضارت جدید''، ''بوسنیا''، ''گڑیا گھر''، ''سلسلۂ مکالمات'' اور ''شفیع الامم'' وغیرہ خاص طور پر قابل ذکر ہیں۔ شعریٰ نے ''ایک تیز رفتار نظم'' میں ہم عصر معاشرے کے مختلف پہلوؤں کو ایک لڑی میں یوں مربوط کر دیا ہے کہ ایک کولاژ تیار ہو گیا ہے۔

فنی نقطۂ نظر سے جب ہم شعریٰ کی نظموں کا مطالعہ کرتے ہیں تو ہمیں اندازہ ہوتا ہے کہ ان کے یہاں مختلف النوع بحروں اور صنعتوں کا حسین امتزاج ملتا ہے۔ انھوں نے بحروں کے استعمال میں ایسی مہارت اور فنکارانہ چابکدستی کا ثبوت دیا ہے کہ نظموں کے آہنگ اور ترنم سے قاری پر ایک وجد کی کیفیت طاری ہو جاتی ہے۔ شعریٰ کی آزاد نظموں میں جس طرح کا عروضی تنوع ملتا ہے وہ اردو کے بہت کم شعرا کے یہاں نظر آتا ہے۔ بحروں کی مزاج شناسی اور عروضی ندرت وتنوع ہی شعریٰ کی شاعری کی اصل پہچان اور قابل فخر امتیاز ہے۔

شعریٰ کی نظموں کی ایک اہم خوبی اس کا آہنگ ہے۔ ان کی نظموں کا آہنگ اچھوتی تراکیب، نادر تشبیہات، استعارات، علامات اور جدت آمیز صنائع وبدائع سے مملو ہے۔ اس میں جہاں عربی وفارسی تراکیب ولفظیات ہیں وہیں ہندی کا سبک وشیریں اظہار بیان بھی ہے۔ شعریٰ کی بیشتر نظموں میں ہندی کے سرل اور مدھر الفاظ وتراکیب لہو کے مانند دوڑتے اور پھرتے نظر آتے ہیں۔ اردو شاعری کی روایت میں شعریٰ مصرعوں کی صناعی اور آہنگ کی موزونیت میں اپنی مثال آپ ہیں۔

شعریٰ کی نظموں کا ایک اہم امتیاز منظرکشی اور پیکر تراشی ہے۔ شعریٰ کی نظموں میں منظرنگاری اور پیکر تراشی کے بہت ہی خوبصورت اور عمدہ نمونے ملتے ہیں۔ ان کی نظموں میں بیک وقت ایک سے زائد حواس کو بیدار اور متاثر کرنے والے پیکر موجود ہیں۔ انھوں نے قدرتی مناظر کی ایسی دلکش اور خوبصورت تصویر کشی کی ہے کہ قاری کا پورا وجود شاعرہ کی بنائی ہوئی فضا، خوشبو، رنگ، آواز اور منظر میں کہیں کھو جاتا ہے۔ دوسرے لفظوں میں ہم یہ کہہ سکتے ہیں کہ شعریٰ کی شاعری ایک خوبصورت اور رنگین فلم کے مانند ہے جس میں فطرت کی جاندار اور متحرک تصاویر قاری کی نگاہوں کے سامنے چلتی پھرتی نظر آتی ہیں اور قاری کو ایک ایسے جہان کی سیر کراتی ہیں کہ قاری مسحور کن کیفیت سے دوچار ہوتا ہے۔ شعریٰ کی نظموں کی ایک امتیازی خوبی ڈرامائیت ہے۔ وہ خود کلامی اور مکالمے کے ذریعے نظم میں ایسی ڈرامائی فضا تخلیق کرتی ہیں کہ پڑھنے والا خود کو قاری کے بجائے تماشائی محسوس کرنے لگتا ہے۔ اور وہ واقعات اور مناظر کو الفاظ کے پردے میں روبہ عمل ہوتے ہوئے دیکھتا ہے۔

شعریٰ کی شاعری کا فکری وفنی سطح پر جائزہ لینے کے بعد ہم یہ کہہ سکتے ہیں کہ ان کے یہاں فکری وفنی دونوں سطح پر

بتدریج اور یکساں ارتقا ہوا ہے۔شعریٰ کی ابتدائی نظموں (۱۹۵۳ء سے ۱۹۶۵ء) اور بعد کی نظموں (۱۹۶۶ء سے ۲۰۰۶ء) کا موضوع، اسلوب، زبان، آہنگ، لفظیات اور تکنیک ہر سطح پر ارتقا نظر آتا ہے۔یہی وجہ ہے کہ ان کی ابتدائی نظموں کا اسلوب، آہنگ اور زبان سبک رواں اور آسان ہے۔قاری بآسانی موضوع سے ہم آہنگی قائم کر لیتا ہے۔ایک عام قاری کی بھی سمجھ میں آجاتی ہیں اور وہ اس سے لطف اندوز ہوتا ہے۔یعنی ان کی ابتدائی نظموں میں فکر اور فلسفے کے وہ دقیق مسائل اور گراں باری نہیں ہے جو بعد میں شعریٰ کی پہچان بن گئے۔انھوں نے تاریخی حسیت، مذہبی شعور، فکری آگہی اور اساطیری و دیومالائی عناصر کے ذریعے اردو شاعری میں دانشورانہ روایت کو جگہ دی جو اردو شاعری کے باب میں ایک گراں قدر اضافے کی حیثیت رکھتی ہے۔

مشق 2

1۔ شعریٰ نے شاعری کا آغاز کب اور کس طرح کیا؟
2۔ شعریٰ کی پہلی مطبوعہ نظم کا عنوان بتائیے اور یہ بھی بتائیے کہ وہ کب اور کہاں چھپی؟
3۔ شعریٰ کا پہلا شعری مجموعہ کب اور کہاں سے شائع ہوا؟
4۔ شعریٰ کے دوسرے شعری مجموعے کا نام بتائیے؟
5۔ شعریٰ کا کلیات کس نام سے، کب اور کہاں سے شائع ہوا؟

## 32.3.3 نظم ''بازیابی'' کا متن - I

ذراسی رنجش بیجا
وہ گردابِ بلا جس میں
سفینہ دل کا اب ڈوبا کہ جب ڈوبا
ذراسا اک ہنکارا بھی ابھرنے کو بہت ہے
اے عزیز مصر
بہت آفت رسیدہ ہم
بہت آفت رسیدہ خاندان والے
دیارِ قحط سے لائے ہیں پونجی بھی بہت کم
تو جھکتا تول، پورا ناپ دے
کھاتہ کھرا لکھ، چھوٹ بھی دے واجبی سچی
اگر کچھ چھوٹ دینے کی سکت ہے
اے عزیز مصر
پھر اس کے بدلے بھر بھر پلہ انواع جڑ اپا

مالک روزِ جزا اسے اور ذخیرہ کر
یہی وہ موڑ تھا ٹکرا کے ٹوٹا جس سے
صوم خامشی اس کا
تو سچ سچ کہہ دیا اس نے
یہ کذب وافتراء حاشا نہیں
دیکھو میں زندہ ہوں
ذرا سی دیر کو ارض وسما سناٹے میں آ کر
گلے ملتے ہیں
گرد آلود چہرے گرم اشکوں سے بھگوتے ہیں
سنبھلتے ہیں تو پھر چشمک زنی کا دور چلتا ہے
اسے تو کھا گیا تھا بھیڑیا دشتِ اجل کا
پھر کہاں سے یہ نکل آیا
فدا ہوتے ہیں عارض چومتے ہیں
ناگہاں کچھ یاد آتے ہی
بہکنے لگتے ہیں
دیکھو یہ اتنی دیر میں چھوٹا
ہمارے دل سے بڑھ کر دل ترا
پتھر صفت ہے
اے عزیز مصر

## 32.3.3.1 نظم ''بازیابی'' کا تجزیہ

نظم ''بازیابی'' میں شفیق فاطمہ شعریٰ نے حضرت یوسفؑ کی سرگزشت جسے قرآن میں اللہ تعالیٰ نے احسن القصص کہا ہے کو بہت ہی مختصر مگر جامع انداز میں پیش کیا ہے۔ حضرت یوسفؑ کی سرگزشت کے مختلف پہلو اور جہات ہیں۔ اردو کے شعرا نے اپنے اپنے مزاج اور ذوق کے مطابق ان واقعات کو قلمبند کیا ہے۔ خود شعریٰ نے اس سرگزشت کے متعدد پہلوؤں کو کئی نظموں میں پیش کیا۔ انھوں نے نظم ''بازیابی'' میں یوسفؑ کی زندگی کے صرف ان پہلوؤں کو قاری کے سامنے لانے کی سعی کی ہے جن کا تعلق برادرانہ چشمک، حضرت یوسفؑ کے خلاف بھائیوں کی سازش، کنویں میں ڈالنے اور ایک مدت کے بعد اچانک حضرت یوسفؑ کا عزیز مصر کی حیثیت سے ملنے سے ہے۔ شعریٰ نے حضرت یوسفؑ کی گم شدگی اور بازیابی کے واقعات کو انسانی جذبات و

احساسات اوران کے اثر سے متغیر ہوتی انسان کی ذہنی ونفسیاتی کیفیات کے پس منظر میں نظم کرنے کی ایک عمدہ کوشش کی ہے۔نظم ''بازیابی''ان کے شعری مجموعۂ کلام ''کرن کرن یادداشت''میں شامل ہے۔اس مجموعے میں شامل نظموں کی ترتیب کچھ اس طرح سے ہے۔اس نظم سے پہلے اپنے مرحوم بھائی سید غضنفر علی کی یاد میں لکھی ہوئی نظم ''کرن کرن یادداشت'' کو رکھا ہے اور اس نظم کے بعد والد محترم کا ناراضگی میں گھر چھوڑ کر مستقل اپنے گاؤں مادھو پور چلے جانے اور کبھی واپس نہیں آنے کی یاد میں لکھی ہوئی نظم ''بیابانِ بصرہ'' کو جگہ دی ہے۔نظم ''بازیابی'' کے ماقبل اور مابعد نظموں کے ذکر کا صرف اتنا ہی مقصد ہے کہ قاری کے سامنے نظم کا وہ پورا پس منظر آجائے کہ شاعرہ نے کن حالات اور کس طرح کی ذہنی،نفسیاتی اور جذباتی کیفیات سے مغلوب ہو کر اس نظم کو صفحۂ قرطاس پر منتقل کیا ہے۔اس کے ذکر سے قاری کو نظم کی باریکیوں کو سمجھنے میں آسانی ہوگی۔اس نظم کی تفہیم کے لیے قاری کو حضرت یوسفؑ کی قرآن میں بیان کردہ سرگزشت سے واقفیت لازمی ہے اگر وہ ان واقعات سے نابلد ہے تو اس نظم کے سمجھنے میں اس کو دشواری پیش آئے گی۔یہ نظم دراصل سورہ یوسف کی کچھ آیات کا منظوم ترجمہ ہے۔شفیق فاطمہ شعریٰ نے نظم کے پہلے بند کے محض تین مصرعوں میں برادران یوسف کی بے سبب رقابت، حسد کی بھڑکتی آگ میں بھائیوں کی رچی گئی سازش اور اس سازش کے تحت حضرت یوسفؑ کو اندھے کنویں میں ڈالنے، کنویں کی تاریکی اور حبس کے باعث حضرت یوسفؑ کی حالت زار کہ دل کی کشتی اب ڈوبی جب ڈوبی یا طائرِ نفس قفسِ جسم سے اب پرواز کی تب پرواز کی، جیسی انسانی کیفیات کو نہایت ایجاز واختصار کے ساتھ بہت ہی جامع ومعنی خیز انداز میں پیش کیا ہے۔

بہت آفت رسیدہ ہم۔۔۔سے لے کر، دیکھو میں زندہ ہوں کے اشعار میں شعریٰ نے سورہ یوسف کی آیت ۸۸ سے ۹۲ تک کا منظوم ترجمہ پیش کیا ہے۔انھوں نے قرآنی آیات کے مفاہیم کو نظم میں اس خوش اسلوبی سے ضم کیا ہے کہ نظم کی معنوی وسعت میں مزید اضافہ ہوگیا ہے۔

دوسرے بند میں شعریٰ نے برادران یوسف جنھیں اپنی قوت، طاقت اور عصبیت پر بہت ناز تھا کی بدحالی کو بیان کیا ہے۔برادران یوسف بڑے طنطنہ والے تھے لیکن حالات نے ان کے اعصاب اس طرح ڈھیلے کر دیئے تھے کہ اب وہ نہ صرف یہ کہ دست سوال دراز کرنے لگے تھے بلکہ صدقے کی بھی اپیل کر رہے تھے۔انھوں نے بہت عجز وانکساری اور بڑے ہی رقت انگیز انداز میں کہا کہ حضور! ہم مصیبت کے مارے ہوئے ہیں اور ہمارے اہل وعیال بھی قحط کے سبب بہت تکلیف میں ہیں، ہم اس بار پونجی بھی کم لے کر آئے ہیں لیکن ہماری درخواست ہے کہ ہمیں غلہ بھی پورا پورا عطا کیجئے اور مزید برآں ہمیں صدقات وخیرات بھی عنایت فرمایئے۔اللہ تعالیٰ صدقہ وخیرات دینے والوں کو بہترین اجر دیتا ہے۔بھائیوں کی بدحالی اور پریشانی اوران کی لجاجت آمیز درخواست بالخصوص صدقہ کی اپیل نے حضرت یوسفؑ کو اندر سے جھنجھوڑ کر رکھ دیا۔اس صورت حال سے حضرت یوسفؑ اس درجہ متأثر ہوئے کہ نمناک آنکھوں سے افشائے راز کر بیٹھے اور سچ سچ کہہ دیا کہ میں تمھارا بھائی یوسف

ہوں، میری بات کا یقین کرو۔ میں بالکل سچ بات کہہ رہا ہوں۔ ساتھ ہی بھائیوں کی غلط کرتوتوں کی یاددہانی بھی کرادی کہ تم لوگوں نے جہالت ونادانی میں میرے ساتھ کیا کیا تھا۔ میں تمھاری طرح جھوٹ اور من گھڑت بات نہیں کہہ رہا ہوں۔ دیکھو میں زندہ ہوں اور عزیز مصر کے منصب پر فائز ہوں۔

حضرت یوسفؑ کی بات سن کر برادران یوسف سکتے میں آگئے۔ انھیں ایسا لگا ہے گویا زمین وآسمان کی گردش رک گئی ہو اور ہر شے پر سناٹا طاری ہوگیا ہو۔ اچانک انھیں اپنی وہ ساری سازشیں اور من گھرٹ باتیں جو انھوں نے حضرت یوسفؑ کے متعلق بیان کی تھیں کہ اسے تو جنگل کا بھیڑیا کھا گیا ہے، ذہنوں میں گردش کرنے لگتی ہیں۔ وہ ماضی کے اپنے اس دردانگیز واقعے کو ذہن سے جھٹک کر دل بریاں، نالۂ سوزاں اور چشم پرنم کے ساتھ گلے ملتے ہیں۔ ایک دوسرے کو چومتے ہیں۔ گلے شکوے دور کرتے ہیں۔ معافی تلافی ہوتی ہے۔ پھر جذباتی وفور جب ذرا کم ہوتا ہے اور ہوش سنبھلتے ہیں تو یکایک انھیں اپنی موجودہ مشکلات وتکالیف یاد آتی ہیں اور اس پریشانی ومشکل کی گھڑی میں حضرت یوسفؑ کا بحیثیت بھائی خاموش رہنا، بیگانگی کا اظہار کرنا اور اپنی ذات کو پوشیدہ رکھنا، مذکورہ ساری باتیں برادران یوسف کو جذباتی طور پر یہ سوچنے پہ مجبور کرتی ہیں کہ ہم سب سے زیادہ سنگ دل عزیز مصر (حضرت یوسفؑ) ہیں۔ نظم کا آخری بند ملاحظہ ہو۔

اسے تو کھا گیا تھا بھیڑیا دشتِ اجل کا
پھر کہاں سے یہ نکل آیا
فدا ہوتے ہیں عارض چومتے ہیں
ناگہاں کچھ یاد آتے ہی
بھکنے لگتے ہیں
دیکھو یہ اتنی دیر میں پھوٹا
ہمارے دل سے بڑھ کر دل ترا
پتھر صفت ہے
اے عزیز مصر

شعریٰ اپنی تخلیقی انفرادیت سے سنگ دلی، سفاکی اور بے مروّتی وبے رحمی جیسی صفات جو برادران یوسف کا خاصہ ہیں ان کو ایک نئے شعری پس منظر میں حضرت یوسفؑ سے جوڑ دیتی ہیں بلکہ حضرت یوسفؑ کو اپنے بھائیوں سے بڑھ کر سنگ دل ثابت کرتی ہیں۔ یہاں شعریٰ عام روش سے انحراف کرتے ہوئے سرگزشت یوسف کو ایک نیا استعاراتی مفہوم عطا کرتی ہیں۔ جس سے قاری کو ایک جدت وندرت کا احساس ہوتا ہے اور اس کے ذہنی ابعاد وا ہونے لگتے ہیں۔ نظم کے آخری بند میں شاعرہ نے حضرت یوسفؑ کی بازیابی اور انکشاف ذات کے بعد بھائیوں کی جذباتی کیفیات اور دربار ار کے مناظر کو الفاظ کے پردے میں مصور کردیا ہے۔ شاعرہ کا کمال یہ ہے

کہ انھوں ان واقعات کو اس فنی چابکدستی سے پیش کیا کہ تمام مناظر نگاہوں کے سامنے رقص کناں نظر آتے ہیں اور قاری سارے کرداروں کو چلتا پھرتا محسوس کرتا ہے۔

### 32.3.4 نظم ''بازگشت'' کا متن -II

نغمہ زارِ درد کی جانب چلے ہم
ایک بھی ذرہ نہ کچلا جائے اس رفتار سے
نغمہ زارِ درد کی جانب چلے ہم
کنج میں پیڑوں کے سورج جھانکتا تھا
کوہساروں سبزہ زاروں میں جھمکتی روشنی کا جشن تھا
جشن جاری ہی رہے گا تا ابد
جاری رہے
نغمہ زارِ درد کی جانب چلے ہم
لعل و مرمر سے گندھا قالب
اور اس کے محور اس کے قریب
بجلیوں جیسا مصفا اک وجود
چار سو بکھرے ہوئے خاموش سونے آسماں
ہم کہاں ہیں ہم کہاں۔نغمہ زار درد ہے یہ (ہم کہاں)
اتنا بے آواز جیسے
آتما اپنی شعاعیں
ریشے ریشے سے بدن کے کھینچ لے
آہستگی سے بے گزند
اور دوری بے فغاں ہو جسم کی اور روح کی
کیا سبک رفتار کر دیتی ہے ہم کو بے دلی بے حاصلی
جیسے اک بادل کا ٹکڑا
اپنی چھاگل پھینک دے اونچی فضا میں
پیاسے ذروں کی طرف
پھر ہلکے پھلکے پنکھ پھیلائے اڑے
ہلکورے لے

اک مٹتی بنتی رنگ کی تحریر سی
سیراب ذرے اس کو دیکھیں
اور پکار اٹھیں
وہ کافوری سا شعلہ عظمت نارس!
دوام درد ہے وہ سرخ نرمل روشنی
(لو سانس کے سرچشمے سوکھے ہر شکایت مٹ گئی)
کیا شکایت سانس کے سرچشمے سے ان کو رہی
جو سانس لیتے ہیں یہاں؟
موج بے ہنگام خندہ
کیسے پھوٹی میرے لب سے
کوئی شکتی ہم میں ہے؟
جو یوں ہمیں پامال کر نہ سکے!
یہ ہمیں آغاز ہی سے ختم کرنے پر تلی تھی
چاہے پھر خود ہی مجاور بن سکے انجام کار
احتجاج اس کا جو اک شکتی ہے مجھ میں
کس قدر پر شور ہے
کس قدر پر زور ہے
نغمہ زار درد سے آگے لئے جاتا ہے مجھ کو
ان فضاؤں میں جہاں
بازگشت اک گیت بن جاتی ہے اس کی
جیسے سب ٹیلے چٹانیں اور کہستان
سانس کے چشمے میں شامل ہیں
دھڑکتے ذی نفس اور ہم نوا

### 32.3.4.1 نظم ''بازگشت'' کا تجزیہ -II

نظم ''بازگشت'' ان کے دوسرے شعری مجموعہ ''آفاق نوا'' میں شامل ہے۔اس مجموعہ میں شامل منظوم پیش لفظ شعریٰ کے مذہبی وتاریخی شعور اور فکر وخیال کی وسعت کا غماز ہے۔اس مجموعہ میں شعریٰ نے تصور زمان ومکان، انبیا کے سبق آموز واقعات، عصری حسیت، تخلیق کائنات اور گردش ایام کے ساتھ ساتھ نبی کریم ﷺ سے اپنی

عقیدت و محبت کو موضوع بنایا ہے۔یعنی انھوں نے اس مجموعہ میں ذات و کائنات جیسے مشکل و پیچیدہ مسائل کو پیش کرنے کی کوشش کی ہے۔اس مجموعہ میں شامل نظمیں شعریٰ کے ذہنی ارتقا کے ساتھ ان کے شعری ارتقا کا بھی پتہ دیتی ہیں۔بالفاظ دیگر ہم یہ کہہ سکتے ہیں کہ شعریٰ کے افکار و خیالات میں پختگی کے ساتھ ساتھ ان کے فن میں بھی پختگی آئی ہے۔

نظم ''بازگشت'' میں شعریٰ نے بودھی فکر و فلسفے کو استعارتی و تمثیلی انداز میں پیش کیا ہے۔اس نظم کو سمجھنے کے لیے قاری کو گوتم بدھ کے زندگی اور کائنات سے متعلق نظریات سے واقفیت لازمی ہے۔اس لیے مناسب معلوم ہوتا ہے کہ گوتم بدھ کے نظریہ کو مختصراً بیان کر دیا جائے تا کہ قاری کو نظم سمجھنے میں آسانی ہو۔گوتم بدھ نے تین چیزوں کو زندگی کی عظیم سچائیاں (Marks of Existence) کہا ہے۔۱۔اناتمن (Anatman)،۲۔انچّہ (Aniccha)،۳۔دکھ (Dukh)۔ اول نفی آتما یعنی کسی چیز میں آتما، اصل، جوہر یا روح نہیں ہے۔یعنی کائنات میں کچھ بھی قائم بالذات نہیں ہے بلکہ ہر شے قائم بالغیر ہے۔کائنات کی ہر شے کسی دوسری شے پر منحصر ہے اور وہ دوسری شے کسی اور شے پر، اور وہ شے کسی اور پر، یہ سلسلہ لامتناہی ہے۔خلاصہ یہ کہ اشیا علت و معلول کے رشتے کی وجہ سے جانی و پہچانی جاتی ہیں، ان کا بذات خود کوئی اپنا وجود، سوبھاؤ، لازمی ہیئت، اصل یا جوہر نہیں ہوتا ہے۔دوم نفی استقلال یعنی کائنات میں کچھ بھی مستقل نہیں ہے، ہر شے ہر لمحہ تغیر پذیر ہے یا بدلتی رہتی ہے۔ سوم یہ کہ زندگی کی سب سے بڑی سچائی دکھ ہے جس کی جڑ ترشنا (خواہش نفس) ہے۔مذکورہ بالا تینوں سچائیوں کا علم اور آگہی ہی نروان ہے۔یہی وہ مقام (نروان) ہے جہاں پر پہنچ کر انسان تمام دکھوں سے نجات پا جاتا ہے۔چنانچہ بدھ نے دکھوں سے نجات حاصل کرنے کے لیے تزکیہ نفس کا لائحہ عمل پیش کیا۔بدھ کا یہ لائحہ عمل اشٹ مارگ (آٹھ اصولوں والا طریق) کہلاتا ہے۔اشٹ مارگ کو عام طور پر بیچ کا راستہ The Middle way بھی کہا جاتا ہے۔

نظم کا عنوان ''بازگشت'' بڑا ہی معنی خیز اور وسیع و بسیط اہمیت کا حامل ہے۔شاعرہ نے پوری نظم کا نچوڑ عنوان میں سمو دیا ہے۔لفظ بازگشت سے متعلق چند اشعار پیش کیے جاتے ہیں تا کہ بازگشت کے معنی کی وضاحت ہو سکے۔

ہر اک صدا جو ہمیں بازگشت لگتی ہے　　انجانے ہم ہیں دوبارا کہ یہ دوبارا ہے

(امجد اسلام امجد)

ہوتا ہے بازگشت میں جیسے صدا کے ساتھ　　میرے قدم قدم پہ سزا تھی سزا کے ساتھ

(مرتضیٰ اشعر)

مجھے تو سیر جہاں سیر بازگشت ہوئی　　تیرا جہاں دل خانہ خراب جیسا تھا

(شاذ تمکنت)

یہاں پلٹ کے نہ اپنی بھی بازگشت آئی　　خلوص و مہر کے کوہ گراں کو دیکھ لیا

(خورشید رضوی)

نظم ''بازگشت'' تین حصوں پر مشتمل ہے۔ پہلے حصے میں شاعرہ نے انسان کی تخلیق کو تمثیلی واستعارتی پیرائے میں بیان کیا ہے۔ بودھی فکر و فلسفے کے مطابق یہ دنیا دکھ والم کی آماجگاہ ہے۔ شاعرہ نے اس کے لیے نغمہ زار درد کا استعارہ خلق کیا ہے۔ یعنی دنیا وہ مقام ہے جہاں درد کے نغمے ابلتے ہیں۔ ہم جب عدم سے وجود کی طرف آتے ہیں تو گویا ہم ایک ایسے نغمہ زار کی طرف آتے ہیں جہاں صرف آہ و بکا اور گریہ وزاری ہے۔ ''ایک بھی ذرہ نہ کچلا جائے اس رفتار سے'' میں بھی بودھی نقطۂ نظر کی مزید وضاحت کی گئی۔ گوتم بدھ کے نزدیک کائنات کی کوئی بھی شے مستقل بالذات نہیں ہے، یعنی ہر شے ہر لحظہ بدلتی رہتی ہے۔ ہنگامہ دنیا ایک لمحے کے لیے تھمتا نہیں ہے۔ کائنات میں ارتقائے انسانی اس سبک رفتاری کے ساتھ ہوتا ہے کہ ہمیں اس بات کا احساس تک نہیں ہوتا کہ دنیا پر ہمارے وجود کا کیا اثر پڑ رہا ہے۔ اس کے بعد کے مصرعوں میں زندگی کے آغاز کو استعاراتی وتمثیلاتی اسلوب میں پیش کیا ہے۔ پھر جسم انسانی کی صورت گری کرتے ہوئے اس کی بے بسی کا اظہار کیا گیا ہے کہ یہ مادی جسم دراصل نغمہ زار درد ہے۔ اگر گوشت و پوست کا یہ مادی جسم نہ ہوتا تو درد کے نغموں کے پیدا ہونے کا کوئی جواز ہی نہ ہوتا ہے۔

نظم کے دوسرے حصے میں موت کے بودھی فکر کو وقت کے اس لامتناہی حقیقت کے تصور میں پیش کیا گیا ہے، جہاں وقت کا دھارا اپنے طور پر بہتا رہتا ہے اور زندگی میں تبدیلیاں لاتا رہتا ہے وہیں کرب بھی کبھی نہ سوکھنے والے دریا کی طرح ہر وقت بہتا رہتا ہے۔ وقت کے اس بہاؤ میں ایک ایسا مقام آتا ہے جہاں انسان موت سے دوچار ہوتا ہے۔ شاعرہ کہتی ہے کہ وقت اتنی خاموشی سے انسان کے سارے جوہر کو ختم کر دیتا ہے کہ اسے احساس تک نہیں ہوتا اور وہ بالآخر وقت کے سامنے مجبور ہو کر نغمہ زار درد کی جانب ایک نئے وجود کو جنم دیتا ہے۔ پھر وہ بادل کے ٹکڑے کے ذریعے تمثیلی انداز میں انسان کی قوت نمو کی طرف اشارہ کرتی ہیں کہ جیسے بادل پانی کا بوجھ لیے پھرتا ہے اور تھک کر سوکھی ومردہ زمین پر پانی کو پھینک دیتا ہے اور اسی پانی سے نمو پا کر نئی زندگیاں وجود پذیر ہوتی ہیں۔ نئی زندگی کا وجود دراصل دوام درد کی علامت ہے یا دکھ و درد کے اس لامتناہی سلسلے کی کڑی ہے۔ انسان اپنے بنیادی فریضے کو پورا کرتے ہوئے کاروبار دنیا کو آگے بڑھاتا ہے اور خود کو موت کی طرف لے جاتا ہے۔ موت دراصل مادی جسم کو چھوڑ کر حیات جاویدانی میں منتقلی کا نام ہے۔ علامہ اقبال اسی بات کو ان الفاظ میں پیش کرتے ہیں۔

موت کو سمجھے ہیں غافل اختتام زندگی
ہے یہ شام زندگی صبح دوام زندگی

نظم کے آخری حصہ میں شاعرہ نے گوتم بدھ کے نروان کے تصور کو پیش کیا ہے۔ نروان کے معنی نجات، چھٹکارا، مادہ سے آزادی، ختم ہونا یا بجھنے کے ہیں۔ اصطلاح میں اس سے مراد یہ کہ جب انسان کی تمام خواہشات کی پیاس مکمل طور پر ''بجھ'' جاتی ہے تو وہ شخص مادی حالت سے نقل کر کے ابدی حالت میں منتقل ہو جاتا ہے۔ یعنی جب

کوئی روح نروان کی حالت میں پہنچ جاتی ہے تو وہ دنیا کے مصائب سے آزاد ہو جاتی ہے اور کائنات کے ساتھ اپنے اتحاد کا احساس پاتی ہے۔ شاعرہ نے نظم کے اختتام میں اس تصور کو پیش کیا کہ موت مجھے اس فانی اور مادی کائنات سے نکال کر ایک ایسی ابدی مقام پر پہنچا دیتی ہے جہاں ہر شے میری ہم نوا معلوم ہوتی ہے۔ گویا مجھے مادی زندگی سے نجات مل گئی ہو اور ابدی مسرت میرا مقدر بن گئی ہو۔

نغمہ زار درد سے آگے لئے جاتا ہے مجھ کو
ان فضاؤں میں جہاں
بازگشت اک گیت بن جاتی ہے اس کی
جیسے سب ٹیلے چٹانیں اور کہستان
سانس کے چشمے میں شامل ہیں
دھڑکتے ذی نفس اور ہم نوا

## 32.4 ماحصل

جدید اردو جدید نظم کو ایک نئی سمت و رفتار عطا کرنے والی شاعرات میں ایک اہم اور ممتاز نام شفیق فاطمہ شعریٰ کا ہے۔ شعریٰ اپنے عہد کی ایک منفرد تخلیق کار ہیں جن کی صلاحیت وانفرادیت کا اعتراف متقدمین ومتأخرین سبھی نقادوں نے کیا ہے۔ انھوں نے میدان شعروادب میں اس وقت قدم رکھا جب اردو شاعری نسوانی آواز سے نا آشنا تھی۔ اگر چہ ان سے قبل چند شاعرات کا ذکر ملتا ہے تاہم ان میں کوئی ایسا قابل ذکر نام نہیں ہے جس نے اردو شاعری کے ارتقا میں کوئی اہم رول ادا کیا ہو۔ یعنی اردو شاعری کے ایوان میں یہ عورت کی پہلی آواز تھی، نہایت سنجیدہ، لطیف، ملائم، مسحور کن، معتدل اور بے مثال جوان کی ہم عصر کسی شاعرہ کے یہاں نظر نہیں آتی ہے۔ شعریٰ کی نظموں کا مطالعہ کرنے سے معلوم ہوتا ہے کہ ان کے یہاں موضوعات کی رنگارنگی پائی جاتی ہے۔ انھوں نے اپنی نظموں میں ان تمام موضوعات ومسائل کو پیش کیا ہے جن سے ان کے عہد کا انسان نبرد آزما تھا۔ شعریٰ ایک کثیر المطالعہ اور حالات حاضرہ سے باخبر رہنے والی شاعرہ تھیں۔ ان کی نگاہ میں پورا عالمی منظر نامہ تھا۔ انھوں نے اپنے دور کے ان اہم قومی اور بین الاقوامی واقعات وسانحات کو نظم کیا جن کا تعلق انسانوں بالخصوص مظلوم مسلمانوں سے تھا۔ برق رفتاری سے بدلتے ہوئے قومی وبین الاقوامی حالات وواقعات پر مبنی نظموں میں ''ایک تیز رفتار نظم''، ''حضارت جدید''، ''بوسنیا''، ''گڑیا گھر''، ''سلسلۂ مکالمات'' اور ''شفیع الامم'' وغیرہ خاص طور پر قابل ذکر ہیں۔ شعریٰ نے ''ایک تیز رفتار نظم'' میں ہم عصر معاشرے کے مختلف پہلوؤں کو ایک لڑی میں یوں مربوط کر دیا ہے کہ ایک کولاژ تیار ہو گیا ہے۔ فنی نقطۂ نظر سے جب ہم شعریٰ کی نظموں کا مطالعہ کرتے ہیں تو ہمیں اندازہ ہوتا ہے کہ ان کے یہاں مختلف النوع بحروں اور صنعتوں کا حسین امتزاج ملتا ہے۔ انھوں نے بحروں کے استعمال میں ایسی مہارت اور فنکارانہ چابکدستی کا ثبوت دیا ہے کہ نظموں کے

آہنگ اور ترنم سے قاری پر ایک وجد کی کیفیت طاری ہو جاتی ہے۔ شعریٰ کی آزاد نظموں میں جس طرح کا عروضی تنوع ملتا ہے وہ اردو کے بہت کم شعرا کے یہاں نظر آتا ہے۔ بحروں کی مزاج شناسی اور عروضی ندرت وتنوع ہی شعریٰ کی شاعری کی اصل پہچان اور قابل فخر امتیاز ہے۔ شعریٰ کی شاعری کا فکری وفنی سطح پر جائزہ لینے کے بعد ہم یہ کہہ سکتے ہیں کہ ان کے یہاں فکری وفنی دونوں سطح پر بتدریج اور یکساں ارتقا ہوا ہے۔ شعریٰ کی ابتدائی نظموں (۱۹۵۳ء سے ۱۹۶۵ء) اور بعد کی نظموں (۱۹۶۶ء سے ۲۰۰۶ء) کا موضوع، اسلوب، زبان، آہنگ، لفظیات اور تکنیک ہر سطح پر ارتقا نظر آتا ہے۔ یہی وجہ ہے کہ ان کی ابتدائی نظموں کا اسلوب، آہنگ اور زبان سبک رواں اور آسان ہے۔ قاری بآسانی موضوع سے ہم آہنگی قائم کر لیتا ہے۔ ایک عام قاری کی بھی سمجھ میں آجاتی ہیں اور وہ اس سے لطف اندوز ہوتا ہے۔ یعنی ان کی ابتدائی نظموں میں فکر اور فلسفے کے وہ دقیق مسائل اور گراں باری نہیں ہے جو بعد میں شعریٰ کی پہچان بن گئے۔ انھوں نے تاریخی حسیت، مذہبی شعور، فکری آگہی اور اساطیری ودیومالائی عناصر کے ذریعے اردو شاعری میں دانشورانہ روایت کو جگہ دی جو اردو شاعری کے باب میں ایک گراں قدر اضافے کی حیثیت رکھتی ہے۔

## 32.5 آپ نے کیا سیکھا؟

عزیز طلبا! اس اکائی کے مطالعے سے آپ:

- شفیق فاطمہ شعریٰ کی حیات وخدمات سے واقف ہوئے۔
- شفیق شعریٰ کی شاعری کی خصوصیات جان سکے۔
- شفیق شعریٰ کے فکر وفن کا اندازہ کر سکے۔
- شفیق فاطمہ شعریٰ کی دو نظموں کا تجزیہ کر سکے۔
- شاعری میں شفیق فاطمہ شعریٰ کے مقام ومرتبے کا تعین کر سکے۔

## 32.6 اپنا امتحان خود لیجیے

1۔ شعریٰ کے حالات زندگی قلم بند کیجیے۔
2۔ شعریٰ کی شاعری کی خصوصیات بیان کیجیے۔
3۔ نظم ''بازیابی'' کا پس منظر بیان کیجیے؟
4۔ شعریٰ نے شاعری کی ابتدا کس صنف اور کس رنگ میں کی؟
5۔ نظم ''بازگشت'' کا پس منظر بیان کیجیے۔

## 32.7 فرہنگ

| لفظ | معنی | لفظ | معنی |
|---|---|---|---|
| بازیابی | کسی گم شدہ چیز کی دستیابی | رنجش | آزردگی، ان بن، بگاڑ |
| آفت رسیدہ | مصیبت میں گرفتار | کذب | جھوٹ |
| ہنکارا | کسی بات کے اقرار و اقبال کی آواز، ہاں، ہوں | حاشا | استثنااور تنزیہہ کلمہ ہے، ہرگز نہیں نہیں سرکار |
| افترا | بہتان، تہمت | چشمک زنی | آنکھ سے اشارہ کرنا |
| سفینہ | کشتی | گرداب | بھنور |
| ارض وسما | زمین وآسمان | عارض | رخسار، گال، رخ |
| کنج | گوشہ، کونہ | کوہسار | پہاڑ |
| قالب | سانچا، انسانی جسم | ابد | ہمیشہ |
| سبک رفتار | تیز رفتار | نارس | کچا، خام، نا شگفتہ |
| پامال کرنا | تباہ وبرباد کرنا، روندنا | بازگشت | واپسی، پلٹنا، لوٹنا |
| کہستان | پہاڑ، پہاڑوں کا سلسلہ | ذی نفس | جاندار |

## 32.8 کتب برائے مطالعہ

شفیق فاطمہ شعریٰ: گلۂ صفورہ مکتبہ جامعہ لمیٹڈ، جامعہ نگر، نئی دہلی، ۱۹۹۰ء

شفیق فاطمہ شعریٰ: آفاق نوا شالیمار پبلی کیشنز، حیدرآباد، ۱۹۸۷ء

شفیق فاطمہ شعریٰ: سلسلۂ مکالمات ایجوکیشنل پبلشنگ ہاؤس، دہلی، ۲۰۰۶ء

زبیر رضوی (مرتب): نئی نظم تجزیہ اور انتخاب مکتبہ ذہن جدید، نئی دہلی، ۲۰۰۷ء

قاضی افضال حسین (مرتب): نظموں کے تجزیے مسلم ایجوکیشنل پریس، بنی اسرائیلان علی گڑھ، ۲۰۰۹ء


SOCIAL MEDIA
ignou
THE PEOPLE'S UNIVERSITY
IGNOU DIGI NEWS
A++
NAAC
इंदिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय
INDIRA GANDHI NATIONAL OPEN UNIVERSITY
SWAYAM PRABHA
QR Code generated for quick access by Students
IGNOU website
eGyankosh
e-Content APP
Facebook (@officialPageIGNOU)
Twitter (@OfficialIGNOU)
Instagram (officialpageignou)
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# EXPLORING THE INFLUENCE OF FACEBOOK USAGE ON THE WELL-BEING AND SOCIAL BEHAVIOUR OF POSTGRADUATE STUDENTS

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|---|---|---|
| Assistant Professor | HOD, Commerce | Assistant Professor |
| Poona College | Poona College | Poona College |

**ABSTRACT**

*In this era of internet, face book, a social media networking platform is reaching to its saturation. Many recent studies says about the stress which users started feeling during its usage. But if we see the young generation of students, they still have fantasy to share their activities and achievement on Facebook. So now we have contradictory outcomes here where people wants to de-tox from social media and at a same time the new users are keep on increasing. In this paper the researcher wants to find out the happiness of post graduate students using Facebook and the demographic factors like gender, Income, academic performance, behaviour, (introverts and extroverts) students best subject and average sleeping hours influencing the happiness*

*Keywords: Facebook, students, happiness*

**Statement of Problems and Need for Study**

If we analysis the data of increase in number of active Facebook users it has increasing from 1591 million in 2015 end to 2449 million in the third quarter of 2019 (source Statista 2020). On the other hand we could found out the Facebook users addictions and resulting in psychological disorders leading to unhappiness. In these two contradictory outcomes of research we may try to find out the human features influences the happiness of Facebook users or the level of saturation to the certain type of students. By finding out the causing factor we may categorize and recommend to people using Facebook whether to spend more time or not etc.

**Purpose/Objective:**

- To study the relationship between demographic profile (gender, Income, academic performance, behaviour) of students with their happiness while socialising on face book.
- To find out the relationship between students best subject and average sleeping hours with their usage duration of while socialising on Facebook
- To find out the relationship between students gender and passing grade with their agreement on Facebook acting as an stress buster during work pressure

**Hypotheses**

**Ho1** There is no significant relationship between students’ Family Income and their Happiness while socialising on Facebook.

**Ho2** There is no significant relationship between students’ Behaviour Type and their Happiness while socialising on Facebook.

**Ho3** There is no significant relationship between students' Average Sleeping Hours and their Usage Duration of Facebook

**Ho4** There is no significant relationship between students' Best Subject and their Usage Duration of Facebook

**Ho5** There is no significant relationship between students' Gender and their Happiness while socialising on Facebook

**Ho6** There is no significant relationship between students' Gender and their Agreement on Facebook acting as a Stress Buster during work pressure

**Ho7** There is no significant relationship between students' Passing Grades and their Agreement on Facebook acting as a Stress Buster during work pressure

## RESEARCH METHODOLOGY

Source of data collection would be primary data. The study is carried out in southern part of Pune City randomly through a survey involving 250 post graduate students' respondents. The elements of usage of Facebook is measured in terms hours and elements of happiness is measured in terms of high and low on five point likert scale along with demographic profile like students respondents' gender, Income, academic performance, behaviour, (introverts and extroverts) students best subject and average sleeping hours. Analysis would be done by using appropriate statistical tools on SPSS software like Pearson's Chi-Square and One-Way ANOVA to prove the statistical significance amongst the variables as per hypothesis.

## TYPE OF RESEARCH

Descriptive type primary research with Simple Random Sampling method involving 250 respondents as sample size

## REVIEW OF LITERATURE

Hunt Allcott, Luca Braghieri, Sarah Eichmeyer, and Matthew Gentzkow (2019) The Welfare Effects of Social Media, Standford University in their research outcome the results left little doubt that Facebook provides large benefits for its users. Even after a four week "detox," their participants spent substantial time on Facebook every day and needed to be paid large amounts of money to give up Facebook. The results on news consumption and knowledge suggest that Facebook is an important source of news and information. Participants' answers in free response questions and follow-up interviews make clear the diverse ways in which Facebook can improve people's lives, whether as a source of entertainment, a means to organize a charity or an activist group, or a vital social lifeline for those who are otherwise isolated.

Aida Abdulahi, Behrang Samadi, Behrooz Gharleghi in their Research paper. The purpose of this study is to identify the negative effects of social network sites such as Facebook among Asia Pacific University scholars. The researcher, distributed 152 surveys to students of the chosen university to examine and study the negative effects. Electronic communication is emotionally gratifying but how do such technological distraction impact on academic performance? Because of social media platform's

widespread adoption by university students, there is an interest in how Facebook is related to academic performance. This paper measure frequency of use, participation in activities and time spent preparing for class, in order to know if Facebook affects the performance of students. Moreover, the impact of social network site on academic performance also raised another major concern which is health

Result from the study shows that social network sites such as Facebook affects the scholars of Asia Pacific University. Firstly, the outcome of the study aligns perfectly with other studies mentioned above in the literature review of academic performance. For instance Reynol Junco, 2012 found that time spent on Facebook and checking Facebook was negatively related to the overall GPA. Time spent on social network sites is shown to negatively impact academic performance. As time spent on social networking sites increases, the academic performance of the students is seen to deteriorate.

Dr Sam Thomas, 2011 discovered that SNS addiction is seen by internet addiction and chatting, which Facebook provides and allows people to have instant messaging even though they are in different continents. In addition, Balakrishnan and Shamim 2013, found in their result, that some the students exhibit some addictive symptoms. Moreover, according to the results of the study of Mekinc, Smailbegovic, Kokic in 2013, said that using Facebook increases the likelihood of addiction to the internet. However, the outcome of this research does not completely align with the result mentioned above. In this paper, this particular independent variable was the highest contributor in regression analysis and also showed a positive relationship with the dependent variable. This study also shows that people do not know how their personal data can be shared.( *Vol. 5, No. 10; September 2014)*

Sulaiman Ainin, M. Muzamil Naqshbandi, Sedigheh Moghavvemi, Noor Ismawati Jaafarin their Research paper This paper examines the impact of Facebook usage on students' academic performance. In addition, it also analyses whether Socialization influences Facebook usage. Empirical data was collected from 1165Malaysian university students using a questionnaire survey.

The study examined the relationship between Socialization, Facebook Usage intensity and Academic Performance of Malaysian university students. It was found that only one Socialization variable i.e. Social Acceptance significantly predicted Facebook Usage Intensity while Acculturation was not found to be significant.

This study found that Socialization particularly Social Acceptance does influence Facebook usage while Acculturation does not. As with any research, this study has its limitations. It uses a cross-sectional data and the Academic Performance is measured using an Indirect measure. Future research should consider collecting longitudinal data and use actual GPA. (Computers&Education83 (2015)64e73)

Rooma Roshnee Ramsaran-Fowdar ,Sooraj Fowdar in their Research paper With the explosive popularity of Facebook as a social media, there has not been much research that examines Facebook marketing and its implications for businesses. This paper

represents an exploratory effort into this direction and analyzes existing Facebook marketing practices and tools, their benefits, and concerns associated with this type of social media marketing. Practical implications are suggested for organizations using Facebook as a social marketing tool and areas for future research are identified Organizations are interested in exchanging and spreading information, trading products or services, staying close to current and potential customers, acquiring a better understanding of their customers and other benefits generated by Facebook. The increase of communication flow of information among customers together with the increased availability of assorted communication channels is creating a new level of complexity in the design and implementation of new marketing strategies. (Contemporary Management Research Pages 73-84, Vol. 9, No. 1, March 2013 doi:10.7903/cmr.9710)

Sana Rouis, Moez Limayem, Esmail Salehi-Sangari This paper provides a preliminary analysis of the effects of Facebook usage by undergraduate students at Luleå University of Technology in Sweden. The proposed research model tests the perceived effect of personality traits, self-regulation, and trust on students' achievements.

Tarsem Singh Cooner, Liz Beddoe, Harry Ferguson & Eileen JoyThis article draws from a 15-month participant observation study of social work and child protection practices in England to illustrate how social workers used Facebook to gain another view of service-users' lives. Social media use was not an intended focus for the study, its presence emerged during our data analysis. While some research has shown that such practices occur, our long-term ethnographic approach provides new insights into how Facebook was actually used in ongoing casework with families and why it was used. Our findings show that Facebook use took multiple forms. Some social workers actively searched service users' Facebook pages and some opposed any such usage. We further advance the literature by introducing a third group who were unwillingly drawn into" acting on Facebook information presented to them by others such as their managers. Our research insights suggest that social work must pause to consider the implications of these complex emerging practices. Much greater clarity and guidance is needed for social work leaders, managers and practitioners to help them navigate their way through this digital mine field. As we discovered, there is uncertainty even in the legal profession in England about what is permissible use of Facebook within the law (Reed, 2019). This is particularly pertinent at a time when challenging debates are taking place exploring how social media surveillance is being used at a societal level to monitor, predict and shape the political (Gleib's, 2015) and consumer behaviors (Zuboff, 2019) of users without their explicit consent or awareness. To avoid social work going down a similar morally indefensible road, or more accurately to remove it from the road it is already on, the profession needs to protect service users from unthinking, unethical, and potentially illegal social media use, while opening up discussion around the use of social media as a possible resource in child protection.

## DATA ANALYSIS

**Ho1:** There is no significant relationship between students' Family Income and their Happiness while socialising on Facebook.

| Table 1.1 | Mean Square | F | Sig. |
|---|---|---|---|
| Between Groups | 2.772 | 2.557 | .059 |
| Within Groups | 1.084 | | |
| **Total** | | | |

**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.059 as shown in table 1.1, If Sig. p value is greater than 0.05 → it implies that there is no that students' family income are not significantly related to their happiness while socialising on Facebook .Null hypotheses is Accepted.

**Ho2:** There is no significant relationship between students' Behaviour Type and their Happiness while socialising on Facebook.

| Table 2.1 **Chi-Square Tests** | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 6.111[a] | 4 | 0.191 |
| Likelihood Ratio | 7.653 | 4 | 0.105 |
| Linear-by-Linear Association | 0.004 | 1 | 0.950 |
| N of Valid Cases | 250 | | |
| a. 2 cells (20.0%) have expected count less than 5. The minimum expected count is 1.88. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.191 as shown in table 2.1, it implies that students' behaviour type are notsignificantly relatedto their happiness while socialising on Facebook . Null hypotheses is Accepted

**Ho3:** There is no significant relationship between students' Average Sleeping Hours and their Usage Duration of Facebook

| **Table 3.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 23.184[a] | 9 | 0.006 |
| Likelihood Ratio | 19.981 | 9 | 0.018 |
| Linear-by-Linear Association | 0.006 | 1 | 0.937 |
| N of Valid Cases | 250 | | |
| a. 9 cells (56.3%) have expected count less than 5. The minimum expected count is .57. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is less than 0.05 i.e. 0.006 as shown in table 3.1, it implies that students average sleeping hours are significantly related with theirusage duration of Facebook. Null hypotheses is Rejected

**Ho4**: There is no significant relationship between students' Best Subject and their Usage Duration of Facebook

| **Table 4.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 10.372[a] | 12 | 0.583 |
| Likelihood Ratio | 12.418 | 12 | 0.413 |
| Linear-by-Linear Association | 0.290 | 1 | 0.590 |
| N of Valid Cases | 250 | | |
| a. 13 cells (65.0%) have expected count less than 5. The minimum expected count is .05. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.583 as shown in table 4.1, it implies that students' Best subject is not significantly related with their usage duration of Facebook. Null hypotheses is Accepted

**Ho5**: There is no significant relationship between students' Gender and their Happiness while socialising on Facebook

| **Table 5.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 3.020[a] | 4 | 0.554 |
| Likelihood Ratio | 2.962 | 4 | 0.564 |
| Linear-by-Linear Association | 1.369 | 1 | 0.242 |
| N of Valid Cases | 250 | | |
| a. 3 cells (30.0%) have expected count less than 5. The minimum expected count is 1.11. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.583 as shown in table 5.1, it implies that students' gender is not significantly related Best subject is not significantly related with their Happiness while socialising on Facebook . Null hypotheses is Accepted

**Ho6:** There is no significant relationship between students' Gender and their Agreement on Facebook acting as a Stress Buster during work pressure

| **Table 6.1** | **Mean Square** | **F** | **Sig.** |
|---|---|---|---|
| Between Groups | 3.102 | 3.631 | 0.015 |
| Within Groups | 0.854 | | |
| **Total** | | | |

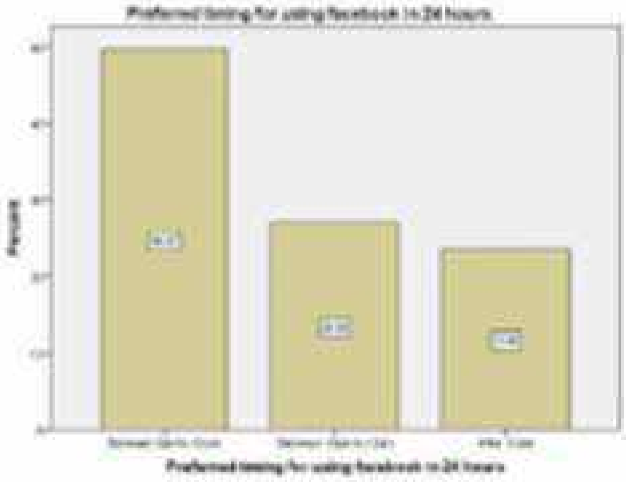
**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.015 as shown in table 6.1, If Sig. p value is less than 0.05 → it implies that students' gender and significantly related their agreement on Facebook acting as a stress buster during work pressure.Null hypotheses is Rejected

**Ho7:** There is no significant relationship between students' Passing Grades and their Agreement on Facebook acting as a Stress Buster during work pressure

| Table 7.1 | Mean Square | F | Sig. |
|---|---|---|---|
| Between Groups | 0.083 | 0.090 | 0.914 |
| Within Groups | 0.928 | | |
| **Total** | | | |

**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.915 as shown in table 6.1, If Sig. p value is greater than 0.05 → it implies thatstudents' passing grades are not significantly related and their agreement on Facebook acting as an stress buster during work pressure. Null hypotheses is Accepted

**OTHER OBSERVATIONS**



The above graph shows that around 50 % of the students respondents use Facebook between 7 pm to 10 pm compares to 27 % after 10.00 pm and 23 % after 12

**DISCUSSIONS**

The above outcome of the study shows that family income of student is not influencing his happiness while using Facebook. Also their behavioural aspects like introvert and extrovert are making no change in the desire of students' happiness while using Facebook. Also the students' best subject doesn't show any effect on their happiness on Facebook.

On the other side it was observes that students habit of less sleeping number of hours are effecting their happiness while using Facebook. We may say that students having less sleeping requirement are happy to socialise on Facebook or we may also say that students using Facebook sacrifice their sleeping hours due to their happiness during usage of Facebook. Gender of the students also influence that group of students agreement on Facebook usage acting as a stress buster during work

## CONCLUSIONS

The findings of this research shows that students happiness on socialising on Facebook having a significant relationship with sleeping hours of students. We may conclude that students, tendency to sleep less is due to Facebook or additional satisfaction by using Facebook.  We may conclude that the happiness feeling is too high to sacrifice his sleep or vice versa. There may also a possibility that students spends more time on Facebook are unable to sleep due to blue light. We also conclude that we have different feeling amongst gender in experiencing Facebook acting as a stress buster during work.

## LIMITATIONS

The study is carried out in the city of south Pune particularly with post graduate student only. The results may vary if students from higher secondary or under graduate levels are considered.It will also show different results when students sample from all the location is taken. There is a scope for further detailed study in this area of research by taking more variables and increase in number of sample size.

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# Intellectual Property Rights

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PUBLISHED BY JEC PUBLICATIONS



ISBN: 978-93-5850-371-5
Price: Rs. 749.00



Printed in India

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# Intellectual Property Rights

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# Chapter 1: Protection of Intellectual Property Introduction

Intellectual property (IP) refers to the creations of the human mind like inventions, literary and artistic works, and symbols, names, images and designs used in commerce. Intellectual property is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs. Intellectual property rights protect the interests of creators by giving them property rights over their creations.

The most noticeable difference between intellectual property and other forms of property, however, is that intellectual property is intangible, that is, it cannot be defined or identified by its own physical parameters. It must be expressed in some discernible way to be protectable. Generally, it encompasses four separate and distinct types of intangible property namely — patents, trademarks, copyrights, and trade secrets, which collectively are referred to as "intellectual property." However, the scope and definition of intellectual property is constantly evolving with the inclusion of newer forms under the gambit of intellectual property. In recent times, geographical indications, protection of plant varieties, protection for semi-conductors and integrated circuits, and undisclosed information have been brought under the umbrella of intellectual property.

## The Concept of Intellectual Property

The concept of intellectual property is not new as Renaissance northern Italy is thought to be the cradle of the Intellectual Property system. A Venetian Law of 1474 made the first systematic attempt to protect inventions by a form of patent, which granted an exclusive right to an individual for the first time. In the same century, the invention of movable type and the printing press by Johannes Gutenberg around 1450, contributed to the origin of the first copyright system in the world.

Towards the end of 19th century, new inventive ways of manufacture helped trigger large-scale industrialization accompanied by rapid growth of cities, expansion of railway networks, the investment of capital and a growing transoceanic trade. New ideals of industrialism, the emergence of stronger centralized governments, and nationalism led many countries to establish their modern Intellectual Property laws. At this point of time, the International Intellectual Property system also started to take shape with the setting up of the Paris Convention for the Protection of Industrial Property in 1883 and the Berne Convention for the Protection of Literary and Artistic Works in 1886. The premise underlying Intellectual Property throughout its history has been that the recognition and rewards associated with ownership of inventions and creative works stimulate further inventive and creative activity that, in turn, stimulates economic growth.

Over a period of time and particularly in contemporary corporate paradigm, ideas and knowledge have become increasingly important parts of trade. Most of the value of high technology products and new medicines lies in the amount of invention, innovation, research, design and testing involved. Films, music recordings, books, computer software and on-line services are bought and sold because of the information and creativity they contain, not usually because of the plastic, metal or paper used to make them. Many products that used to be traded as low-technology goods or commodities now contain a higher proportion of invention and design in their value, for example, brand-named clothing or new varieties of plants. Therefore, creators are given the right to prevent others from using their inventions, designs or other creations. These rights are known as intellectual property rights.

The Convention establishing the World Intellectual Property Organization (1967) gives the following list of the subject matter protected by intellectual property rights:

- literary, artistic and scientific works.
- performances of performing artists, phonograms, and broadcasts.
- inventions in all fields of human endeavor.
- scientific discoveries.
- industrial designs.
- trademarks, service marks, and commercial names and designations.
- protection against unfair competition; and
- "All other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields."

With the establishment of the world trade Organization (WTO), the importance and role of the intellectual property protection has been crystallized in the Trade-Related Intellectual Property Systems (TRIPS) Agreement. It was negotiated at the end of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) treaty in 1994.

The TRIPS Agreement encompasses, in principle, all forms of intellectual property and aims at harmonizing and strengthening standards of protection and providing for effective enforcement at both national and international levels. It addresses applicability of general GATT principles as well as the provisions in international agreements on IP (Part I). It establishes standards for availability, scope, use (Part II), enforcement (Part III), acquisition and maintenance (Part IV) of Intellectual Property Rights. Furthermore, it addresses related dispute prevention and settlement mechanisms (Part V). Formal provisions are addressed in Part VI and VII of the Agreement, which cover transitional, and institutional arrangements, respectively.

The TRIPS Agreement, which came into effect on 1 January 1995, is to date the most comprehensive multilateral agreement on intellectual property. The areas of intellectual property that it covers are:

(i) Copyright and related rights (i.e., the rights of performers, producers of sound recordings and broadcasting organization's).

(ii) Trademarks including service marks.

(iii) Geographical indications including appellations of origin.

(iv) Industrial designs.

(v) Patents including protection of new varieties of plants.

(vi) The lay-out designs (topographies) of integrated circuits.

(vii) The undisclosed information including trade secrets and test data.

## Intellectual Property System in India

As discussed above, historically the first system of protection of intellectual property came in the form of (Venetian Ordinance) in 1485. This was followed by Statute of Monopolies in England in 1623, which extended patent rights for Technology Inventions. In the United States, patent laws were introduced in 1760. Most European countries developed their Patent Laws between 1880 to 1889. In India Patent Act was introduced in the year 1856 which remained in force for over 50 years, which was subsequently modified and amended and was called "The Indian Patents and Designs Act, 1911". After Independence a comprehensive bill on patent rights was enacted in the year 1970 and was called "The Patents Act, 1970".

Specific statutes protected only certain type of Intellectual output; till recently only four forms were protected. The protection was in the form of grant of copyrights, patents, designs and trademarks. In India, copyrights were regulated under the Copyright Act, 1957; patents under Patents Act, 1970; trademarks under Trade and Merchandise Marks Act 1958; and designs under Designs Act, 1911.

With the establishment of WTO and India being signatory to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), several new legislations were passed for the protection of intellectual property rights to meet the international obligations. These included: Trademarks, called the Trademark Act, 1999; Designs Act, 1911 was replaced by the Designs Act, 2000; the Copyright Act, 1957 amended a number of times, the latest is called Copyright (Amendment) Act, 2012; and the latest amendments made to the Patents Act, 1970 in 2005. Besides, new legislations on geographical indications and plant varieties were also enacted. These are called Geographical Indications of Goods (Registration and Protection) Act, 1999, and Protection of Plant Varieties and Farmers' Rights Act, 2001 respectively.

Over the past fifteen years, intellectual property rights have grown to a stature from where it plays a major role in the development of global economy. In 1990s, many countries unilaterally strengthened their laws and regulations in this area, and many others were poised to do likewise. At the multilateral level, the successful conclusion of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in the World Trade Organization elevates the protection and enforcement of IPRs to the level of solemn international commitment. It is strongly felt that under the global competitive environment, stronger IPR protection increases incentives for innovation and raises returns to international technology transfer.

## DEVEOPMENT OF TRIPS COMPLIED REGIME IN INDIA

The establishment of WTO as a result of institutionalization of international framework of trade calls for harmonization of several aspects of Indian Law relating to Intellectual Property Rights. The TRIPS agreement set minimum standards for protection for IPR rights and also set a time frame within which countries were required to make changes in their laws to comply with the required degree of protection. In view of this, India has taken action to modify and amend the various IP Acts in the last few years.

### Patents Act, 1970

After India became a signatory to the TRIPS agreement forming part of the Agreement establishing the World Trade Organization (WTO) for the purpose of reduction of distortions and impediments to international trade and promotion of effective and adequate protection of intellectual property rights, the Patents Act, 1970 has been amended in the year 1995, 1999, 2002 and 2005 to meet its obligations under the TRIPS agreement. The Patents Act has been amended keeping in view the development of technological capability in India, coupled with the need for integrating the intellectual property system with international practices and intellectual property regimes. The amendments were also aimed at making the Act a modern, harmonized and user-friendly legislation to adequately protect national and public interests while simultaneously meeting India's international obligations under the TRIPS Agreement.

Subsequently the rules under the Patent Act have also been amended and these became effective from May 2003. These rules have been further amended by Patents (Amendment) Rules 2005 w.e.f 01.01.2005. Thus, the Patent Amendment Act, 2005 is now fully in force and operative.

## Trademark Act, 1999

The law of trademarks is also now modernized under the Trademarks Act of 1999. A trademark is a special symbol for distinguishing the goods offered for sale or otherwise put on the market by one trader from those of another. In India the trademarks have been protected for over four decades as per the provisions of the Trade and Merchandise Mark (TMM) Act of 1958. India became a party to the WTO at its very inception. One of the agreements in that related to the Intellectual Property Rights (TRIPS). In December 1998 India acceded to the Paris Convention.

Meanwhile, the modernization of Trade and Merchandise Marks Act, 1958 had been taken up keeping in view the current developments in trading and commercial practices, increasing globalization of trade and industry, the need to encourage investment flows and transfer of technology, need for simplification of trademark management system and to give effect to important judicial decisions. To achieve these purposes, the Trademarks Bill was introduced in 1994.

The Bill pointed towards the changes which were contemplated and were under consideration of the Government of India, but it lapsed in 1994. A comprehensive review was made of the existing laws in view of the developments in trading and commercial practices and increasing globalization of trade and industry. The Trademarks Bill of 1999 was passed by Parliament that received the assent of the President on 30th December 1999 as Trademarks Act, 1999 thereby replacing the Trade and Merchandise Mark Act of 1958. The important salient features of the Act inter-alia include:

- It broadens the definition of infringement of a registered trademark to include action against the unauthorized use of a confusingly similar mark, not only in respect of the goods and services covered by registration, as was previously the case, but also in respect of goods and services which are so similar that a likelihood of deception or confusion exists.
- An action for infringement will also be available against the unauthorized use of a mark in relation to dissimilar goods, if such mark is similar to a registered mark that is well known in India and the interest of the owner is likely to be affected adversely. The remedy for infringement of a trademark is also strengthened under the new law by authorizing the police with the power to seize infringing articles without a warrant.

## The Designs Act, 2000

The Designs Act of 1911 has been replaced by the Designs Act, 2000. In view of considerable progress made in the field of science and technology, a need was felt to provide more efficient legal system for the protection of industrial designs in order to ensure effective protection to registered designs, and to encourage design activity to promote the design element in an article of production. In this backdrop, the Designs Act, 2000 has been enacted essentially to balance these interests and to ensure that the law does not unnecessarily extend protection beyond what is necessary to create the required incentive for design activity while removing impediments to the free use of available designs.

The new Act complies with the requirements of TRIPS and hence is directly relevant for international trade. Industrial Design law deals with the aesthetics or the original design of an industrial product. An industrial product usually contains elements of both art and craft, that is to say artistic as well as functional elements. The design law excludes from its purview the functioning features of an article and grants protection only to those which have an aesthetic appeal. For example, the design of a teacup must have a hollow receptacle for holding tea and a handle to hold the cup. These are functional features that cannot be registered. But a fancy shape or ornamentation on it would be registrable. Similarly, a table, for example, would have a flat surface on which other objects can be placed. This is its functional element. But its shape, color or the way it is supported by legs or otherwise, are all elements of design or artistic elements and therefore, registrable if unique and novel.

Today, industrial design has become an integral part of consumer culture where rival articles compete for consumer's attention. It has become important therefore, to grant to an original industrial design adequate protection. It is not always easy to separate aesthetics of a finished article from its function. Law, however, requires that it is only the aesthetics or the design element which can be registered and protected. For example, while designing furniture whether for export or otherwise, when one copies designs from a catalogue, one has to ascertain that somebody else does not have a design right in that particular design. Particularly, while exporting furniture, it is necessary to be sure that the design of the furniture is not registered either as a patent or design in the country of export. Otherwise, the exporter may get involved in unnecessary litigation and may face claims for damages. Conversely, if furniture of ethnic design is being exported, and the design is an original design complying with the requirements of the definition of 'design' under the Designs Act, it would be worthwhile having it registered in the country to which the product is being exported so that others may not imitate it and deprive the inventor of that design of the commercial benefits of his design.

**The salient features of the Design Act, 2000 are as under:**

(a) Enlarging the scope of definition of the term's "article", "design" and introduction of definition of "original".

(b) Amplifying the scope of "prior publication".

(c) Introduction of provision for delegation of powers of the Controller to other officers and stipulating statutory duties of examiners.

(d) Provision of identification of non-registrable designs.

(e) Provision for substitution of applicant before registration of a design.

(f) Substitution of Indian classification by internationally followed system of classification.

(g) Provision for inclusion of a register to be maintained on computer as a Register of Designs.

(h) Provision for restoration of lapsed designs.

(i) Provisions for appeal against orders of the Controller before the High Court instead of Central Government.

(j) Revoking of period of secrecy of two years of a registered design.

(k) Providing compulsory registration of any document for transfer of right in the registered design.

(l) Introduction of additional grounds in cancellation proceedings and provision for initiating the cancellation proceedings before the Controller in place of the High Court.

(m) Enhancement of quantum of penalty imposed for infringement of a registered design.

(n) Provision for grounds of cancellation to be taken as defense in the infringement proceedings to be in any court not below the Court of District Judge.

(o) Enhancing the initial period of registration from 5 to 10 years, to be followed by a further extension of five years.

(p) Provision for allowance of priority to other convention countries and countries belonging to the group of countries or inter-governmental organizations apart from United Kingdom and other Commonwealth Countries.

(q) Provision for avoidance of certain restrictive conditions for the control of anticompetitive practices in contractual licenses.

## Copyright Act, 1957

Copyright in India is governed by Copyright Act, 1957. This Act has been amended several times to keep pace with the changing times. As per this Act, copyright grants author's lifetime coverage plus 60 years after death. Copyright and related rights on cultural goods, products and services, arise from individual or collective creativity. All original intellectual creations expressed in a reproducible form will be connected as "works eligible for copyright protections". Copyright laws distinguish between different classes of works such as literary, artistic, musical works and sound recordings and cinematograph films. The work is protected irrespective of the quality thereof and also when it may have very little in common with accepted forms of literature or art.

Copyright protection also includes novel rights which involve the right to claim authorship of a work, and the right to oppose changes to it that could harm the creator's reputation. The creator or the owner of the copyright in a work, can enforce his right administratively and in the courts by inspection of premises for evidence of production or possession of illegally made "pirated."

goods related to protected works. The owner may obtain court orders to stop such activities, as well as seek damages for loss of financial rewards and recognition.

A vital field which gets copyright protection is the computer industry. The Copyright Act, 1957, was amended in 1984 and computer programming was included with the definition of "literary work.' The new definition of "computer programme" introduced in 1994, means a set of instructions expressed in works, codes or in any other form, including a machine readable medium, capable of causing a computer to perform a particular task or achieve a particular result. The greatest fear and challenges to the copyright industry is the piracy of works whether, books, musical works, films, television programmes or computer software or computer database. The special nature of infringement of copyrights in computer programmes has again been taken note of by the Copyright (Amendment) Act, 1994 by inserting a new section 63 B. The new section provides that any person who knowingly makes use on a computer of an infringed copy of a computer programme will be punishable with imprisonment for a term of not less than seven days, which may extend to three years and with a fine of not less than ` 50,000/- and which may extend to ` 2,00,000/-. Proviso to section 63 B, however, provides that where computer programme has not been used for gain or in the course of trade or business, the court may at its discretion and for reasons mentioned in the judgement does not impose any sentence of imprisonment and impose only fine upto ` 50,000/-.

The Copyright (Amendment) Act, 1999 makes it free for purchaser of a gadget/equipment to sell it onwards if the item being transacted is not the main item covered under the Copyright Act. This means computer software which is built in the integral part of a gadget/equipment can be freely transacted without permission of copyright owner. This amendment also ensures fair dealing of 'broadcasting' gaining popularity with the growth of the Internet. With this amendment India has updated the Act to meet the concerns of the copyright industries mainly consisting of Book Industry, Music Industry, Film and Television Industry, Computer Industry and Database Industry.

## Trade Secrets

It may be confidential business information that provides an enterprise with a competitive edge. Usually these are manufacturing or industrial secrets and commercial secrets. These include sales methods, distribution methods, consumer profiles, and advertising strategies, lists of suppliers and clients, and manufacturing processes. Contrary to patents, trade secrets are protected without registration.

A trade secret can be protected for an unlimited period of time but a substantial element of secrecy must exist so that, except by the use of improper means, there would be difficulty in acquiring the information. Considering the vast availability of traditional knowledge in the country, the protection under this will be very crucial in reaping benefits from such type of knowledge.

Utility Models

A utility model is an exclusive right granted for an invention, which allows the right holder to prevent others from commercially using the protected invention, without his authorization for a limited period of time. In its basic definition, which may vary from one country (where such protection is available) to another, a utility model is similar to a patent. In fact, utility models are sometimes referred to as "petty patents" or "innovation patents."

Only a small but significant number of countries and regions provide the option of utility model protection. At present, India does not have legislation on Utility models.

**The main differences between utility models and patents are the following:**

The requirements for acquiring a utility model are less stringent than for patents. While the requirement of "novelty" is always to be met, that of "inventive step" or "non-obviousness" may be much lower or absent altogether. In practice, protection for utility models is often sought for innovations of a rather incremental character which may not meet the patentability criteria.

The term of protection for utility models is shorter than for patents and varies from country to country (usually between 7 and 10 years without the possibility of extension or renewal).

In most countries where utility model protection is available, patent offices do not examine applications as to substance prior to registration. This means that the registration process is often significantly simpler and faster, taking on an average six months.

Utility models are much cheaper to obtain and to maintain. In some countries, utility model protection can only be obtained for certain fields of technology, and only for products but not for processes.

Utility models are considered suitable particularly for SMEs that make "minor" improvements to, and adaptations of, existing products. Utility models are primarily used for mechanical innovations.

The "Innovation patent," launched in Australia some time back was introduced as a result of extensive research into the needs of small and medium-sized enterprise’s, with the aim of providing a "low-cost entry point into the intellectual property system."

## IPR & BIODIVERSITY

In simple terms, the diversity among various life forms within the Biosphere refers to biodiversity. Biodiversity is the foundation of life on Earth. It is crucial for the functioning of ecosystems which provide us with products and services without which we cannot live. By changing biodiversity, we strongly affect human well-being and the well-being of every other.

living creature. Biodiversity is normally classified under 3 major categories: ecosystem diversity, representing the principal bio geographic regions and habitats; species diversity, representing variability at the level of families, genera and species; and genetic diversity, representing the large amount of variability occurring within a species. Diverse activities and actions have been taken by several stakeholders at local, state, national and international level to conserve/protect the valuable resource such as biodiversity to draw the benefits accrued in it for the society.

It is a well-established fact that developing countries are rich in the world’s flora and fauna and 80 percent of the earth's terrestrial biodiversity is confined to these countries, which is the "raw material" for biotechnology, i.e., genes, folk varieties, land races to develop new varieties by biotechnology. Until the advent of molecular biology and genetic engineering, the success of plant breeding depended on access to genetic variability within a species. Genetic engineering has, however, rendered the transfer of genes across sexual barriers possible and has thus enhanced the economic value of biodiversity.

The developed countries are not rich in biogenetic resources but are better equipped in research and development. They use the biogenetic resources accessed from the developing countries. As a result, there is a beginning in the unprotected flow of genetic information from the developing countries to the capital-rich west, and a protected flow in the reverse direction mainly through patents and Plant Breeders' Rights (PBR). It has both visible and invisible impacts. Genetic erosion is one of the most important invisible impacts that is in the long run manifested visibly with the loss of biodiversity.

The Convention on Biological Diversity (CBD) 1992: Opened for signature at the Earth Summit in Rio de Janeiro in 1992, and entering into force in December 1993, the Convention on Biological Diversity is an international treaty for the conservation of biodiversity, the sustainable

use of the components of biodiversity and the equitable sharing of the benefits derived from the use of genetic resources. The interface between biodiversity and intellectual property is shaped at the international level by several treaties and process, including at the WIPO, and the TRIPS Council of the WTO. With 193 Parties, the Convention has near universal participation among countries. The Convention seeks to address all threats to biodiversity and ecosystem services, including threats from climate change, through scientific assessments, the development of tools, incentives and processes, the transfer of technologies and good practices and the full and active involvement of relevant stakeholders including indigenous and local communities, youth, NGOs, women and the business community. The Cartagena Protocol on Biosafety is a subsidiary agreement to the Convention. It seeks to protect biological diversity from the potential risks posed by living modified organisms resulting from modern biotechnology.

The treaty defines biodiversity as "the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems." The Convention reaffirms the principle of state sovereignty, which grants states sovereign rights to exploit their resources pursuant to their own environmental policies together with the responsibility to ensure that activities within their own jurisdiction or control do not cause damage to the environment of other states. The Biodiversity Convention also provides a general legal framework regulating access to biological resources and the sharing of benefits arising from their use. India is a party to the Convention on Biological Diversity (1992).

The Convention on Biological Diversity establishes important principles regarding the protection of biodiversity while recognizing the vast commercial value of the planet's store of germplasm.

However, the expansion of international trade agreements establishing a global regime of intellectual property rights creates incentives that may destroy biodiversity, while undercutting social and economic development opportunities as well as cultural diversity. The member countries were pressurized to change their IPR laws to conform with the TRIPS agreement.

India also followed the suit by placing in place legal frameworks for the management of biodiversity and Intellectual property laws. Following India's ratification of the Convention on Biological Diversity (CBD) at international level, the Biological Diversity Act, 2002 was adopted. The Biological Diversity Act aims at conservation of biological resources and associated knowledge as well as facilitating access to them in a sustainable manner and through a just process.

Competing Rationales for Protection of IPRs

Intellectual property laws give people the right to own and profit from their artistic, scientific and technological creations for a designated period of time. Those rights do not apply to the physical object in which the creation may be embodied but instead to the intellectual creation as such. Countries have enacted laws to protect intellectual property for two main reasons. One is to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations. The second is to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.

It is generally agreed that knowledge and inventions have played an important role in economic growth of the countries. It can be seen in the economic development achieved by some countries in the 1990s. Additionally the growing importance of intellectual property and the new pattern of global trade provided impetus for forging a connection between intellectual property policies and trade law and led to the inclusion of the TRIPS Agreement as one of the agreements in the framework of the multilateral trade negotiations under the Uruguay Round. The influence and importance of intellectual property is also reflected in the maximization of shareholder value by knowledge-intensive industries.

Intellectual property indeed is now one of the valuable assets in commercial transactions, be it intellectual property licensing, joint ventures, foreign collaborations, manufacturing, purchase or distribution agreements, or mergers and acquisitions. Licenses to use patents, copyrights and trademarks, are often combined with transfers of know-how and are increasingly an important term in technology transactions. These licenses provide royalty revenues to the owner of the Intellectual Property, and distribute products and technologies to licensees who might not otherwise have had access to them. In such transactions, the licensees may also gain rights to create improvements or derivative works and to develop their own Intellectual Property assets, which can then be cross-licenced or licenced to others. This creates a very productive cycle of innovation and invention and adds to the revenues of the companies.

The World Intellectual Property Report 2011- The Changing Face of Innovation – a new WIPO publication describes how ownership of intellectual property (IP) rights has become central to the strategies of innovating firms worldwide. With global demand for patents rising from 800,000 applications in the early 1980s to 1.8 million in 2009, the Report concludes that growing investments in innovation and the globalization of economic activities are key drivers of this trend. As a result, IP policy has moved to the forefront of innovation policy.

WIPO Director General, Francis Gurry, notes that “innovation growth is no longer the prerogative of high- income countries alone; the technological gap between richer and poorer countries is narrowing. Incremental and more local forms of innovation contribute to economic and social development, on a par with world-class technological innovations.”

Intellectual property assets are used not only in business transactions but are also traded in their own right such as online exchanges for the evaluation, buying, selling, and licensing of patents and other forms of Intellectual Property. The buyers and sellers of intellectual property manage their intellectual property as financial assets just as investors in stocks, options and other financial instruments.

Strong intellectual property rights help consumers make an educated choice about the safety, reliability, and effectiveness of their purchases. Enforced intellectual property rights ensure products are authentic, and of the high-quality that consumers recognize and expect. IP rights foster the confidence and ease of mind that consumers demand, and markets rely on.

## World Intellectual Property Organization (WIPO)

The World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations. It is dedicated to developing a balanced and accessible international intellectual property (IP) system, which rewards creativity, stimulates innovation and contributes to economic development while safeguarding the public interest.

WIPO was established by the WIPO Convention in 1967 with a mandate from its Member States to promote the protection of IP throughout the world through co-operation among states and in collaboration with other international organizations. Its headquarters are in Geneva, Switzerland.

The roots of the World Intellectual Property Organization go back to the year 1883, when Johannes Brahms was composing his third Symphony, Robert Louis Stevenson was writing Treasure Island, and John and Emily Roebling were completing construction of New York's Brooklyn Bridge. The need for international protection of intellectual property became evident when foreign exhibitors refused to attend the International Exhibition of Inventions in Vienna in 1873 because they were afraid their ideas would be stolen and exploited commercially in other countries. The year 1883 marked the origin of the Paris Convention for the Protection of Industrial Property, the first major international treaty designed to help the people of one country obtain protection in other countries for their intellectual creations in the form of industrial property rights, known as inventions (patents); trademarks; industrial designs. The Paris Convention entered into force in 1884 with 14 member States, which set up an International Bureau to carry out administrative tasks, such as organizing meetings of the member States.

In the year 1886, copyright also entered the international arena with the Berne Convention for the Protection of Literary and Artistic Works to help nationals of its member States obtain international protection of their right to control, and receive payment for, the use of their creative works such as novels, short stories, poems, plays; songs, operas, musicals, sonatas; and drawings, paintings, sculptures, architectural works. Like the Paris Convention, the Berne Convention set up an International Bureau to carry out administrative tasks. In 1893, these two small bureaux united to form an international organization called the United International Bureau (BIRPI) for the Protection of Intellectual Property. The BIRPI indeed was the predecessor of the World Intellectual

Property Organization.

## WIPO and WTO

WIPO expanded its role and further demonstrated the importance of intellectual property rights in the management of globalized trade in 1996 by entering into a cooperation agreement with the World Trade Organization (WTO). It provides for co-operation concerning the implementation of the TRIPS Agreement, such as notification of laws and regulations and legal-technical assistance and technical co-operation in favour of developing countries. In July 1998, a joint initiative to help developing countries meet their TRIPS obligations till the year 2000 was launched.

Mention should be made that today WIPO, administers 24 treaties (three of those jointly with other international organizations) and carries out a rich and varied program of work, through its member States and secretariat, that seeks to:

- harmonize national intellectual property legislation and procedures,
- provide services for international applications for industrial property rights,
- exchange intellectual property information,
- provide legal and technical assistance to developing and other countries,
- facilitate the resolution of private intellectual property disputes, and
- marshal information technology as a tool for storing, accessing, and using valuable intellectual property information.

### Common Rules

The Convention lays down a few common rules which all the contracting States must follow. The more important are the following:

**Patents**

1. Patents granted in different contracting States for the same invention are independent of each other.
2. The granting of a patent in one contracting State does not oblige the other contracting States to grant a patent.
3. patent cannot be refused, annulled or terminated in any contracting State on the ground that it has been refused or annulled or has terminated in any other contracting State.
4. The inventor has the right to be named as such in the patent.
5. The grant of a patent may not be refused, and a patent may not be invalidated, on the ground that the sale of the patented product, or of a product obtained by means of the patented process, is subject to restrictions or limitations resulting from the domestic law.
6. Each contracting State that takes legislative measures providing for the grant of compulsory licenses to prevent the abuses which might result from the exclusive rights conferred by a patent may do so only with certain limitations. Thus, a compulsory license based on failure to work the patented invention may only be granted pursuant to a request filed after three or four years of failure to work or insufficient working of the patented invention and it must be refused if the patentee gives legitimate reasons to justify his inaction.
7. Forfeiture of a patent may not be provided for, except in cases where the grant of a compulsory license would not have been sufficient to prevent the abuse. In the latter case, proceedings for forfeiture of a patent may be instituted, but only after the expiration of two

years from the grant of the first compulsory license.

**Marks**

(1) The Paris Convention does not regulate the conditions for the filing and registration of marks which are therefore determined in each contracting State by the domestic law. Consequently, no application for the registration of a mark filed by a national of a contracting State may be refused, nor may a registration be invalidated, on the ground that filing, registration or renewal has not been affected in the country of origin. Once the registration of a mark is obtained in a contracting State, it is independent of its possible registration in any other country, including the country of origin; consequently.

(2) The lapse or annulment of the registration of a mark in one contracting State does not affect the validity of registration in other contracting States.

(3) Where a mark has been duly registered in the country of origin, it must, on request, be accepted for filing and protected in its original form in the other contracting States.

(4) The registration may be refused in well-defined cases, such as when the mark would infringe acquired rights of third parties, when it is devoid of distinctive character, when it is contrary to morality or public order, or when it is of such a nature as to be liable to deceive the public.

(5) If, in any contracting State, the use of a registered mark is compulsory, the registration cannot be canceled until after a reasonable period, and only if the owner cannot justify his inaction.

(6) Each contracting State must refuse registration and prohibit the use of marks which constitute a reproduction, imitation or translation, liable to create confusion, of a mark

considered by the competent authority of that State to be well known in that State as being already the mark of a person entitled to the benefits of the Convention and used for identical or similar goods.

(7) Each contracting State must likewise refuse registration and prohibit the use of marks which consist of or contain without authorization, armorial bearings, State emblems and official signs and hallmarks of contracting states, provided they have been communicated through the International Bureau of WIPO.

(8) The same provisions apply to armorial bearings, flags, other emblems, abbreviations and names of certain inter-governmental organizations.

(9) Collective marks must be granted protection.

## PATENT COOPERATION TREATY (PCT)

The PCT created a Union. The Union has an Assembly. Every State party to the PCT is a member of the Assembly. Some of the most important tasks of the Assembly are-

The amendment of the Regulations issued under the Treaty, the adoption of the biennial program and budget of the Union, and the fixing of certain fees connected with the use of the PCT system. The development of the PCT system is shown by the fact that in 1979, 2,625 international applications were received by the International Bureau, while the corresponding number was 110,065 in 2003. The average number of designations per application was 6.66 in 1979 and 132 in 2003.

The PCT was concluded in 1970, amended in 1979 and modified in 1984 and 2001. It is open to States party to the Paris Convention for the Protection of Industrial Property (1883). Instruments of ratification or accession must be deposited with the Director General of WIPO.

The Patent Cooperation Treaty makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an international patent application. The application may be filed by anyone who is a national or resident of a contracting State, with the national patent office of the contracting State of which the applicant is a national or resident or, at the applicant's option, with the International Bureau of WIPO in Geneva. If the applicant is a national or resident of a contracting State which is party to the European Patent Convention, the Harare Protocol on Patents and Industrial Designs (Harare Protocol) or the Eurasian Patent Convention, the international application may also be filed with the European

Patent Office (EPO), the African Regional Industrial Property Organization (ARIPO) or the Eurasian Patent Office (EAPO), respectively.

The Treaty regulates in detail the formal requirements with which any international application must comply.

The applicant is required to indicate those countries in which he wishes his international application to have effect, generally known as designated States. The effect of the international application in each designated State is the same as if a national patent application had been filed with the national patent office of that State. Where a designated State is party to the European Patent Convention, the applicant must opt for the effect of a European patent application. Where a designated State is party to the Eurasian Patent Convention, the applicant may opt for the effect of a Eurasian patent. Where a designated State is party to the Harare Protocol, the applicant may opt for the effect of an ARIPO patent application. Where a designated State is a member of the African Intellectual Property Organization (OAPI), the effect of the designation is automatically that of a regional application filed with OAPI.

The international search is conducted in respect of an international application by one of the major patent offices and such search results in an international search report, that is, a listing of the citations of published documents that might affect the patentability of the invention claimed in the international application.

The international search report is communicated to the applicant who may decide to withdraw his application, in particular where the content of the report suggests that the granting of patents is unlikely. If the international application is not withdrawn, it is, together with the international

search report, published by the International Bureau and communicated to each designated Office. If the applicant decides to continue with the international application with a view to obtaining national (or regional) patents, he can wait until the end of the 20th month after the filing of the international application or, where that application claims the priority of an earlier application, until the end of the 20th month after the filing of that earlier application, to commence the national procedure before each designated Office by furnishing a translation (where necessary) of the application into the official language of that Office and paying prescribed fees. This 20-month period can be extended by a further 10 months where the applicant requests, prior to the expiration of the 19th month from the priority date, for an international preliminary examination report and which gives a preliminary and non-binding opinion on the patentability of the claimed invention.

The applicant is however entitled to amend the international application during the international preliminary examination.

## Advantages of PCT Filing

The advantages of PCT filing for the applicant, the patent offices and the general public are given below:

(1) The applicant has up to 18 months more than in a procedure outside the PCT to reflect on the desirability of seeking protection in foreign countries,

(2) to appoint local patent agents in each foreign country,

(3) to prepare the necessary translations and to pay the national fees. The PCT filing assures the applicant that if his international application is in the form prescribed by the PCT, it cannot be rejected on formal grounds by any designated Office during the national phase of the processing of the application. On the basis of the international search report, the applicant can evaluate with reasonable probability the chances of his invention being patented. On the basis of the international preliminary examination report, that probability is even stronger; the applicant has the possibility to amend the international application to put it in order before processing by the designated Offices. Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement With the establishment of the world trade Organization (WTO), the importance and role of the intellectual property protection has been Crystallized in the Trade-Related Intellectual Property Systems (TRIPS) Agreement. It was negotiated at the end of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) treaty in 1994.

The general goals of the TRIPS Agreement are contained in the Preamble to the Agreement, which reproduces the basic Uruguay Round negotiating objectives established in the TRIPS area by the 1986 Punta del Este Declaration and the 1988-89 Mid-Term Review. These objectives include the reduction of distortions and impediments to international trade, promotion of effective and adequate protection of intellectual property rights and ensuring that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade.

The TRIPS Agreement encompasses, in principle, all forms of intellectual property and aims at harmonizing and strengthening standards of protection and providing for effective enforcement at both national and international levels. It addresses applicability of general GATT principles as well as the provisions in international agreements on IP (Part I). It establishes standards for availability, scope, use (Part II), enforcement (Part III), acquisition and maintenance (Part IV) of Intellectual Property Rights. Furthermore, it addresses related dispute prevention and settlement.

mechanisms (Part V). Formal provisions are addressed in Part VI and VII of the Agreement, which cover transitional, and institutional arrangements, respectively.

The obligations under TRIPS apply equally to all member states. However, developing countries were allowed extra time to implement the applicable changes to their national laws, in two tiers of transition according to their level of development. The transition period for developing countries expired in 2005. For least developed countries, the transition period has been extended to 2016, and could be extended beyond that.

The TRIPS Agreement, which came into effect on 1 January 1995, is to date the most comprehensive multilateral agreement on intellectual property. The areas of intellectual property that it covers are:

(i) Copyright and related rights (i.e., the rights of performers, producers of sound recordings and broadcasting organizations).

(ii) Trademarks including service marks.

(iii) Geographical indications including appellations of origin.

(iv) Industrial designs.

(v) Patents include protection of new varieties of plants.

(vi) The layout designs (topographies) of integrated circuits.

(vii) The undisclosed information includes trade secrets and test data.

## Protection of Intellectual Property under TRIPS

The TRIPS Agreement provides for protection of various kinds of intellectual property rights to ensure that adequate standards of protection exist in all member countries. The starting point is the obligations of the main international agreement of the World Intellectual Property Organization (WIPO) that already existed before the WTO was created; namely, the Paris Convention for the Protection of Industrial Property (patents, industrial designs, etc.) and the Berne Convention for the Protection of Literary and Artistic Works (copyright). However, some areas were not covered by these conventions while in some cases, the standards of protection prescribed were thought inadequate. So the TRIPS agreement adds a significant number of new or higher standards for the protection of intellectual property rights. Part II of the Agreement addresses, in its various sections, the different kinds of IPR and establishes standards for each category.

## Copyright and Related Rights

The TRIPS Agreement requires member countries to comply with the basic standards of the Berne Convention. This is expressed in Article 9.1 of the Agreement which makes reference to the Berne Convention for the Protection of Literary and Artistic Works of 1971 and establishes that Members should comply with Articles 1 through 21 and the Appendix there However, Members do not have rights or obligations under the TRIPS Agreement in respect of the rights conferred under Article 6bis of that Convention, i.e. the moral rights (the right to claim authorship and to object to any derogatory action in relation to a work, which would be prejudicial to the author's honour or reputation), or of the rights derived therefrom. The provisions of the Berne Convention referred to deal with questions such as subject matter to be protected, minimum term of protection, and rights to be conferred and permissible limitations to those rights. The Appendix allows developing countries, under certain conditions, to make some limitations to the right of translation and the right of reproduction. That apart, the TRIPS Agreement clarifies and adds certain specific points. Article 9.2 of the Agreement confirms that copyright protection shall extend to expressions and not to ideas, procedures, methods of operation or mathematical concepts as such.

Computer programs and Compilation: Article 10.1 provides that computer programs, whether in source or object code, shall be protected as literary works under the Berne Convention (1971). This provision confirms that computer programs must be protected under copyright and that those provisions of the Berne Convention that apply to literary works shall be applied also to them. It confirms further that the form in which a program is, whether in source or object code, does not affect the protection. The obligation to protect computer programs as literary works means e.g., that only those limitations that are applicable to literary works may be applied to computer programs. It also confirms that the general term of protection of 50 years applies to computer programs. Possible shorter terms applicable to photographic works and works of applied art may not be applied.

Article 10.2 clarifies that compilation of data or other material shall be protected as such under copyright even where the databases include data that as such are not protected under copyright. Databases are eligible for copyright protection provided that they by reason of the selection or arrangement of their contents constitute intellectual creations. The provision also confirms that databases have to be protected regardless of which form they are in, whether machine readable or other form. Furthermore, the provision clarifies that such protection shall not extend to the data or material itself, and that it shall be without prejudice to any copyright subsisting in the data or material itself.

Rental Rights: Article 11 provides that authors shall have, in respect of at least computer programs and in certain circumstances, of cinematographic works, the right to authorize or to prohibit the commercial rental to the public of originals or copies of their copyright works. With respect to cinematographic works, the exclusive rental right is subject to the so-called impairment test: a member is excepted from the obligation unless such rental has led to widespread copying of such works which is materially impairing the exclusive right of reproduction conferred in that Member on authors and their successors in title. In respect of computer programs, the obligation does not apply to rentals where the program itself is not the essential object of the rental.

Term of protection: According to the general rule contained in Article 7(1) of the Berne

Convention as incorporated into the TRIPS Agreement, the term of protection shall be the life of the author and 50 years after his death. Paragraphs 2 and 4 of that Article specifically allow shorter terms in certain cases. These provisions are supplemented by Article 12 of the TRIPS Agreement, which provides that whenever the term of protection of a work, other than a photographic work or a work of applied art, is calculated on a basis other than the life of a natural person, such term shall be no less than 50 years from the end of the calendar year of authorized publication or failing such authorized publication within 50 years from the making of the work, 50 years from the end of the calendar year of making.

Limitations and Exceptions: Article 13 requires Members to confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and makes it clear that they must be applied in a manner that does not prejudice the legitimate interests of the right holder.

Protection of Performers, Producers of Phonograms and Broadcasting Organizations: The provisions on protection of performers, producers of phonograms and broadcasting organizations are included in Article14. According to Article 14.1, performers shall have the possibility of preventing the unauthorized fixation of their performance on a phonogram (e.g., recording of a live musical performance). The fixation right covers only aural, not audiovisual fixations. Performers must also be in a position to prevent the reproduction of such fixations. They shall also have the possibility of preventing unauthorized broadcasting by wireless means and the communication to the public of their live performance.

In accordance with Article 14.2, Members have to grant producers of phonograms an exclusive reproduction right. In addition to this, they have to grant, in accordance with Article 14.4, an exclusive rental right at least to producers of phonograms. The provisions on rental rights apply also to any other right holders in phonograms as determined in national law. This right has the same scope as the rental right in respect of computer programs. Therefore, it is not subject to the impairment test as in respect of cinematographic works. However, it is limited by a so-called grand-fathering clause, according to which a Member, which on 15 April 1994, i.e. the date of the signature of the Marrakesh Agreement, had in force a system of equitable remuneration of right holders in respect of the rental of phonograms, may maintain such system provided that the commercial rental of phonograms is not giving rise to the material impairment of the exclusive rights of reproduction of right holders.

**Patents**

Patentable Subject Matter: The TRIPS Agreement requires Member countries to make patents available for any inventions, whether products or processes, in all fields of technology without discrimination, subject to the normal tests of novelty, inventiveness and industrial applicability. It is also required that patents be available and patent rights enjoyable without discrimination as to the place of invention and whether products are imported or locally produced (Article 27.1).

There are three permissible exceptions to the basic rule on patentability. One is for inventions contrary to order public or morality; this explicitly includes inventions dangerous to human, animal or plant life or health or seriously prejudicial to the environment. The use of this exception is subject to the condition that the commercial exploitation of the invention must also be prevented, and this prevention must be necessary for the protection of order public or morality (Article 27.2). The second exception is that Members may exclude from patentability diagnostic, therapeutic and surgical methods for the treatment of humans or animals (Article 27.3(a)).

The third is that Members may exclude plants and animals other than micro-organisms and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes. However, any country excluding plant varieties from patent protection must provide an effective sui generis system of protection. Moreover, the whole provision is subject to review four years after entry into force of the Agreement (Article 27.3(b)). Rights Conferred: The exclusive rights that must be conferred by a product patent are the ones of making, using, offering for sale, selling, and importing for these purposes. Process patent protection must give rights not only overuse of the process but also over products obtained directly by the process. Patent owners shall also have the right to assign, or transfer by succession, the patent and to conclude licensing contracts (Article 28).

Exceptions: Members may provide limited exceptions to the exclusive rights conferred by a patent, provided that such exceptions do not unreasonably conflict with a normal exploitation of the patent and do not unreasonably prejudice the legitimate interests of the patent owner, taking account of the legitimate interests of third parties (Article 30).

Term of protection: The term of protection available shall not end before the expiration of a period of 20 years counted from the filing date (Article 33).

Conditions on Patent Applicants: Members shall require that an applicant for a patent shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art and may require the applicant to indicate the best mode for carrying out the invention known to the inventor at the filing date or, where priority is claimed, at the priority date of the application (Article 29.1).

Process Patents: If the subject-matter of a patent is a process for obtaining a product, the judicial authorities shall have the authority to order the defendant to prove that the process to obtain an identical product is different from the patented process, where certain conditions indicating a likelihood that the protected process was used are met (Article 34).

Other Use Without Authorization of the Right Holder: Compulsory licensing and government use without the authorization of the right holder are allowed but are made subject to conditions aimed at protecting the legitimate interests of the right holder. The conditions are mainly contained in Article 31. These include the obligation, as a general rule, to grant such licenses only if an unsuccessful attempt has been made to acquire a voluntary license on reasonable terms and conditions within a reasonable period of time; the requirement to pay adequate remuneration in the circumstances of each case, taking into account the economic value of the license; and a requirement that decisions be subject to judicial or other independent review by a distinct higher authority. Certain of these conditions are relaxed where compulsory licenses are employed to remedy practices that have been established as anticompetitive by a legal process. These conditions should be read together with the related provisions of Article 27.1, which require that patent rights shall be enjoyable without discrimination as to the field of technology, and whether products are imported or locally produced.

# Chapter 2: Patents

## CONCEPT OF PATENT

The creative work of the human mind is protected through several measures and the main motivation for the same is that such protection is a definite measure of encouragement for the creative activity. Several forms of protection of the creative activity have come about including those which are of particular interest in the industrial development. Patents being one of them. Generally speaking, patent is a monopoly grant, and it enables the inventor to control the output and within the limits set by demand, the price of the patented products. Underlying economic and commercial justification for the patent system is that it acts as a stimulus to investment in the Industrial innovation. Innovative technology leads to the maintenance of and increase in nations stock of valuable, tradeable, and industrial assets.

The grant of first patent can be traced as far back as 500 B.C. It was the city dominated by gourmands, and perhaps the first, to grant what we now-a-days call patent right to promote culinary art. For it conferred exclusive rights of sale to any confectioner who first invented a delicious dish. As the practice was extended to other Greek cities and to other crafts and commodities, it acquired a name 'monopoly', a Greek Portmanteau word from mono (alone) and polein (sale).

Evidence of grant to private individuals by kings and rulers of exclusive property rights to inventors' dates back to the 14th Century, but their purpose varied throughout the history. History shows that in 15th Century in Venice there had been systematic use of monopoly privileges for inventors for the encouragement of invention. Utility and novelty of the invention were the important considerations for granting a patent privilege. The inventors were also required to put their invention in commercial use within a specified period. In 16th Century the German princes awarded inventors of new arts and machines and also took into consideration the utility and novelty of inventions. Early laws in American colonies served primarily to encourage foreign manufacturers to establish new industries in the colonies by providing them protected domestic markets.

By the late 15th Century, the English monarchy increasingly started using monopoly privilege to reward court favorites, to secure loyalty and to secure control over the industry but these privileges were not used to encourage inventions. In 1623, the English Parliament adopted a Statute of monopolies which recognized the inventors patent as a justifiable monopoly to be distinguished from other monopoly privileges. The Statute outlawed the awarding of monopoly privileges except for first and true inventor of a new manufacture.

In England during the 16th and 17th Century, the inventor's patent of monopoly had become of great national importance. From the mid-seventeenth Century through the mid-nineteenth Century, the laws recognizing the patent monopoly spread throughout Europe and North America, but these privileges were not granted without the opposition.

The origin of the Indian Patent System could be traced to the Act of 1856 granting exclusive privileges to inventors. The patent regime at the time of Independence was governed by the Patents and Designs Act, 1911, which had provisions both for product and process patents. It was, however, generally felt that the patent law had done little good to the people of the country.

The way the Act was designed benefited foreigners far more than Indians. It did not help at all in the promotion of scientific research and industrialization in the country, and it curbed the innovativeness and inventiveness of Indians.

Shortly after Independence, therefore, in 1949, a committee was constituted under the chairmanship of Justice (Dr.) Bakshi Tek Chand, a retired judge of the Lahore High Court, to undertake a comprehensive review of the working of the 1911 Act. The Committee submitted its interim report on August 4, 1949, and the final report in1950 making recommendations for prevention of misuse or abuse of patent rights in India. It also observed that the Patent Act should contain a clear indication that food and medicine and surgical and curative devices were to be made available to the public at the cheapest price commensurate with giving reasonable compensation to the patentee. Based on the committee's recommendations, the 1911 Act was amended in 1950 (by Act XXXII of 1950) in relation to working of inventions, including compulsory licensing and revocation of patents. In 1952, a further amendment was made (by Act LXX of 1952) to provide for compulsory license in respect of food and medicines, insecticide, germicide or fungicide, and a process for producing substance or any invention relating to surgical or curative devices. The committee's recommendation prompted the Government to introduce a bill (Bill no. 59 of 1953) in Parliament, but the bill was not pressed, and it was allowed to lapse.

In 1957, another committee came to be appointed under the chairmanship of Justice N. Rajagopalan Ayyangar to take a fresh look at the law of patent and to completely revamp and recast it to best sub-serve the contemporary needs of the country. Justice Ayyangar's report specially discussed (a) patents for chemical inventions; and (b) patents for inventions relating to food and medicine. Justice Ayyangar submitted a comprehensive Report on Patent Law Revision in September 1959 and the new law of patent, namely, the Patents Act, 1970, came to be enacted mainly based on the recommendations of the report, and came into force on April 20, 1972, replacing the Patents and Designs Act, 1911. However, the 1911 Act continued to be applicable to designs.

## Patents Act, 1970

The Patents Act, 1970 remained in force for about 24 years without any change till December 1994. Being a landmark in the industrial development of India, the basic philosophy of the Act is that patents are granted to encourage inventions and to secure that these inventions are worked on a commercial scale without undue delay; and patents are granted not merely to enable patentee to enjoy a monopoly for the importation of the patented article into the country. The said philosophy is being implemented through compulsory licensing, registration of only process patents for food, medicine or drug, pesticides and substances produced by chemical processes which, apart from chemical substances normally understood, also include items such as alloys, optical glass, semi-conductors, inter metallic compounds etc. It may, however, be noted that products vital for our economy such as agriculture & horticulture products, atomic energy inventions and all living things are not patentable. Thus, the Patents Act 1970 was expected to provide a reasonable balance between adequate and effective protection of patents on the one hand and the technology development, public interest, and specific needs of the country on the other hand.

Uruguay round of GATT negotiations paved the way for WTO. Therefore, India was put under the contractual obligation to amend its Patents Act in compliance with the provisions of TRIPS. India had to meet the first set of requirements on 1-1-1995. Accordingly, an Ordinance effecting certain changes in the Act was issued on 31st December 1994, which ceased to operate after six months. Subsequently, another Ordinance was issued in 1999. This Ordinance was subsequently replaced by the Patents (Amendment) Act, 1999 that was brought into force retrospectively from 1st January 1995. The amended Act provided for filing of applications for product patents in the areas of drugs, pharmaceuticals and agro chemicals though such patents were not allowed. However, such applications were to be examined only after 31-12-2004. Meanwhile, the applicants could be allowed Exclusive Marketing Rights (EMR) to sell or distribute these products in India, subject to fulfilment of certain conditions.

India amended its Patents Act again in 2002 through the Patents (Amendment) Act, 2002 increasing the term of patent to 20 years for all technology, Reversal of burden of proof, compulsory licenses etc. This Act came into force on 20th May 2003 with the introduction of the new Patent Rules, 2003 by replacing the earlier Patents Rules, 1972.

The third amendment to the Patents Act 1970 was introduced through the Patents (Amendment) Ordinance, 2004 w.e.f. 1st January 2005 incorporating provisions for granting product patent in all fields of Technology including chemicals, food, drugs & agrochemicals. This Ordinance was later replaced by the Patents (Amendment) Act 2005 on 4th April 2005 which is in force now having effect from 1-1-2005.

**Patents Rules:** Under the provisions of Section 159 of the Patents Act, 1970 the Central Government is empowered to make rules for implementing the Act and regulating patent administration. Accordingly, the Patents Rules, 1972 were notified and brought into force w.e.f.

20.4.1972. These Rules were amended from time to time till 20th May 2003 when new Patents Rules, 2003 were brought into force by replacing the 1972 rules. These rules were further amended by the Patents (Amendment) Rules, 2005 and the Patents (Amendment) Rules, 2006. The last amendments are made effective from 5th May 2006.

There are four Schedules to the Patents (Amendment) Rules 2005; the First Schedule prescribes the fees to be paid; the Second Schedule specifies the list of forms and the texts of various forms required in connection with various activities under the Patents Act. These forms are to be used wherever required and if needed, they can be modified with the consent of the Controller. The Third Schedule prescribes form of Patent to be issued on Grant of the Patent. The Fourth Schedule prescribes costs to be awarded in various proceedings before the Controller under the Act.

## SALIENT FEATURES OF THE ACT

A patent is an exclusive right granted by a country to the owner of an invention to make, use, manufacture, and market the invention, provided the invention satisfies certain conditions stipulated in the law. Exclusivity of right implies that no one else can make, use, manufacture, or market the invention without the consent of the patent holder. This right is available only for a limited period of time. However, the use or exploitation of a patent may be affected by other laws of the country which has awarded the patent.

These laws may relate to health, safety, food, security etc. Further, existing patents in similar area may also come in the way. A patent in the law is a property right and hence, can be gifted, inherited, assigned, sold or licensed. As the right is conferred by the State, it can be revoked by the State under very special circumstances even if the patent has been sold or licensed or manufactured or marketed in the meantime. The patent right is territorial in nature and inventors/their assignees will have to file separate patent applications in countries of their interest, along with necessary fees, for obtaining patents in those countries.

A patent is an official document given to an inventor by the government allowing him to exclude anyone else from commercially exploiting his invention for a limited period which is 20 years at present. As per the Supreme Court, the object of Patent Law is to encourage scientific research, new technology and industrial progress. Grant of exclusive privilege to own, use or sell the method or the product patented for a limited period, stimulates new inventions of commercial utility. The price of the grant of the monopoly is the disclosure of the invention at the Patent Office, which, after the expiry of the fixed period of the monopoly, passes into the public domain [M/s Bishwanath Prasad v. Hindustan Metal Industries, AIR1982 SC 1444]. By granting an exclusive right, patents provide incentives to individuals, offering them recognition for their creativity and material reward for their marketable inventions. In return for the exclusive right, the inventor has to adequately disclose the patented invention to the public, so that others can gain the new knowledge and can further develop the technology. The disclosure of the invention is thus an essential consideration in any patent granting procedure.

## Product/Process Patents

Section 5 of the Patent Act 1970 had provided for grant of only process patents in certain categories of inventions. It may be pointed out here that under the Patent Act, 1970, in all other areas product and process patents could be issued and have been issued. The Paris Convention has left this issue to be dealt with in the States legislation in a manner of its own choice.

The TRIPs Agreement under Article 27.1 stipulates that patents shall be available for any inventions, whether products or processes in all fields of technology except for the exclusion stipulated under Article 27.2 and 27.3.

Pursuant to the TRIPs agreement, the Patent Act, 1970 was amended in 2002. Section 5 of the Patents Act, 1970 (as it stood after the 2002 amendments) provided that, in the case of inventions being claimed relating to food, medicine, drugs or chemical substances, only patents relating to the methods or processes of manufacture of such substances could be obtained.

An explanation appended to the Section 5 provided that “chemical process” includes biochemical, biotechnological, and microbiological processes. Subsequently, Section 5 of the Patents Act, 1970 was deleted by the Patents (Amendment) Act, 2005 that came into force on 01.01.2005, thereby paving the way for product patents.

This deliberate strategy of denying product patent protection to pharmaceutical inventions is traceable to the Ayyangar Committee Report, a report that formed the very basis of the Patents Act, 1970. The Committee found that foreigners held between eighty and ninety percent of Indian patents and that more than ninety percent of these patents were not even worked in India. The Committee concluded that the system was being exploited by multinationals to achieve monopolistic control over the market, especially in relation to vital industries such as food, chemicals, and pharmaceuticals.

The Patents Act has been amended keeping in view the development of technological capability in India, coupled with the need for integrating the intellectual property system with international practices and intellectual property regimes. The amendments have also been aimed at making the Act a modern, harmonized and user-friendly legislation to adequately protect national and public interests while simultaneously meeting India's international obligations.

## PATENTABLE SUBJECT MATTER

### Elements of Patentability

As stated above, a patent is granted for an invention which may be related to any process or product. An invention is different from a discovery. Discovery is something that already existed but had not been found.

Not all inventions are patentable. An invention must fulfill certain requirements known as conditions of patentability. The word "invention" under the Patents Act 1970 means "a new product or process involving an inventive step and capable of industrial application. (Section 2(1)(j)).

The patent must be in respect of an invention and not a discovery. The fundamental principle of Patent Law is that a patent is granted only for an invention which must be new and useful. It must have novelty and utility. It is essential for the validity of a patent that it must be the inventor's own discovery as opposed to mere verification of what was already known before the date of the patent… It is important to bear in mind that in order to be patentable an improvement on something known before or a combination of different matters already known, should be something more than a mere workshop improvement; and must independently satisfy the test of invention or an "inventive step". To be patentable the improvement or the combination must produce a new result, or a new article or a better or cheaper article than before.

"New invention" is defined as any invention or technology which has not been anticipated by publication in any document or used in the country or elsewhere in the world before the date of filing of patent application with complete specification, i.e., the subject matter has not fallen in public domain or that it does not form part of the state of the art [Section 2(1)(l); Where, capable of industrial application, in relation to an invention, means that the invention is capable of being made or used in an industry [Section 2(1)(ac)].

In Raj Prakash v. Mangat Ram Choudhary AIR 1978 Del.1, it was held that invention, as is well known, is to find out some thing or discover something not found or discovered by anyone before. It is not necessary that the invention should be anything complicated. The essential thing is that the inventor was first to adopt it. The principal, therefore, is that every simple invention that is claimed, so long as it is something which is novel or new, it would be an invention and the claims and specifications have to be read in that light.

Therefore, the conditions of patentability are:

- Novelty
- Inventive step (non-obviousness) and
- Industrial applicability (utility)

**Novelty**

A novel invention is one, which has not been disclosed, in the prior art where prior art means everything that has been published, presented, or otherwise disclosed to the public on the date of patent (The prior art includes documents in foreign languages disclosed in any format in any country of the world.) For an invention to be judged as novel, the disclosed information should not be available in the 'prior art'. This means that there should not be any prior disclosure of any information contained in the application for patent (anywhere in the public domain, either written or in any other form, or in any language) before the date on which the application is first filed i.e. the 'priority date'.

Therefore, an invention shall be considered to be new, if it does not form part of the prior art. Although the term prior art has not been defined under the Indian Patents Act, it shall be determined by the provisions of Section 13 read with the provisions of Sections 29 to 34.

(a) An invention shall not be considered to be novel if it has been anticipated by publication before the date of the filing of the application in any of the specification filed in pursuance of application for patent in India on or after the 1st day of January 1912.

(b) An invention shall not be considered to be novel if it has been anticipated by publication made before the date of filing of the application in any of the documents in any country.

(c) An invention shall not be considered to be novel if it has been claimed in any claim of any other complete specification filed in India which is filed before the application but published after said application.

(d) An invention shall not be considered to be novel if it has been anticipated having regard to the knowledge, oral or otherwise, available within any local or indigenous community in India or elsewhere.

In Ganendro Nath Banerji v. Dhanpal Das Gupta, AIR1945 Oudh 6, it was held that no general rule can be laid down as to what does or does not constitute an invention. The general criterion seems to be whether that which is claimed lies within the limits of development of some existing trade, in the sense that it is such a development as an ordinary person skilled in that trade could, if he wishes so to do, naturally, make without any inventive step. But novelty need only be established in the process of manufacturing, not in the article produced. Novel combination of two known ideas may be sufficient to establish novelty of subject matter in this respect.

In Ram Narain Kher v. M/s Ambassador Industries, AIR 1976 Del 87, the Delhi High Court has held that at the time the patent is granted to a party it is essential that the party claiming patent should specify what particular features of his device distinguish it from those which had gone before and show the nature of the improvement which is said to constitute the invention. A person claiming a patent has not only to allege the improvement in art in the form but also that the improvement effected a new and very useful addition to the existing state of knowledge. The novelty or the invention has to be succinctly stated in the claim.

**Inventive Step (Non-obviousness)**

Inventive step is a feature of an invention that involves technical advance as compared to existing knowledge or having economic significance or both, making the invention nonobvious to a person skilled in art. Here definition of inventive step has been enlarged to include economic significance of the invention apart from already existing criteria for determining inventive step.

An invention shall not be considered as involving an inventive step, if, having regard to the state of the art, it is obvious to a person skilled in the art. The term "obvious" means that which does not go beyond the normal progress of technology but merely follows plainly or logically from the prior art, i.e., something which does not involve the exercise of any skill or ability beyond that to be expected of the person skilled in the Art.

For this purpose, a “person skilled in the art” should be presumed to be an ordinary practitioner aware of what was general common knowledge in the relevant art at the relevant date. In some cases, the person skilled in the art may be thought of as a group or team of persons rather than as a single person.

**Industrial Applicability**

An invention is capable of industrial application if it satisfies three conditions, cumulatively:

- Can be made.
- Can be used in at least one field of activity.
- Can be reproduced with the same characteristics as many times as necessary.

1. An invention to be patentable must be useful. If the subject matter is devoid of utility, it does not satisfy the requirement of invention.
2. For the purpose of utility, the element of commercial or pecuniary success has no relation to the question of utility in patent law.

3. The usefulness of an alleged invention depends not on whether by following the directions in the complete specification all the results not necessary for commercial success can be obtained, but on whether by such directions the effects that the application/patentee professed to produce could be obtained.

4. The meaning of usefulness is therefore useful for the purpose indicated by the applicant or patentee whether a non-commercial utility is involved.

5. The usefulness of the invention is to be judged, by the reference to the state of things at the date of filing of the patent application, if the invention was then useful, the fact that subsequent improvement has replaced the patented invention render it obsolete and commercially of no value, does not invalidate the patent.

6. Speculation or imaginary industrial uses are not considered to satisfy the industrial application requirement.

## NON-PATENTABLE SUBJECT MATTER

An invention may satisfy the condition of novelty, inventiveness, and usefulness but it may not qualify for a patent. The following are not inventions within the meaning of Section 3 of the Patents Act, 1970:

(a) An invention which is frivolous, or which claims anything obviously contrary to well established natural laws.

(b) An invention the primary or intended use or commercial exploitation of which could be contrary to public order or morality, or which causes serious prejudice to human, animal or plant life or health or to the environment.

(c) The mere discovery of a scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substances occurring in nature.

(d) The mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that substance or the mere discovery of any property or mere new use for a known substance or of the mere use of a known process, machine or apparatus unless such known process results in a new product or employs at least one new reactant; Explanation to clause (d) clarifies that salts, esters, polymorphs, metabolites, pure form, particle size, isomers, mixtures of isomers, complexes, combinations and other derivatives of known substance shall be considered to be the same substance, unless they differ significantly in properties with regard to efficacy.

(e) A substance obtained by a mere admixture resulting only in the aggregation of the properties of the components thereof or a process for producing such substance.

(f) The mere arrangement or re-arrangement or duplication of known devices each functioning independently of one another in a known way.

(g) Omitted by Patents (Amendment) Act, 2002.

(h) A method of agriculture or horticulture.

(i) Any process for the medicinal, surgical, curative, prophylactic diagnostic, therapeutic or other treatment of human beings or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products.

(j) Plants and animals in whole or any part thereof other than micro-organisms but including seeds, varieties and species and essentially biological processes for production or propagation of plants and animals.

(k) A computer programme per se other than its technical application to industry or a combination with hardware.

(l) A literary, dramatic, musical, or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions.

(m) A mere scheme or rule or method of performing mental act or method of playing game.

(n) A presentation of information.

(o) Topography of integrated circuits.

(p) An invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components.

Section 4 prohibits the grant of patent in respect of an invention relating to atomic energy falling within Sub- section (1) of Section 20 of the Atomic Energy Act, 1962.

Section 20 of the Atomic Energy Act, 1962 contains special provision relating to inventions.

## Under Section 20

(1) of the Atomic Energy Act, 1962 "no patents shall be granted for inventions which in the opinion of the Central Government are useful for or relate to the production, control, use or disposal of atomic energy or the prospecting, mining, extraction, production, physical and chemical treatment, fabrication, enrichment, canning or use of any prescribed substance or radioactive substance or the ensuring of safety in atomic energy operations".

**PROCEDURE**

Filing of a Patent Application

A patent application shall be filed on Form-1 along with Provisional / Complete Specification, with the prescribed fee as given in First Schedule at an appropriate office.

However, a provisional specification cannot be filed in case of a Convention Application (either directly or through PCT routes). Normal fee shall be applicable for applications containing upto thirty pages in specification and up to 10 claims. If the specification exceeds thirty pages or claims are more than ten in number, additional fee as given in First Schedule is payable. [Section 7, First Schedule].

## Contents of Patent Application

A patent application should contain:

1. Application for grant of patent in Form-1.
2. Applicant has to obtain a proof of right to file the application from the inventor. The Proof of Right is either an endorsement at the end of the Application Form-1 or a separate assignment.
3. Provisional / complete specification in Form-2.
4. Statement and undertaking under Section 8 in Form- 3, if applicable. An applicant must file Form 3 either along with the application or within 6 months from the date of application.
5. Declaration as to inventorship shall be filed in Form for Applications accompanying a Complete Specification or a Convention Application or a PCT Application designating India. However, the Controller may allow Form-5 to be filed within one month from the date of filing of application if a request is made to the Controller in Form-4.
6. Power of authority in Form-26, if filed through a Patent Agent. In case a general power of authority has already been filed in another application, a self-attested copy of the same may be filed by the Agent. In case the original general power of authority has been filed in another jurisdiction, that fact may also be mentioned in the self-attested copy.
7. Priority document is required in the following cases:

(a) Convention Application (under Paris Convention).

(b) PCT National Phase Application wherein requirements of Rule 17.1(a or b) of regulations made under the PCT have not been fulfilled.

The priority document may be filed along with the application or before the expiry of eighteen months from the date of priority, so as to enable publication of the application. In case of a request for early publication, the priority document shall be filed before/along with such request.

8. Every application shall bear the Signature of the applicant or authorized person / Patent Agent along with name and date in the appropriate space provided in the forms.

9. The Specification shall be signed by the agent/applicant with date on the last page of the Specification. The drawing sheets should bear the signature of an applicant or his agent in the right-hand bottom corner.

10. If the Application pertains to a biological material obtained from India, the applicant is required to submit the permission from the National Biodiversity Authority any time before the grant of the patent. However, it would be sufficient if the permission from the National Biodiversity Authority is submitted before the grant of the patent.

11. The Application form shall also clearly indicate the source of geographical origin of any biological material used in the Specification, wherever applicable. [Section 7. Rule 8, 12, 13, 135. Also Section 6 of the Biological Diversity Act, 2002 & Rule 17.1 of Regulations made under the PCT]

**E-filing**

1. The Patent Office provides the facility to file a Patent Application online from the native place of the agent of the applicant or applicant through e-filing.

2. For e-filing, applicant/agent must have a digital signature. For the first time, applicant/agent must register as a new user and has to create login ID and password on the Patent office portal. (Rule 6. Details regarding procedure for e-filing are provided at http://www.ipindia.nic.in.]

## Processing of Application

### Initial processing

1. On receipt of an application, the Office accords a date and serial number to it. PCT national phase Applications and non-PCT Applications are identified by separate serial numbers.

2. All applications and other documents are digitized, verified, screened, classified and uploaded to the internal server of the Office.

3. Patent applications and other documents are arranged in a file wrapper and the Bibliographic sheet is prepared and pasted on the file cover, so that the files move on for storing in the compactors.

4. The Application is screened for:

(a) International Patent Classification.

(b) Technical field of invention for allocation to an examiner in the respective field.

(c) Relevance to defense or atomic energy.

(d) Correcting/completing the abstract, if required. If found not proper, the abstract will be recasted suitably, to provide better information to third parties. However, such amendments should not result in a change in the nature of invention.

5. Requests for examination are also accorded separate serial number.

## Scrutiny of application

1. The Office checks whether the Application has been filed in appropriate jurisdiction. If the jurisdiction is not appropriate, the application shall not be taken on record and the applicant is informed accordingly.

2. The Office checks for proof of right to file the application. If the proof of right is not filed along with the application, it shall be filed within a period of six months from the date of filing of the application. Otherwise, the applicant shall file the same along with a petition under Rule 137/138.

3. The Office checks whether the application and other documents have been filed in the prescribed format i.e., prescribed forms, request, petitions, assignment deeds, translation etc. Further, the Office checks whether:

(a) The documents are prepared on a proper sized paper, typed in appropriate font with proper spacing,

(b) The documents are duly signed,

(c) Abstract, drawings (if any) have been filed in proper format,

(d) Meaningful Claim(s) are present in a complete specification,

(e) Power of Attorney or attested copy of General Power of Attorney (if any) is filed,

(f) Form-5 has been filed (along with complete after Provisional or for filing PCT-NP/Convention Application),

(g) The invention has been assigned to another person and Form 6 has been duly filed. If the right is assigned from an individual to a legal entity, the legal entity is invited to pay the balance fees.

## Secrecy directions and consequences thereof

1. After the initial processing and scrutiny of the applications by the patent office, if in the opinion of the Controller an invention pertains to a subject matter relevant for the purpose of defense as notified by the Central Government, the Controller issues a secrecy direction prohibiting the publication of the application to the applicant and refers the matter to the Central Government for their consideration as to whether the application is prejudicial to the defense of India.

2. The Central Government, after considering the merits of the secrecy direction, may give notice to the Controller as to whether the secrecy direction needs to be continued or not.

3. The Central Government reviews the matter at an interval of six months. The applicant may request for a reconsideration of the secrecy direction and if the same is found reasonable by the Controller, he may request the Central Government for a review.

4. If the Central Government is of the opinion that an invention in respect of which the Controller has not imposed a secrecy direction and is relevant for defense purposes, it may at any time before the grant of the patent notify the Controller to that effect. Thereupon, the Controller invokes the provisions of Section 35(1).

5. So long as any directions under Section 35 are in force, the Controller shall not take a decision on grant/refusal of the application. [Section 35, 36, 37, 38].

## OPPOSITION TO THE PATENT

Section 25 of the Act deals with opposition to grant of patent and provides that where an application for a patent has been published but a patent has not been granted, any person may, in writing, represent by way of opposition to the Controller against the grant of patent on the following grounds and the Controller on request of such person shall hear him and dispose of the representation in the prescribed manner and specified time. The grounds of the opposition are:

(a) That the applicant for the patent or the person under or through whom he claims, wrongfully obtained the invention or any part thereof from him or from a person under or through whom he claims.

(b) That the invention so far as claimed in any claim of the complete specification has been published before the priority date of the claim -

(i) In any specification filed in pursuance of an application for a patent made in India on or after the 1st day of January 1912; or

(ii) In India or elsewhere, in any other document: Provided that the ground specified in sub-clause (iii) shall not be available where such publication does not constitute an anticipation of the invention by virtue of sub-section (2) or sub-section (3) of section 29.

(c) That the invention so far as claimed in any claim of the complete specification is claimed in a claim of a complete specification published on or after the priority date of the applicant's claim and filed in pursuance of an application for a patent in India, being a claim of which the priority date is earlier than that of the applicant's claim.

(d) that the invention so far as claimed in any claim of the complete specification was publicly known or publicly used in India before the priority date of that claim.

Explanation — For the purposes of this clause, an invention relating to a process for which a patent is claimed shall be deemed to have been publicly known or publicly used in India before the priority date of the claim if a product made by that process had already been imported into India before that date except where such importation has been for the purpose of reasonable trial or experiment only.

(e) That the invention so far as claimed in any claim of the complete specification is obvious and clearly does not involve any inventive step, having regard to the matter published as mentioned in clause or having regard to what was used in India before the priority date of the applicant's claim.

(f) That the subject of any claim of the complete specification is not an invention within the meaning of this Act or is not patentable under this Act.

(g) That the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed.

(h) That the applicant has failed to disclose to the Controller the information required by section 8 or has furnished the information which in any material particular was false to his knowledge.

(i) That in the case of convention application, the application was not made within twelve months from the date of the first application for protection for the invention made in a convention country by the applicant or a person from whom he derives title.

(j) That the complete specification does not disclose or wrongly mentions the source of geographical origin of biological material used for the invention.

(k) That the invention so far as claimed in any claim of the complete specification is anticipated having regard to the knowledge, oral or otherwise, available within any local or indigenous community in India or elsewhere.

Section 25(2) entitles any interested person to give notice of opposition, to the Controller in the prescribed manner at any time after the grant of patent but before the expiry of a period of one year from the date of publication of grant of a patent, on any of the following grounds only: -

(a) That the patentee or the person under or through whom he claims, wrongfully obtained the invention or any part thereof from him or from a person under or through whom he claims.

(b) That the invention so far as claimed in any claim of the complete specification has been published before the priority date of the claim in any specification filed in pursuance of an application for a patent made in India on or after the 1st day of January, 1912; or in India or elsewhere, in any other document. However, the ground that the invention so far claimed in any claim of complete specification has been published before the priority date of the claim in India or elsewhere in any other document shall not be available where such publication does not constitute an anticipation of the invention by virtue of section 29(2) or (3).

(c) That the invention so far as claimed in any claim of the complete specification is claimed in a claim of a complete specification published on or after the priority date of the claim of the patentee and filed in pursuance of an application for a patent in India, being a claim of which the priority date is earlier than that of the claim of the patentee.

(d) That the invention so far as claimed in any claim of the complete specification was publicly known or publicly used in India before the priority date of that claim.

Explanation to clause (d) of Section 25(3) clarifies that an invention relating to a process for which a patent is granted shall be deemed to have been publicly known or publicly used in India before the priority date of the claim if a product made by that process had already been imported into India before that date except where such importation has been for the purpose of reasonable trial or experiment only.

(e) That the invention so far as claimed in any claim of the complete specification is obvious and clearly does not involve any inventive step, having regard to the matter published as mentioned in clause (b) or having regard to what was used in India before the priority date of the claim.

(f) That the subject of any claim of the complete specification is not an invention within the meaning of this Act or is not patentable under this Act.

(g) That the complete specification does not sufficiently and clearly describe the invention or the method by which it is to be performed.

(h) That the patentee has failed to disclose to the Controller the information required by section 8 or has furnished the information which in any material particular was false to his knowledge.

(i) That in the case of a patent granted on convention application, the application for patent was not made within twelve months from the date of the first application for protection for the invention made in a convention country or in India by the patentee or a person from whom he derives title.

(j) That the complete specification does not disclose or wrongly mentions the source and geographical origin of biological material used for the invention.

(k) That the invention so far as claimed in any claim of the complete specification was anticipated having regard to the knowledge, oral or otherwise, available within any local or indigenous community in India or elsewhere.

## SURRENDER AND REVOCATION OF PATENTS

Section 63 entitles the patentee to offer to surrender his patent, at any time by giving notice to the Controller. Where such an offer is made, the Controller shall publish the offer in the prescribed manner and also notify every person other than the patentee whose name appears in the register as having an interest in the patent. Any person interested may, within the prescribed period after such publication, give notice of opposition to the Controller and where such notice in given the

Controller shall notify the patentee. If the Controller is satisfied after hearing the patentee and any opponent, if desirous of being heard, that the patent may properly be surrendered, he may accept the offer and by order revoke the patent.

## Revocation of Patents

Any Interested person including the government can file a petition on any of the grounds specified for revocation of a patent under Section 64 of the Patents Act. Section 64 dealing with revocation of patents stipulates that a patent, whether granted before or after the commencement of this Act, may, be revoked on a petition of any person interested or of the Central Government by this Appellate Board or on a counter- claim in a suit for infringement of the patent by the High Court on any of the following grounds namely:

(a) That the invention, so far as claimed in any claim of the complete specification, was claimed in a valid claim of earlier priority date contained in the complete specification of another patent granted in India.

(b) That the patent was granted on the application of a person not entitled under the provisions of this Act to apply, therefore.

(c) That the patent was granted on the application of a person not rights of the petitioner or any person under or through whom he claims.

(d) That the subject of any claim of the complete specification is not an invention within the meaning of this Act.

(e) That the invention so far as claimed in any claim of the complete specification is not new, having regard to what was publicly known or publicly used in India before the priority date of the claim or to what was published in India or elsewhere in any of the documents referred to in section 13:

(f) That the invention so far as claimed in any claim of the complete specification is obvious or does not involve any inventive step having regard to what was publicly known or publicly used in India or what was published in India or elsewhere before the priority date of the claim:

(g) That the invention, so far as claimed in any claim of the complete specification, is not useful.

(h) That the complete specification does not sufficiently and fairly describe the invention and the method by which it is to be performed, that is to say, that the description of the method or the instructions for the working of the invention as contained in the complete specification are not by themselves sufficient to enable a person in India possessing average skill in, and average knowledge of, the art to which the invention relates, to work the invention, or that it does not disclose the best method of performing it which was known to the applicant for the patent and for which he was entitled to claim protection.

(i) That the scope of any claim of the complete specification is not sufficiently and clearly defined or that any claim of the complete specification is not fairly based on the matter disclosed in the specification.

(j) That the patent was obtained on a false suggestion or representation.

(k) That the subject of any claim of the complete specification is not patentable under this Act.

(l) That the invention so far as claimed in any claim of the complete specification was secretly used in India, otherwise than as mentioned in sub-section (3), before the priority date of the claim.

(m) That the applicant for the patent has failed to disclose to the Controller the information required by section 8 or has furnished information which in any material particular was false to his knowledge.

(n) That the applicant contravened any direction for secrecy passed under Section 35 or made or caused to be made an application for the grant of a patent outside India in contravention of Section 39

(o) That leave to amend the complete specification under section 57 or section 58 was obtained by fraud.

(p) That the complete specification does not disclose or wrongly mentions the source and geographical origin of biological material used for the invention.

(q) That the invention so far as claimed in any claim of the complete specification was anticipated having regard to the knowledge, oral or otherwise, available within any local or indigenous community in India or elsewhere.

Section 64(2) says that for the purposes of clauses (e) and (f) of sub-section (1), -

(a) No account shall be taken of personal document or secret trial or secret use; and

(b) Where the patent is for a process or for a product as made by a process described or claimed, the importation into India of the product made abroad by that process shall constitute knowledge or use in India of the invention on the date of the importation, except where such importation has been for the purpose of reasonable trial or experiment only.

Section 64 (3) provides that for the purpose of clause (l) of sub-section (1), no account shall be taken of any use of the invention -

(a) for the purpose of reasonable trial or experiment only; or
(b) by the Government or by any person authorized by the Government or by a government undertaking, in consequence of the applicant for the patent or any person from whom he derives title having communicated or disclosed the invention directly or indirectly to the Government or person authorized as aforesaid or to the Government undertaking; or
(c) by any other person, in consequence of the applicant for the patent or any person from whom he derives title having communicated or disclosed the invention, and without the consent or acquiescence of the applicant or of any person from whom he derives title.

Without prejudice to the provisions contained in sub-section (1), a patent maybe revoked by the High Court on the petition of the Central Government, if the High Court is satisfied that the patentee has without reasonable cause failed to comply with the request of the Central Government to make, use or exercise the patented invention for the purposes of Government within the meaning of section 99upon reasonable terms.

A notice of any petition for revocation of a patent under this section shall be served on all persons appearing from the register to be proprietors of that patent or to have shares or interests therein and it shall not be necessary to serve a notice on any other person.

## ASSIGNMENTS OF PATENTS

Assignment refers to the act of the patentee by which the patent rights are wholly or partially transferred to the assignee who acquires the right to prevent others from making, using or exercising or vending the invention. Section 70 of the Patents Act, 1970 gives the person/persons, persons registered as grantee or proprietor of a patent, power to assign, grant licenses under, or otherwise deal with, the patent and to give effectual receipts for any consideration for any such assignment, licensee or dealing.

The assignment can either be exclusive or non-exclusive. The exclusivity can be further limited, for example exclusivity to a territory or market or line of products. Following are three main types of assignments in patents:

**Legal Assignments**

An assignment of an existing deed is a legal assignment. A patent which is created by deed can only be assigned by a deed. A legal assignee is entitled to be registered as the proprietor of the patent and acquires all the rights thereof.

**Equitable Assignments**

A document agreeing to transfer a patent or a share of a patent with immediate effect is an equitable assignment. This affects proprietorship but does not directly change it. The man to whom it is equitably assigned gets the right in equity to have the ownership of the patent altered in law.

Mortgages

A mortgage is a document through which patent rights are transferred to the assignee in return for a sum of money. Once the assignor repays the sum, the patent rights are restored to him. The term assignee as per Section 2(1) of the Patents Act, 1970 includes in its meaning the legal representative of a deceased assignee. Section 70 of the Patents Act, 1970 confers inter alia the right on a grantee or proprietor of the patent to fully or partially assign his patent to another or others. As per Section 68 of the Patents Act, 1970 an assignment to be valid shall be in writing, to be contained in a document that embodies all terms and conditions governing their rights and obligations and the application for registration of such document is filed in the prescribed manner with the Controller within six months from the commencement of the Act or the execution of the document, whichever is later. Section 69 says once the person becomes entitled by assignment to a patent, he shall apply in writing to the Controller for the registration of his title in the prescribed manner.

# Chapter 3: Patent Databases & Patent Information System

Intellectual Property Rights (IPR) are considered to be the backbone of any economy and their creation and protection is essential for sustained growth of a nation. Intellectual property rights are now not only being used as a tool to protect the creativity and generate revenue but also to build strategic alliances for the socio- economic and technological growth. Accordingly, the Intellectual Property Office in India is dedicated to mobilizing the use of such technological advancement for socio-economic development, which is a constitutional mandate, by creating the requisite IP culture.

## PATENT OFFICES IN INDIA

The Office of the Controller General of Patents, Designs & Trademarks (CGPDTM) comes under the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry. Of late, the office of the Controller General has also been known as Intellectual Property Office (IPO). The Office is responsible for the administration of Patents Act, 1970, Designs Act, 2000, The Trademarks Act, 1999 and Geographical Indications of Goods (Registration and Protection) Act, 1999 through its Intellectual Property Offices located at Mumbai, Delhi, Kolkata, Chennai and Ahmedabad.

The Office of the Controller General of Patents, Designs & Trademarks (CGPDTM) is located at Mumbai. The Head Office of the Patent office is at Kolkata and its branch offices are located at Chennai, New Delhi and Mumbai. The Trademarks registry is at Mumbai and its branches are located in Kolkata, Chennai, Ahmedabad and New Delhi. The Design Office is located at Kolkata in the Patent Office. A Geographical Indications Registry has been established in Chennai to administer the Geographical Indications of Goods (Registration and Protection) Act, 1999 under the CGPDTM.

The Controller General supervises the working of the Patents Act, 1970, as amended, the Designs Act, 2000 and the Trademarks Act, 1999 and also renders advice to the Government on matters relating to these subjects. Mr. P.H. Kurian was the first IAS officer to serve as Controller General. Mr Chaitanaya Prasad has assumed charge as CGPDTM recently.

The Patent information System (PIS) and National Institute of Intellectual Property Management (NIIPM) located at Nagpur also come under the superintendence of CGPDTM. PIS maintains a comprehensive collection of patent specifications and patent related literature on a worldwide basis to meet the need for technological information of various users in R&D establishments, Government Organizations, Industries, Business, Inventors and other users enabling them to take informed business decisions.

National Institute for Intellectual Property Management (NIIPM) as a national centre of excellence for training, management, research, education in the field of Intellectual Property Rights related issues, caters to the training of Examiners of Patents and Designs, Examiners of Trademarks & Geographical Indications, IP Professionals, IP Managers in the country, imparting basic education to user community, government functionaries and stakeholders involved in creation, commercialization and management of intellectual property rights. The institute will also facilitate research on IP related issues including preparation of study reports and policy analysis of relevance to Government. These activities are not addressed to by any other agency in the country at present.


## PATENT INFORMATION

Traditionally, patent information searches are done, if at all, as a part of the application drafting process before filing patent applications, or while planning and preparing for patent litigation. With the rapid expansion of information technology resulting in increasing availability of on-line databases of patent information, this micro-level use of patent information has evolved into a much more strategic use of patent information.

In recent years, economists, social science researchers, policymakers, businessmen and professionals have begun to make increasing meso-level and macro-level use of patent information. This is being done to analyze, for example, patenting activities of a country' technical patterns of internationalization; patenting activities in a sector, technology or company to ascertain or forecast the direction of technical change, or ascertain the relative technological position of a company in a marketplace; etc. As such, the use of patent information has expanded to many different tactical and strategic business, research, and policy making activities at national, institutional or enterprise levels. Patent information includes not only the content of published patent documents but also bibliographic and other information concerning patents for inventions, inventors' certificates, utility certificates and utility models. It is the largest, well-classified and most up-to-date collection of technical documents on new and innovative technologies.

Patent applications are filed in accordance with the requirements of national or regional patent laws. An applicant may be a public and private company, government agency, researcher in a university or in a research and development institution, or even individual inventors.

## REASONS FOR USING PATENT INFORMATION

Patent information is more than just technological or legal information. When developing a new product, comparative technological information may determine the success or failure of the product and, in turn, the success or failure of the company itself. Some of the practical applications of patent information include:

### Tool for Creative Thinking

Patent information provides a source of technological information that can be used by researchers and inventors to find new solutions to technical problems. A specific methodology developed on the basis of patent information is the TRIZ methodology (Russian acronym for Theory of the Solution of Inventive Problems). Based on the study and analysis of a set of worldwide patent documents, Genrich Altshuller and his colleagues developed the TRIZ methodology. Starting in 1946, TRIZ began with the hypothesis that there are universal principles of invention that are the basis for creative innovations which advance technology, and that if these principles could be identified and codified, they could be taught to people to create or enhance their inventive capabilities.

The TRIZ research has proceeded in several stages and more than 2 million patent documents have been examined, classified by level of inventiveness, and analyzed to look for principles of innovation.

TRIZ is currently being applied internationally to create and to improve products, services and systems. Large and small companies, including many Fortune 500 companies are using TRIZ on many levels to solve real and practical problems and to develop strategies for the future of technology. Based on one of the conclusions of the theory, that inventiveness and creativity can be learned, universities worldwide have introduced undergraduate courses related to the TRIZ methodology to enhance creativity and inventive thinking abilities of students.

Patent information, therefore, provides an extremely useful source of information for learning and developing creative problem solving and innovation strategies.

## Input for Licensing Strategy

When considering “licensing in” of technology owned by others, “licensing out” owner’s technology or “cross- licensing” between two patent portfolio owners, the concerned parties must collect reliable information on the target or key technology in order to take the right decision. If the technology in question is valuable enough, it will generally be protected by a patent because of the intrinsic insecurity and difficulty of keeping it as a trade secret. Therefore, the analysis of patent information provides them with valuable technical and business information regarding target or key technology. Before entering into licensing negotiations, it is most important that the parties have a very good understanding of the target technology itself, its value, in terms of its strengths and weaknesses, which is aided considerably by a thorough and careful analysis of relevant patent information.

**While preparing to ‘licensing in’ of technology, analyze patent information to consider:**

- Whether the technology in question is in the public domain in your target market due to its non-protection, expiration, non-payment of maintenance fee or invalidation of the patent in a court proceeding.
- Whether there is a possibility of someone else bringing an action for infringement against you to make you liable for payment of any damages.
- Whether the technology is overvalued or undervalued by comparing it with other related or alternate technologies, etc.

**Similarly, while preparing to ‘license out’ your technology, analyze patent information to consider:**

- Who could be prospective licensees in the marketplace.

• How valuable is your technology in order to prepare an attractive offer; and

• Whether it is a core technology in your business, which if licensed out might become an obstacle to continue to practice this technology, etc.

'Cross-licensing' is an exchange between two companies to license one or more patents to each other, which gives the companies the freedom to operate; that is, without any fear of being accused of violating the patent rights of the other party. Payment(s), if any, in a cross-licensing agreement is/are made by the party, which is perceived to have a patent portfolio of lesser value. Let us say that Company X is negotiating with Company Y. If Company X argues that its portfolio is more valuable than that of Company Y, it may require Company Y to fill the gap in the form of one time or recurring payments. Here, patent analysis plays a role in comparing the patent portfolios of the two companies and in identifying key patents, so that it can help to decide who should pay whom and how much.

## Supporting Mergers and Acquisitions (M&A)

If a company wishes to acquire a specific technology along with other complimentary assets and has no idea from where to obtain it, then it first needs to identify all the companies with relevant patents and related assets. A patent search help to identify all of the patents related to the area of interest. Once one or more potential target technologies/companies are identified, then the company can undertake additional patent analysis to narrow down its choices to decide which of the companies is the best merger or acquisition target.

Once a company identifies a target company, patent analysis can also address additional issues such as: Is the target's technology as good as it is claimed to be? Is the company priced fairly? Who are the key inventors, and will they stay with the merged or acquired company? Let us analyze a case. As part of a broad strategic plan to fill gaps in a company's technology base, a large high-tech company acquired a small specialty business. Soon after completing the acquisition, the acquiring company discovered that R&D capabilities of the acquired company were quite limited, and certainly not consistent with the perception that it had bought a company with strong technological capabilities. Its technological capability was dependent on one key researcher, and he did not come along as part of the deal. He was transferred to the parent company before the sale was completed. If patent analysis had been done before proceeding with the acquisition, the company would have been able to find out that who the key researcher is and then could have taken appropriate measures to retain him.

## Guiding Management of Research and Development (R&D)

In order to enter into a new business or to develop a new product, a company should be able to seize the overall image of the relevant technology field and accurately forecast the market needs. Patent analysis makes it possible to find out the flow of technology from elementary technologies along with the expansion of those technologies, the trend of technological change, the life cycle of a technology (consisting of growth, development, maturity and decline), problems and solutions in the development of a particular technology, competitors' technologies and solutions to cope with possible problems. Knowing the life cycle of a technology makes it possible to judge the timing of development policy and focus on certain development themes. It can also prevent an infringement from occurring, which would save a huge amount in litigation expenses and compensation for damages.

Patents are often linked to research and development and can be considered as indicators of R & D output. If one company has more patents than another does, then this suggests that the company has a stronger commitment to R&D. Not all patents, however, are equally valuable. A few patents are for radical inventions that change the world; most patents are granted for incremental but non-obvious inventions. A patent, which is more frequently cited than other patents of the same age, is regarded as a patent of greater impact or of higher quality. From links between patents revealed by patent citation analysis, it is possible to target the acquisition of strong patents, which results in the enhancement of R&D output and, consequently, much improved or new products.

### Human Resources Management

It has been repeatedly shown that a small number of highly prolific inventors drive technological development and a much larger numbers of researchers produce only one or two patents in any laboratory or company. Patent analysis, such as a co-inventor brain map, can show the key inventors who are vitally important for the future of the company. Such brain maps can identify not only star inventors within a company, but key inventors in other companies, which is a useful analysis for headhunting and in developing an effective M&A strategy.

## PATENT SEARCH & PATENT DATABASES

An important step before filing a patent application is to conduct a patent search. Just as companies need to do due diligence before taking on any business venture, likewise patent owners need to do patent due diligence before filing a patent application. A patent search is a search conducted in patent databases as well as in the literature available, to check whether any invention similar to the invention in respect of which patent is to be obtained, already exists. In other words, it evaluates inventor's chances of getting a patent grant. Therefore, instead of going forth with the filing, if one conducts the patentability search, one can get a clear idea about the patentability of the invention; whether the application should be filed and the strengths and weakness of his invention.

Since patenting is an expensive procedure, it is prudent to conduct a patentability search before filing an application. Although there is an additional expense associated to have a patent search performed, it can potentially save the inventor's money down the road.

Patent information is made available to the public through a variety of databases. Each database covers a particular set of patent documents. At present no database has complete coverage of all patent documents ever published worldwide. Thus, it may be necessary to consult multiple databases in order to find and then access patent documents relevant to your interests.

## VARIOUS TYPES OF SEARCHES USING PATENT DOCUMENTATION

In practice, there are various more or less typical reasons for performing searches in collections of patent documents, each of them requiring a slightly different approach in the search method used. Some of the search types are basically concerned with technological information as such, while others are directed towards the processing of patent applications, or relevant to the legal state of a new technology. The individual types of searches are listed herein below separately, whereas it is a well-known fact that many items of bibliographic information may be combined in searching.

In general, searches performed by inventors are usually not as exhaustive as the searches done by professionals at patent offices. However, such insights into patent documents are often very useful for the inventor to determine whether someone has already patented a similar invention, or to obtain relevant information about other patents in the same category as his invention.

Pre-Application Searches (PAS)

At first, an invention is just an idea. Many details are not even known or recognized as relevant parts. A novelty search based on a vague idea can only result in a vague picture of the prior art. The patent application process is difficult, time consuming and expensive; therefore, the inventor should conduct a "Pre- Application Search" (PAS) before filling a patent application. In this search, the inventor should look for any printed publications, public knowledge, or patents already issued in his country or a foreign country that may relate to the particular invention.

## State-of-the-Art Searches

This kind of search, also referred to as "Informative Search," is made to determine the general state-of-the- art for the solution of a given technical problem as background information for R&D activities and in order to know what patent publications already exist in the field of the technology or research. Further reasons for undertaking this kind of search could be the wish to identify alternative technologies which may replace known technology or to evaluate a specific technology which is being offered for licensing or which is being considered for acquisition. State-of-the-art searches are especially useful for technology development or technology transfer purposes.

## Novelty Searches

The objective of a "Novelty Search" is to determine the novelty or lack of novelty of the invention claimed in a patent application or a patent already granted, or of an invention for which no application has yet been filed. The aim of the search is to discover relevant prior art. An early novelty patent search is usually discouraging. Normally, the basic inventive ideas are formulated in such an unspecified way that many publications will apply to this broad description. Dependent on the outcome of the novelty search, the next decision will be whether to stop or to go ahead in developing the invention. If nothing of relevance was found, it is easy, and you should go ahead. The decision becomes more difficult if one or several pertinent documents have been found. Most important is to restrict the search to the appropriate area. This may be done by identifying a proper place or places for the subject of the search in the IPC.

## Patentability or Validity Searches

A "Patentability or Validity Search" is made to locate documents relevant to the determination not only of novelty but also of other criteria of patentability, for example, the presence or absence of an inventive step (i.e., the alleged invention is or is not obvious) or the achievement of useful results or technical progress. This type of search should cover all the technical fields, which may contain material pertinent to the invention. Novelty and patentability searches are mainly being carried out by industrial property offices in the course of the examination of patent applications.

## Name Searches

These are searches for locating information about published patent documents involving specific companies or individuals, as applicants, assignees, patentees or inventors.

## Technological Activity Searches

They are to be understood as searches for identifying companies and/or inventors who are active in a specific field of technology. These searches are also suitable for identifying countries in which a certain technology is being patented, so as to know where to turn to for obtaining particular information in a given field of technology.

## Infringement Searches

The objective of an "Infringement Search" is to locate patents and published patent applications, which might be infringed on by a given industrial activity. In this type of search the aim is to determine whether an existing patent gives exclusive rights covering that industrial activity or any part of it.

## Patent Family Searches

This kind of search is carried out to identify a member of a "patent family." Patent family searches are used in order to:

- Find the countries in which a given patent application has been filed (if published).
- Find a "patent family member" that is written in a desired language.
- Obtain a list of prior art documents or "References Cited"; and
- Estimate the importance of the invention (by number of patent documents relating to the same invention and being published in different countries or by industrial property organization’s).

## Legal Status Searches

A search for this type of investigation is made to obtain information on the validity (status) of a patent or a published patent application, on a given date, under the applicable patent legislation in one or more countries. Such information can assist in making decisions on, for example, exporting, or in the negotiation of license agreements. It can also give guidance on the value attached to a particular patent by the patentee.

# Chapter 4: WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Two major international Conventions, the Paris Convention, 1883 on ‗Protection of Industrial Property ‘and the Berne Convention, 1886 on ‗Protection of Literary and Artistic Works ‘led the foundation stone for the creation of WIPO to internationalize the IP system. Both the Conventions provided for establishing an International Bureau ‘to provide administrative support to their respective State Parties. The two bureaux combined in 1893 to form the United International Bureaux for the Protection of Intellectual Property (BIRPI). As a consequence of further Conventions on specialized aspects of IP, such as on Trademarks, Industrial Designs and Appellations of Origin, the Unions (Madrid, Hague, Nice, and Lisbon Unions), which were created as a result of several of these Treaties, were also integrated into United International Bureaux. Following a Convention in 1967 (the WIPO Convention) for establishing an international umbrella organization for the administration of IP issues, United International Bureaux was replaced by WIPO in 1970. In 1974, the UN established WIPO as a specialized agency to promote creative intellectual activity and facilitate the transfer of technology related to the industrial property to the developing countries to accelerate economic, social and cultural development through a balanced and effective international IP system. As of 2018, WIPO has 193 Member States, of which 132 are developing countries, including India.

## Main Activities of WIPO

- Legal Negotiations and Policy Discussions - WIPO provides a forum for Member States to pursue legal negotiations and policy discussions that shape international rules and practices on IP.

The inter-governmental committee plays a facilitating role in harmonizing global IP laws and policies. WIPO also plays a significant role in convening the international Treaties, negotiations for new treaties and soft law instruments (such as guidelines).

• Administration of Inter-governmental IP Treaties - WIPO ‘s Secretariat provides a range of services to its Member States, other stakeholders and the public. The Secretariat administers 26 international IP Treaties (plus the WIPO Convention) and their financial arrangements. These Treaties fall into three main categories:

a) Fifteen IP protection Treaties which define substantive international standards on IP and one WIPO Convention.

b) Four Classification Treaties which aim to organize information concerning inventions, trademarks and industrial designs through an indexed classification system.

c) Six Global Protection System Treaties which establish procedural rules mainly aimed at ensuring that one international registration or filing of industrial property will affect all the countries signatory to the relevant Treaties.

Besides, WIPO provides administrative and financial services to the International Union to protect New Varieties of Plants (UPOV). This union is an independent inter-governmental organization which is established by the International Convention. The Rome, Phonograms (Geneva) and Satellites (Brussels) Conventions are co-administered by WIPO, UNESCO and the International Labour Organization (ILO). The list of Treaties administered by WIPO and its signatories is summarized later in this chapter.

• International IP Filing and Examination Services - WIPO offers Treaty-related services that help applicants and holders of IP rights protect their IP across borders. It enables applicants to seek patent protection and register trademarks and appellations of origin in multiple countries by filing one international application. It also facilitates the registration of industrial designs in multiple countries with minimum formalities and expenses. WIPO ‘s Arbitration and Mediation Centre offer Alternative Dispute Resolution (ADR) procedures to help businesses, associations and their legal counsels resolve IP disputes outside courts, most prominently relating to abusive registration and use of internet domain names e.g. Cyber Squatting ‘.

WIPO supports global infrastructure for the IP system by providing services to Patent Offices and Copyright Agencies. The systems enable Patent Offices to share documents, such as search and examination reports, which eventually facilitate a more efficient international examination process for patent applications. It also provides systems for the modernization of offices, such as WIPO ‘s Industrial Property Automation System (IPAS) and the WIPO Copyright Management System (WIPOCOS).

• IP Information, Advisory and Training Services - WIPO provides information services through a series of global databases of Patent documents (Patent Scope), brands (Global Brands Database), Industrial Designs (Hague Express Database) and Laws and Treaties (WIPO Lex), as well as statistics and economic research on IP and innovation. WIPO assists developing countries in many ways, such as legal assistance on IP legislation, policy advice and training and institutional support for national and regional IP offices. In 1995, WIPO and WTO sealed an agreement wherein WIPO undertook to assist developing countries for the implementation of the TRIPS Agreement.

WIPO also hosts several multi-stakeholder platforms and Public-Private Partnerships (PPPs), such as WIPO Green (an online marketplace which is promoting diffusion and innovation of green technologies by connecting technology and service providers), WIPO Research (a consortium of public and private sector organization's that aims to share IP and expertise with the global health research community to promote the development of new drugs, vaccines and diagnostics) and the Accessible Books Consortium (ABC) (a partnership of WIPO, organization's serving people with print disabilities and organizations of publishers and authors that aims to

increase the number and availability of books in accessible formats for people who are blind or visually impaired), as well as initiatives to improve Access to Research for Development and Innovation (ARDI) and Access to Specialized Patent Information (ASPI) in developing countries. India and WIPO

## Access to International IP Filing Systems

India is an active participant in WIPO and a signatory to ten out of 26 IP Treaties governed by WIPO, including the Treaties governing international IP filing systems i.e., PCT (for Patents); Madrid (for Trademarks) and Hague (for Industrial Designs) systems. The PCT system provides a cost-effective process for seeking patent protection in multiple countries, which has numerous benefits for applicants. With just one PCT application, an applicant can seek patent protection in as many as 153 countries instead of filing a separate application directly in each country. Similarly, the Madrid & Hague Systems also provide a cost-effective process for obtaining Trademark and maintaining Industrial Designs in multiple jurisdictions. There are a total of 122 countries members of the Madrid system (Trademarks) and 74 countries members for the Hague system

(Industrial Designs). With a single international ap- plication, the applicant can indicate any number of territories in which he wants to seek protection for his invention and can have an international registration with effect in all those territories. The subsequent management of international registration of Trademarks and Designs is also easier; with one request, an applicant can record changes in name or address or ownership. Applicants can renew their international registration directly with WIPO, and this renewal will have effect in the countries concerned.

## Protection of Traditional Knowledge (TK)

The WIPO ‘s Intergovernmental Committee on IP and Genetic Resources, TK and Folklore, was established in 2000, is a forum where WIPO member states discuss the IP issues that arise in the context of access to genetic resources and benefit-sharing as well as protection of TK and Traditional Cultural Expressions (TCEs). The Intergovernmental Committee (IGC) holds formal negotiations to reach an agreement on one or more international legal instruments that would ensure the effective protection of genetic resources, TK and TCEs. Such an instrument/s could range from a recommendation to WIPO members to a formal Treaty that would bind countries choosing to ratify it.

After fighting successfully for the revocation of Turmeric and Basmati Patents granted by USPTO and Neem Patent granted by EPO, India initiated its project for the creation of a Traditional Knowledge Digital Library (TKDL) in 2001. This model is well accepted by the international community and an effective mechanism for saving TK from Patents by foreign individuals. It stimulated the IGC process and increased recognition of TK within the Patent system. In 2002, certain TK journals were included in the minimum documentation for applications under WIPO ‘s

Patent Cooperation Treaty, and TK classification tools were integrated within the International Patent Classification in 2004.

## Technology and Innovation Support Centers (TISC)

The WIPO ‘s TISC program provides innovators, in developing countries, with access to locally based, high-quality technology information and related services, helps them to exploit their innovative potential and to create, protect, and manage their IP rights. WIPO has established 80 national projects and 1021 TISCs (till March 2020) in 80 countries worldwide.

Out of these 80 countries, 26 are the least developed countries. Services offered by TISCs include:

- Access to online Patent and non-Patent (scientific and technical) resources and IP-related publications.
- Assistance in searching and retrieving technology information.
- Training in database search.
- On-demand searches (novelty, state-of-the-attend infringement).
- Monitoring technology and competitors.
- Basic information on industrial property laws, management and strategy, and technology commercialization and marketing.

In 2017, DPIIT, the Government of India in collaboration with WIPO established six TISCs in India (Table 3.1). These centers stimulate a dynamic, vibrant and balanced IP system in India to foster creativity and innovation, thereby promoting entrepreneurship and also social, economic and cultural development.

## Access to International Microorganism Deposit System

As per the Budapest Treaty, 1977, all microorganisms mentioned in the patented innovation must be deposited in any of the 47 International Depositary Authorities (IDA-https://www.wipo. int/Budapest/en/idadb/) located in various countries. India is also a signatory to the Treaty and has two IDAs; Microbial Culture Collection (MCC) at the National Centre for Cell Science (NCCS), Pune and Microbial Type Culture Collection (MTCC) at Institute of Microbial Technology (IMTECH), Chandigarh.

## Data for International IP Filing Systems

The updated IP information is important for understanding the trend of technologies, policies and business worldwide. Every year, WIPO releases statistical information on all forms of IP of the member countries. This information is freely available (‗WIPO Statistics Database ', https://www.wipo.int/ipstats/en/). A glimpse of the information pertaining to Patents (PCT system), Trademarks (Madrid system) and Industrial Designs (Hague system) is provided below.

PCT Patent Statistics

In 2019, a record number of PCT applications (2,65,800) were filed worldwide, with a 5.2% increase as compared to last year. China has surpassed the USA by filing 58,990 applications worldwide through PCT. Out of the top 15 countries, 12 high- income countries and three middle-income countries, namely China (58,990), Turkey (2058) and India (2053). India stands at 14th position in PCT applications filing (Fig. 3.1). For the 3rd consecutive year, China-based telecom giant Huawei Technologies, with 4,411 published PCT applications, followed by Mitsubishi Electric Corp. of Japan (2,661), Samsung Electronics of the Republic of Korea (2,334), Qualcomm

Inc. of the U.S. (2,127) and Guang Dong Oppo Mobile Telecommunications of China (1,927) (WIPO Statistics Database, March 2020).

**Figure 3.1: Top ten PCT filing countries in 2019.**

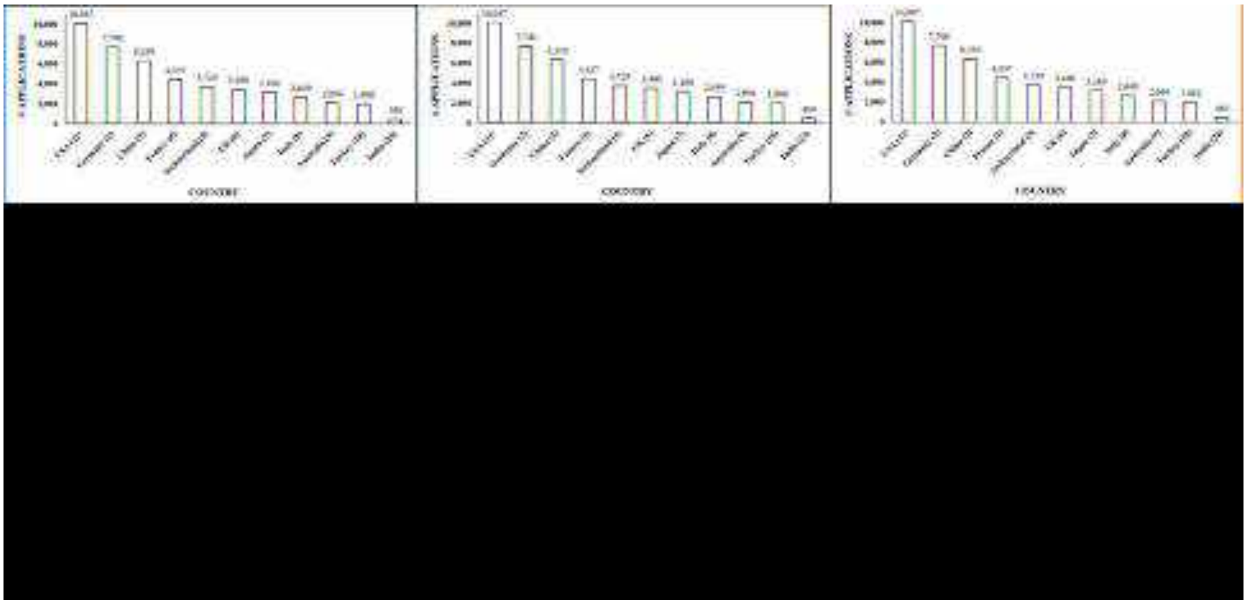
**(Source:https://www.wipo.int/pressroom/en/articles/2020/article_0005.html)**

## Global Rankings Trademark Statistics (Madrid System)

In 2019, USA-based applicants filed maximum Trademarks applications followed by Germany and China (Fig. 3.2). L'Oreal of France leads in the number of Trademark applications (189) followed by Novartis AG of Switzerland (135), Huawei Technologies of China (131), NirSan Connect Private Limited of India (124) and Rigo Trading of Luxembourg (103) (WIPO StatisticsDatabase, March 2020).

Maximum applications were filed in the field of computers and electronics, which accounted for 10.1% followed by services for business (8.3%) and technological services (6.7%). India was placed at 24th position with 175 Trademark applications.

**Figure 3.2: Top ten users of the Madrid System in 2019.**



**Source:**
**https://www.wipo.int/pressroom/en/articles/2020/article_0005.html**

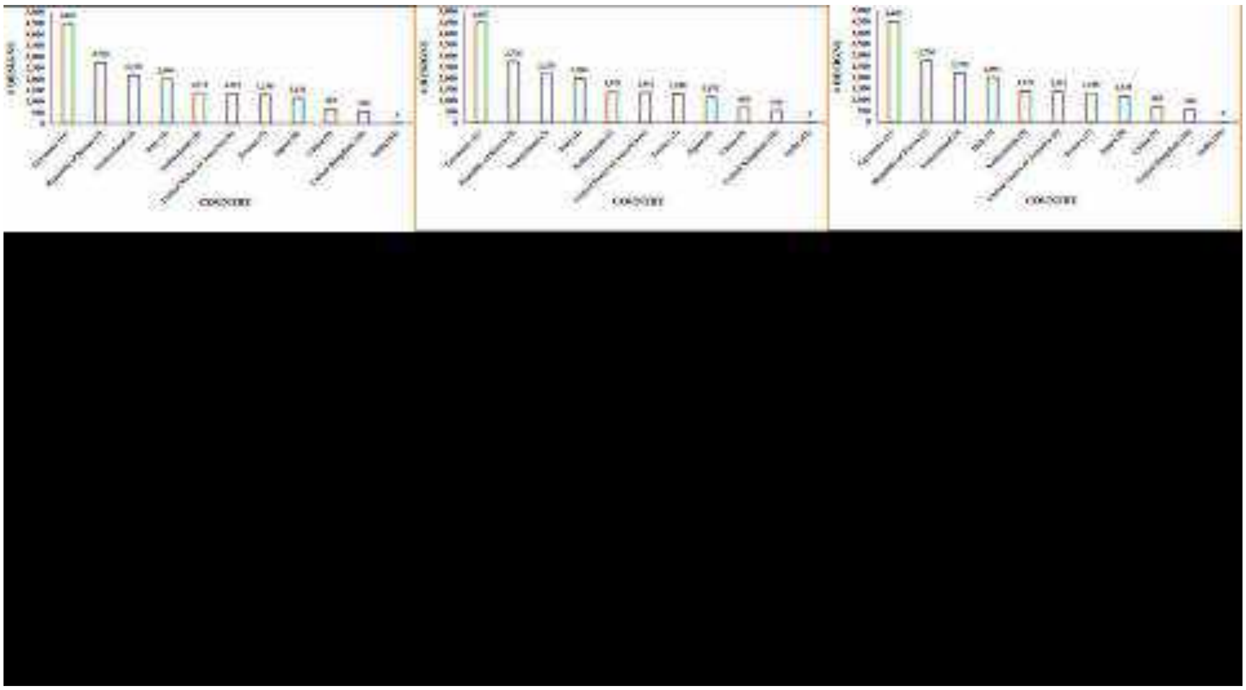
## *Global Rankings

## Industrial Designs Statistics (Hague System)

As per the latest report published in 2020, the registration of Industrial Designs was 10.4% more as compared to last year. Below in figure 3.3 is depicted the top ten countries that filed the Designs applications through this system. Two leading countries in the filing of registration were Germany (4487) and the Republic of Korea (2736). Samsung Electronics of the Republic of Korea with 929 Designs headed the list of top filers, followed by Fonkel Meubel marketing of the Netherlands (859), LG Electronics of the Republic of Korea (598), Volkswagen of Germany

(536) and Procter & Gamble of the U.S. (410) (WIPO Statistics Database, March 2020). 13.6% share of the Design belongs to communication equipment followed by furnishing (10.1%). Unfortunately, India has filed only three applications for the registration of Designs.

**Figure 3.3: Top ten users of Hague System in 2019.**



**Source: https://www.wipo.int/pressroom/en/articles/2020/article_0005.html**

***Global Rankings**

# Chapter 5: Patent Infringement

Patent infringement means the violation of the exclusive rights of the patent holder. As discussed earlier, patent rights are the exclusive rights granted by the Government to an inventor over his invention for a limited period of time. In other words, if any person exercises the exclusive rights of the patent holder without the patent owner's authorization, then that person is liable for patent infringement. Sections 104-114 of the Patents Act, 1970 provide guidelines relating to patent infringement Unlike the Design law, the Patents law does not specify as to what would constitute infringement of a patented product or process. However, the following acts when committed without the consent of the patentee shall amount to infringement:

(i) Making, using, offering for sale, selling, importing the patented product.

(ii) Using the patented process, or using, offering for sale, selling, or importing the product directly obtained by that process

**There are three basic types of patent infringements:**

Direct patent infringement is the most obvious and the most common form of patent infringement. Basically, direct patent infringement occurs when a product that is substantially close to a patented product or invention is marketed, sold, or used commercially without permission from the owner of the patented product or invention.

Indirect patent infringement suggests that there was some amount of deceit or accidental patent infringement in the incident. For instance, A holds a patent for a device and B manufactures a device which is substantially similar to the A’s device. B is supplied with a product from another person C to facilitate manufacturing of the B’s device. If the device so manufactured by B infringes upon A’s patent, then the person C indirectly infringes A’s patent. Further, if such a product is knowingly sold or supplied, it may lead to “contributory infringement”. In the above example, if the person C knowingly supplies the product to B then the infringement is construed as contributory infringement.

The law however enumerates certain exceptions to infringement:

(a) Experimental and Research: Any patented article or process can be used for the following purposes:

- Experiment
- Research
- Instructing the pupils

It is also permitted to make, construct, use, sell or import a patented invention solely for the uses reasonably related to the development and submission of information required under any law for the time being in force, in India, or in a country other than India, that regulates the manufacture, construction, use, sale or import of any product. All such acts, if within the bounds as created above, cannot be challenged as infringing the rights of the patentee.

(b) Parallel Importation under certain conditions: Patented article or article made by using the patented process can be imported by government for its own use. Also, a patented process can be used by the government solely for its own use. Moreover, the government can import any patented medicine or drug for the purposes of its own use or for distribution in any dispensary, hospital or other medical institution maintained by the government or any other dispensary, hospital or medical institution notified by the government. [Section27 & 47].

Jurisdiction: The legal provisions with regard to jurisdiction are provided in Section 104 of the Patents Act, 1970. Before dealing with jurisdiction, it may be pointed out that the courts in India receive (a) Patent Administrative Cases and (b) Patent Infringement Cases. In patent administrative cases, the Indian Patent Office is the defendant. These types of cases include dispute on grant of a patent, patent invalidation and upholding, and compulsory licensing. In patent infringement cases, patentee or patent assignees pursue damages against willful infringement conduct by the alleged infringer. These cases include, infringement of patent, disputes relating to ownership of patent, disputes regarding patent rights or right for application, patent contractual disputes, contractual disputes of assignment of patent right, patent licensing, and dispute relating to the revocation of patents.

Section 104 of the Patents Act says that the patent infringement suit shall not be instituted in a court lower than District Court in India. Further, if the defendant files a counterclaim against revocation of the patent, then the suit, along with the counterclaim, shall be transferred to the High Court for decision. Moreover, in the event of a counterclaim of a patent by the defendant, the suit along with counterclaim is to be transferred to the high Court for decision.

Like any other civil suit, the jurisdiction shall be determined in accordance with the rules of Code of Civil Procedure. The appropriate forum would be:

(a) Principal place where the plaintiff carries on his business; or

(b) Principal place where the defendant carries on his business; or

(c) Place where the infringing articles are manufactured/ sold or infringing process is being applied or where the articles manufactured by the infringing process are being sold.

Period of Limitation: The period of limitation for instituting a suit for patent infringement is there years from the date of infringement.

Burden of Proof: The traditional rule of burden of proof is adhered to with respect to patented product and accordingly in case of alleged infringement of a patented product the 'onus of proof' rests on the plaintiff. However, TRIPS-prompted amendment inserted by way of Section 104 (A) has 'reversed burden of proof' in case of infringement of patented process. Under the current law, the court can at its discretion shift the burden of proof on the defendant, in respect of process patent if either of the following two conditions is met:

(a) The subject matter of the patent is a process for obtaining a new product; or

(b) There is substantial likelihood that an identical product is made by the process and plaintiff has made reasonable efforts to determine the process actually used but has failed. [Section 104 (A)]

While considering whether a party has discharged the burden imposed upon him under Section 104(A), the court shall not require him to disclose any manufacturing or commercial secrets, if it appears to the court that it would be unreasonable to do so.

## Declaration as to non-infringement

Under Section 105 of the Act, any person after the grant of publication of patent may institute a suit for a declaration as to non-infringement. For this the plaintiff must show that (a) he applied in writing to the patentee or his exclusive licensee for a written acknowledgement to the effect that the process used or the article produced by him does not infringe the patent and (b) patentee or the licensee refused or neglected to give such an acknowledgement. It is not necessary that the plaintiff must anticipate an infringement suit.

## Injunction

An injunction is a specific order of the Court forbidding the commission of a wrong threatened or the continuance of a wrongful course of action already begun, or in some cases (when it is called a 'mandatory injunction') commanding active restitution of the former state of things.

Injunctions are two types- (i) temporary and (ii) permanent.

Permanent injunction restrains a party for ever from doing the specified act and the same can be granted only on merits at the conclusion of the trial after hearing both the parties to the suit. It is governed by Sections 38 to 42 of the Specific Relief Act, 1963.

A temporary or interim injunction on the other hand restrains a party temporarily from doing the specified act and can be granted until the disposal of suit. It is regulated by the provisions of Order 39 of the Code of Civil Procedure, and it may be granted at any stage of the suit.

Injunctions are preventive, prohibitive or restrictive.

i.e., when they prevent, prohibit or restraint someone from doing some thing or mandatory, i.e. when they compel, command or order some persons to do something.

In the case of patent infringement, the plaintiff can obtain interlocutory order in the form of temporary injunction from the court by proving the existence of the following facts:

(a) A prima facie case of infringement
(b) Balance of convenience is tilting in his/her favor.
(c) If injunction is not granted, he/she shall suffer irreparable damage.

In Hindustan Lever Limited v. Godrej Soaps Limited, AIR 1996 Cal 367, the Court held that the plaintiff in a patent case must show a prima facie case of infringement and further that the balance of convenience and inconvenience is in his favor. Where the alleged infringement is not novel, and the patent has not yet been exploited there is no question of loss of employment or fall in revenue and the damages if suffered could be provisionally quantified. It could not be said that the balance of convenience was definitely in favor of an interlocutory injunction.

The Courts may refuse to consider the question of validity while deciding on interlocutory order. As in Schneider Electric Industries SA v. Telemecanique & Controls (I) Ltd., 2000 (20) PTC 620 (Del), Delhi High Court held that an interlocutory application in a suit for infringement of a registered patent, defendant's plea that patents are invalid as patented features are in the nature of obvious improvements cannot be considered at this stage in the light of conflicting expert evidence. On the other hand in Novartis AG and Anr v. Mehar Pharma and Anr, 2005(30) PTC (Bom), the court refused to grant temporary injunction on the ground that the validity of a recent patent was challenged.

The power to grant temporary injunction is at the discretion of the court. The discretion is to be exercised reasonably, judiciously and on sound legal principles.

In a number of landmark patent litigation cases the courts have displayed a varied approach in deciding on interim injunction. The high-profile case of Bajaj Auto Ltd. v. TVS Motor Company Ltd., 2008 (36) PTC 417 (Mad.) was most significant as the Supreme Court concurred with the observations made in Shree Vardhman Rice & Gen Mills v. Amar Singh Chawalwala that matters relating to trademarks, copyrights and patents should be finally decided very expeditiously by the trial court instead of merely granting or refusing to grant injunction.

The most talked about decision having far reaching ramifications in the pharmaceutical patent arena has been the decision of Delhi High Court in F. Hoffmann-La Roche Ltd. and Anr. v. Cipla Limited, [2008 (37) PTC 71 (Del.)]. In this case, the plaintiffs filed a suit praying for permanent injunction restraining defendant from infringing its patent in respect of anti-cancer drug "Tarceva". The case acquired significance for the very reason that it was the first case in which the court considered the aspect of "pricing" of the drug in deciding on the interim injunction. The Court in this case laid down several crucial principles as follows:

(i) In patent infringement actions, the courts should follow the approach indicated in American Cyanamid case, by applying all factors.

(ii) The courts should follow a rule of caution, and not always presume that patents valid, especially if the defendant challenges it; and

(iii) The standard applicable for a defendant challenging the patent is whether it is a genuine one, as opposed to a vexatious defense. Only in the case of the former, the court will hold that the defendant has an arguable case.

The court was of the opinion that as between the two competing public interests, i.e., the public interest in granting an injunction to the patentee, as opposed to the public interest in access to a lifesaving drug for the people, the balance has to be tilted in favor of the latter. The court also opined that the patients in India can ill-afford high priced imported versions of the drug like "Tarceva".

Aggrieved by the decision of the single judge, Roche went in appeal. Dismissing the appeal, the Division Bench held that Roche failed to establish a prima facie case in its favor in view of the fact that a serious challenge to the validity of the patent in suit was raised. It was also held that Roche failed to make a full disclosure of the facts.

## Damages and Accounts for Profits

Once the suit is decided in favors of the plaintiff, the court can either award damages or direct the defendant to render an account of profits. The two remedies are alternative and not concurrent in nature. Some express limitations have been imposed on the grant of this relief. The court shall not grant damages or account of profits in the following cases:

(a) Where the defendant proves that at the date of the infringement, he was not aware and had no reasonable grounds for believing that the patent existed.

(b) Where an amendment of a specification had been allowed after the publication of the specification, and the infringement action is in respect of the specification before the date of publication unless the court is satisfied that original specification was made in good faith and with reasonable skill and knowledge.

**This right to obtain provisional damages requires a patent holder to show the following:**

(i) The infringing activities occurred after the patent application was published.

(ii) The patented claims are substantially identical to features of the process or the product infringing the patent; and

(iii) The infringer had actual notice of the published patent application.

The Supreme Court of India has laid down the following guidelines to determine infringement of a patent based on Biswanath Prasad Radhey Shyam v. Hindustan Metal Industries. AIR SC 1978.

(i) Read the description and then the claims.

(ii) Find out what is the prior art.

(iii) What is the improvement over the prior art.

(iv) List the broad features of the improvement.

(v) Compare the said broad features with the defendant’s process or apparatus; and

(vi) If the defendant’s process or apparatus is either identical or comes within the scope of the plaintiff’s process or apparatus, there is an infringement.

## Anton Pillar Order

The court can also order for the search of the premises of the defendant. The infringing goods, materials and implements which are used for the creation of the infringing goods can be seized, forfeited or destroyed on the order of the court without the payment of any compensation. [Section 108(2)].

## Groundless Threats of Infringement Proceedings

There may be situations where a person makes groundless threats of infringement of patent. The person aggrieved by such threats may bring a suit for the following reliefs:

(a) A declaration to the effect that the threats are unjustifiable.

(b) An injunction against the continuance of such threats; and

(c) Such damages, if any, as he has sustained thereby. [Section 106]

## INTELLECTUAL PROPERTY APPELLATE BOARD

Pursuant to the amendments introduced to the Patents Act, 1970 in 2002, a specialized forum called Intellectual Property Appellate Board ("IPAB") has been constituted by the Central Government on September 15, 2003, to hear and adjudicate appeals against the decisions of the Registrar under the Trademarks Act, 1999 and the Geographical Indications of Goods (Registration and Protection) Act, 1999.

In India only High Courts have the power to deal with both infringement and invalidity of patents simultaneously. Now the IPAB has since April 2, 2007, been extended to Patent law and is now authorized to hear and adjudicate upon appeals from most of the decisions, orders or directions made by the Controller of Patents. Also vide a notification, all pending appeals from the Indian High Courts under the Patents Act were transferred to the IPAB from April 2, 2007.

The IPAB has its headquarters at Chennai and has sittings at Chennai, Mumbai, Delhi, Kolkata and Ahmedabad.

Jurisdiction: Every appeal from the decision of the Controller to the IPAB must be made within three months from the date of the decision, order or direction, as the case may be, or within such further time as the IPAB may permit, along with the prescribed fees.

The IPAB has appellate jurisdiction against the decision of the Controller or Central Government of India in matters specified under Section 117A of the Patents Act, 1970.

Exceptions: The IPAB (Procedure) Rules, 2003 exempt orders passed by the Central Government of India with respect to inventions pertaining to defense purposes, including directions of secrecy in respect of such inventions, revocation if the patent is contrary or prejudicial to public interest, or pertains to atomic energy, from the purview of appeal to the IPAB.

An order of the Controller granting an extension of time under any provision of the Patent Act 1970 is also not appealable.

Transfer of pending proceedings to IPAB: The IPAB is the sole authority to exercise the powers and adjudicate proceedings arising from an appeal against an order or decision of the Controller.

All the cases pertaining to revocation of patent, other than a counterclaim in a suit for infringement, and rectification of register pending before the Indian High Courts shall be transferred to the IPAB. In case of a counterclaim in a suit for infringement, the Indian High Courts continue to be the competent authority to adjudicate on the matter.

The IPAB also has exclusive jurisdiction on matters related to revocation of patent and rectification of register.

The IPAB in its sole discretion may either proceed with the appeals afresh or from the stage where the proceedings were transferred to it.

# Chapter 6: Trademarks

A trademark (popularly known as brand name in layman's language) is a visual symbol which may be a word to indicate the source of the goods, a signature, name, device, label, numerals, or combination of colors used, or services, or other articles of commerce to distinguish it from other similar goods or services originating from another. It is a distinctive sign which identifies certain goods or services as those produced or provided by a specific person or enterprise. Its origin dates back to ancient times, when craftsmen reproduced their signatures, or "marks" on their artistic or utilitarian products. Over the years these marks evolved into today's system of trademark registration and protection. The system helps consumers identify and purchase a product or service because its nature and quality, indicated by its unique trademark, meets their needs.

A trademark provides protection to the owner of the mark by ensuring the exclusive right to use it or to authorize another to use the same in return for payment. The period of protection varies, but a trademark can be renewed indefinitely beyond the time limit on payment of additional fees. Trademark protection is enforced by the courts, which in most systems have the authority to block trademark infringement.

In a larger sense, trademarks promote initiative and enterprise worldwide by rewarding the owners of trademarks with recognition and financial profit. Trademark protection also hinders the efforts of unfair competitors, such as counterfeiters, to use similar distinctive signs to market inferior or different products or services. The system enables people with skill and enterprise to produce and market goods and services in the fairest possible conditions, thereby facilitating international trade. The Indian Trademarks Act, 1940 was the first statute law on trademarks in India. Prior to that protection of trademarks was governed by Common Law. Cases concerning trademarks were decided in the light of Section 54 of Specific Relief Act, 1877, while registration was secured by obtaining a declaration as to ownership under the Indian Registration Act, 1908. Some of the provisions of the first Trademarks Act, 1940 came into force on 11.3.1940 and the rest became effective on 1.6.1942 (Gazette of India Extraordinary, 1942. p.684)

The said enactment was amended by the Trademarks (Amendment) Act, 1941 and later by two other amendments. By the Trademarks (Amendment) Act, 1943, the Trademarks Registry, which was formerly a part of the Patent Office, Calcutta (now Kolkata) was separated from the Patent Office to constitute a separate Trademarks Registry under a Registrar of Trademarks at Bombay (now Mumbai). Thereafter, the Act was amended by the Trademarks (Amendment) Act, 1946, to give effect to the reciprocal arrangement relating to trademarks between the Government of India and the then Indian States and further amendments introduced by Part B States Laws Act, 1951.

The Trade Marks Enquiry Committee, which was constituted by the Government of India in November 1953, recommended some changes, but since the report showed some divergence of opinion among the members, Mr. Justice Rajagopala Ayyangar (then a Judge of the Madras High Court, who later served and retired as a judge of the Supreme Court) was appointed by the Government of India to examine the Trade Marks Act, 1940, with reference to the report of the

Trademarks Enquiry Committee and to recommend as to what changes in the then law was necessary. On the basis of the report of Mr. Justice Ayyangar, the Trademarks Act, 1940 was replaced by the Trade & Merchandise Marks Act, 1958. The Trade & Merchandise Marks Act, 1958 consolidated the provisions of the Trademarks Act, 1940, the Indian Merchandise Marks Act, 1889 (which was in force since 1.4.1889) and the provisions relating to trademarks in the Indian Penal Code. The Trade & Merchandise Marks Act, 1958 was brought into force on 25th November 1959. Certain minor amendments were carried out by the Repealing & Amending Act, 1960 and the Patents Act, 1970. Thus, the history of legal protection to trademarks in India is more than a century old.

## Harmonization with International Norms and Standards

The process of harmonization with international norms and standards started, when it was felt that a comprehensive review of the Trade & Merchandise Marks Act, 1958 be made in view of new developments in trading and commercial practices, increasing globalization of trade and industry, the need to encourage investment flows and transfer of technology and need for simplification and harmonization of trademark management system in the country.

With the advent of WTO, the law of trademarks is now modernized under the Trademarks Act of 1999 which provides for the registration of service marks and introduces various other provisions in conformity with the Trademark Law in developed countries.

In this context, the Trademarks Bill, 1993 was introduced in the Lok Sabha on 19.5.1993, which was passed by the Lok Sabha on the lines recommended by the Standing Committee. However, as the Bill failed to get through the Rajya Sabha, it lapsed on the dissolution of the Lok Sabha. A new Bill titled as Trademarks Bill, 1999 was introduced in Rajya Sabha and eventually passed by both the Houses of Parliament. The Bill received the assent of the President on 30.12.1999 and became an Act.

The Trademarks Act, 1999 has been enacted as indicated in the Preamble to the Act to amend and consolidate the law relating to trademarks, to provide for registration and better protection of trademarks for goods and services and for the prevention of the use of fraudulent marks. It repealed the earlier Trade & Merchandise Marks Act, 1958.

The current law of trademarks contained in the Trademarks Act, 1999 is in harmony with two major international treaties on the subject, namely, The Paris Convention for Protection of Industrial Property and TRIPS Agreement, to both of which India is a signatory.

Under the Trademarks Act, the Controller -General of Patents, Designs and Trademarks under Department of Industrial Policy and Promotion, Ministry of Commerce and Industry is the ‘Registrar of Trademarks’. The Controller General of Patents, Designs & Trademarks directs and supervises the functioning of the Trade Marks Registry (TMR). The Trademarks Registry administers the Trade Marks Act, 1999 and the Rules thereunder. TMR acts as a resource and information centre and is a facilitator in matters relating to trade marks in the country. The main function of the Registry is to register trade marks which qualify for registration under the Act and Rules.

The salient features of the Trademarks Act, 1999 inter-alia include:

(a) Providing for registration of trade mark for services, in addition to goods.

(b) Amplification of definition of trade mark to include registration of shape of goods, packaging and combination of colours.

(c) All 42 international classification of goods and services (as earlier used) now applicable to India as well.

(d) Recognition of the concept of "well-known trademarks".

(e) Increasing the period of registration and renewal of trade marks from 7 to 10 years, to bring it in conformity with the accepted international practice.

(f) Widening the scope of infringement of trade marks. For instance, use of a registered trade mark as trade name or as a part of a trade name or use of a mark which is identical or deceptively similar to a registered trade mark.

(g) Creation of an "Intellectual property Appellate Board" for hearing appeals against orders and decisions of the Registrar of Trade Marks for speedy disposal of cases and rectification applications which hitherto lie before High Courts.

(h) Criminal remedies in case of falsification of trade marks.

(i) Recognition of use of trade mark by even an unregistered licensee.

(j) Expeditious examination of a trade mark application on payment of five times the application fee.

The rights granted under the Act, are operative in the whole of India. The new Act also simplified the procedure for registration of registered user, enlarged the scope of permitted use and allowed the registration of "collective marks" owned by associations, etc. The Act empowers the Registrar to register certification trade marks. Earlier, this power was vested with the Central Government. Provision for enhanced punishment for the offences relating to trade marks on the lines of Copyright Act, 1957; restriction on sale of spurious goods; and use of someone else's trade marks as part of corporate names, or name of business concern have also been incorporated in the new Act.

The new Act also has broadened the definition of infringement of a registered trade mark to include action against the unauthorized use of a confusingly similar mark, not only in respect of the goods and services covered by registration, as was previously the case, but also in respect of goods and services which are so similar that a likelihood of deception or confusion exists.

Civil suits can be instituted by any aggrieved person before a District Court, within the local limits of whose jurisdiction such aggrieved person actually and voluntarily resides or carries on business or personally works for gain. This new provision brings the trade mark law in line with the provisions for jurisdiction contained in the Copyright Act, 1957.

Under the Trade Marks Act, 1999 the Government of India is empowered to make rules for implementing the Act and regulating the trade marks Administration. Accordingly, the Government framed Trade Marks Rules, 2001. These rules were subsequently amended in 2002 and came into force on the date on which the Trade Marks Act, 1999 came into force i.e. 15-09-2003. These rules have been amended again in 2010 called Trade Marks (Amendment) Rules, 2010 which have come into force with effect from May 20, 2010.

## Object of Trademarks Law

The object of trade mark law has been explained by the Supreme Court in Dau Dayal v. State of Utttar Pradesh AIR 1959 SC 433, in the following words:

"The object of trade mark law is to protect the rights of persons who manufacture and sell goods with distinct trade marks against invasion by other persons passing off their goods fraudulently and with counterfeit trade marks as those of the manufacturers. Normally, the remedy for such infringement will be by action in Civil Courts.

But in view of the delay which is incidental to civil proceedings and the great injustice which might result if the rights of manufacturers are not promptly protected, the law gives them the right to take the matter before the Criminal Courts, and prosecute the offenders, so as to enable them to effectively and speedily vindicate their rights".

## IMPORTANT DEFINITIONS IN THE TRADEMARKS ACT, 1999

### Trademark

A trademark is a word, phrase, symbol or design, or combination of words, phrases, symbols or designs used in the course of trade which identifies and distinguishes the source of the goods or services of one enterprise from those of others.

As stated above, the definition of "trade mark" under Section 2(1)(zb) has been enlarged to mean a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from others and may include shape of goods, their packaging and combination of colours and covers both goods and services.

"Mark" includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any combination thereof". [Section 2(1)(m)].

Being an inclusive definition, it will thus include any mark within the definition of trademark so long as the mark is –

— capable of being represented graphically; and

— capable of distinguishing the goods or services of one person from those of others.

**Service**

The new definition of 'service' has been included for the benefit of service-oriented establishments such as banking, communication, education, finance, insurance, chit funds, real estates, transport, storage, material treatment, processing, supply of electrical or other energy, boarding, lodging, entertainment, amusement, construction, repair, conveying of news or information and advertising A service mark is the same as a trade mark except that it identifies and distinguishes the source of a service rather than a product. Normally, a mark for goods appears on the product or on its packaging, while a service mark appears in advertising for the services. The definition of "registered trade mark" under Section 2(1)(w) has been modified to mean a trade mark which is actually on the Register and remaining in force. The renewal of registration of a trade mark should be made for every ten years instead of seven years under the present Act.

**Certification Trademark**

"Certification trade mark" means a mark capable of distinguishing the goods or services in connection with which it is used in the course of trade which are certified by the proprietor of the mark in respect of origin, material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics from goods or services not so certified and registrable as such under Chapter IX in respect of those goods or services in the name, as proprietor of the certification trade mark, of that person.[ Section 2(1)(e)

**Collective Mark**

The new definition of ‘collective mark ' has been provided for the benefit of members of an association of persons (but not partnership) and such inclusion of 'collective mark' will benefit the traditional Indian family trademarks.

“Collective mark” under Section 2(1)(g) of the Act means a trademark distinguishing the goods or services of members of an association of persons (not being a partnership within the meaning of the Indian Partnership Act, 1932) which is the proprietor of the mark from those of others.

**Trade Description**

Trade description under Section 2(1)(za) means any description, statement or other indication, direct or indirect :

(i) As to the number, quantity, measure, gauge or weight of any goods; or

(ii) as to the standard of quality of any goods or services according to a classification commonly used or recognized in the trade; or

(iii) as to fitness for the purpose, strength, performance or behaviour of any goods, being “drug”, as defined in the Drugs and Cosmetics Act, 1940 or “food”, as defined in the Prevention of Food Adulteration Act, 1954; or

(iv) as to the place or country in which or the time at which any goods or services were made, produced or provided, as the case may be; or

(v) as to the name and address or other indication of the identity of the manufacturer or of the person providing the services or of the person for whom the goods are manufactured or services are provided; or

(vi) as to the mode of manufacture or producing any goods or providing services; or

(vii) as to the material of which any goods are composed; or

(viii) as to any goods being the subject of an existing patent, privilege or copyright, and includes –

(a) any description as to the use of any mark which according to the custom of the trade is commonly taken to be an indication of any of the above matters;

(b) the description as to any imported goods contained in any bill of entry or shipping bill;

(c) any other description which is likely to be misunderstood or mistaken for all or any of the said matters;

## Well Known Trademark

Being a signatory to the Paris Convention and TRIPS, India recognizes the concept of a well known trade marks.

Under Section 2(1)(zg) of the Trade Marks Act, 1999 “well-known trade mark”, in relation to any goods or services, means a mark which has become so to the substantial segment of the public which uses such goods or receives such services that the use of such mark in relation to other goods or services would be likely to be taken as indicating a connection in the course of trade or rendering of services between those goods or services and a person using the mark in relation to the first-mentioned goods or services.

A mark, which has been designated as a well known mark, is accorded stronger protection. The Act casts an obligation on the Registrar to protect a well known mark against an identical or similar trade mark.

## Permitted Use

Section 2(1) (r) defines the term "permitted use", in relation to a registered trade mark, as to mean the use of trade mark-

(i) by a registered user of the trade mark in relation to goods or services -

(a) with which he is connected in the course of trade; and

(b) in respect of which the trade mark remains registered for the time being; and

(c) for which he is registered as registered user; and

(d) which complies with any conditions or limitations to which the registration of registered user is subject; or

(ii) by a person other than the registered proprietor and registered user in relation to goods or services.

(a) with which he is connected in the course of trade; and

(b) in respect of which the trade mark remains registered for the time being; and

(c) by consent of such registered proprietor in a written agreement; and

(d) which complies with any conditions or limitations to which such user is subject and to which the registration of the trade mark is subject.

The definition of “Tribunal” under Section 2(1)(ze) has been modified to include “Appellate Board” in place of “High Court”. The word “High Court” has been deleted consequent to the provision to constitute Appellate Board in lieu of High Court, for appeals.

## THE REGISTRAR OF TRADEMARKS

Under Section 3 of the Trademarks Act, 1999, the Central Government appoints Controller-General of Patents, Designs, and Trade Marks, as the Registrar of Trade Marks for the purposes of the Trade Marks Act 1999. Other officers may also be appointed by the Central Government under Section 3(2) for the purpose of discharging such functions of the Registrar as he may authorize them to discharge under his superintendence and direction.

## SINGLE REGISTER OF TRADEMARKS

Section 6 contains provisions relating to maintenance of a single Register of Trade Marks at the Head Office of the Trade Marks Registry and allows the maintenance of records in computer floppies or diskettes or in any other electronic form subject to the prescribed safeguards. Section 7 empowers the Registrar to classify goods and services according to International classification of goods and services for the purpose of registration of trade marks and to determine any question related thereto. Section 8 requires the Registrar to publish an alphabetical index of classification of goods and services.

## REGISTRATION OF TRADEMARKS

The process whereby a trademark is entered on the register of the trademarks is referred to as registration.

Any person, claiming to be the proprietor of a trademark used or proposed to be used by him, can apply for registration of a trademark to the Trademark Registry under whose jurisdiction, the principal place of the business of the applicant falls, in the prescribed manner for the registration of his trade mark. In case of a company about to be formed, anyone may apply in his name for subsequent assignment of the registration in the company's favors.

The provisions contained in Rules 25 to 31 and 33 to 36 of the Trademarks Rules, 2002 prescribe the procedure for application of trade marks.

**Registration Procedure**

The registration procedure in India is based on the ‘first to file’ system. It is therefore important that the rights holder applies for the registration of its mark as soon as possible. The registration of a trade mark in India typically takes about 2 to 3 years, subject to the trade mark not being opposed by a third party. The Office of the Controller General of Patents, Designs and Trade Marks is the appropriate office for filing of a trade mark application in India. This office has branches in Mumbai, Delhi, Chennai, Ahmedabad and Kolkata. A trade mark application may be filed in any of these offices based on the territorial jurisdiction. The different steps that are involved in the registration process in India are as follows:

**Trade Mark Search**

Before making an application for registration, it is prudent to make an inspection of the already registered trade marks to ensure that registration may not be denied in view of resemblance of the proposed mark to an existing one or prohibited one.

It is advisable that a common law search should also be conducted in order to ascertain if there are any third parties that might already be using the trademark.

**Who May Apply for Trademark?**

As per Section 18 of the Trademarks Act, 1999 any person "claiming to be the proprietor" of the trademark 'used' or 'proposed to be used' by him may make an application in the prescribed manner for registration of his trade mark.

"Any person" is wide enough to include any individual, company, or association of persons or body of individuals, society, HUF, partnership firm, whether registered or not , Government, trust etc. [Section 3(42), General Clauses Act, 1897]

Company

A company may make an application for registration of a trade mark in its own corporate name. In the case of a company incorporated outside India , the country of incorporation and the nature of registration, if any, is to be mentioned.

**Firm**

A partnership firm shall make the application in the names of all trading within the firm partner. When including the name of a minor in the partnership, the name of guardian representing the minors should also be mentioned.

It has been held that if there is omission of the name of any partner in TM-1 (i.e. application to register a trade mark for a specification of goods or services) or corresponding new application form, the omission can be corrected when supported by necessary documents . Such corrections will not constitute change in the proprietorship of the mark. (Vivekananda Match company v. Jupiter Match Works , 1991 PTC 61). However, any new addition or deletion of name of a partner subsequent to the date of application will mean change in the partnership.

**Trust**

Application may be made in the name of a trust, represented by its managing trustee/chairman etc. Government The Central or State Government or any undertaking/company owned or controlled by such Government may also make application for registration of trade mark like any other person.

**Joint Applicant**

Section 24 enables registration of two or more persons to be registered as joint proprietors of the trade mark, where the mark is used or proposed to be used in relation to goods or services connected with the joint applicants.

The trade mark law in India allows the proprietor to file a trade mark application only if they have a place of business in India. Should that not be the case, the rights holder will be required to file an application through a trade mark agent/attorney. The trade mark agent/attorney can do a trade mark search, prepare, file and prosecute the applications.

**Filing and Prosecuting Trade mark Applications**

As per rule 4, an application for registration of a trade mark may be made on Form TM-1 with prescribed fee of ` 2500/- at one of the five office of the Trade Marks Registry located at Mumbai, Delhi, Kolkata, Chennai and Ahmedabad depending on the place where the applicant resides or has his principal place of business. In the case of joint applicants, the principal place of business in India of the applicant will be that of the person whose name is first mentioned as having a place of business. If the applicant has no principal place of business in India, he should file the application at that office within whose territorial jurisdiction, the address for service in India given by him (as per mandatory provision in Rule 18) is located. No change in the principal place of business in India or in the address for service in India shall affect the jurisdiction of the appropriate office once entered (Rule 5).

**Review by the Trade Marks Office**

After the application has been filed, the Trade Marks Office reviews it to ensure that it is complete in all respects and thereafter allots an application number to the applications. If the trade mark is registered, the application number becomes the registration number.

Preliminary Approval and Publication, Show Cause Hearing or Rejection of the Application

Preliminary Approval and Publication, Show Cause Hearing or Rejection of the Application

During the process of examination, the Trade Marks Office determines if the trade mark is barred for registration either under absolute grounds for refusal and/or relative grounds for refusal as prescribed in the Trade Marks Act, 1999. Accordingly, they issue an examination report and the Applicant must respond to the objections that have been raised in the examination report within a period of one month from the issuance of the examination report. Thereafter and based on the response to the examination report that has been filed by the Applicant, the Registrar of Trade Marks determines if the application should be refused, accepted for advertisement, accepted subject to certain limitations or put up for a “show cause” hearing, during which the application might be accepted, rejected or accepted subject to certain limitations. Should the application be rejected, the Applicant can approach the Intellectual Property Appellate Board to appeal the order of the Registrar of Trademarks.

### Registration

Within three months of the publication of the trademark in the Trademarks Journal, should the trademark not be opposed by a third party, it will proceed for registration and the Trade Marks Registry will accordingly issue a registration certificate.

### Requisites for Registration

The Trade Marks Act, 1999 does not expressly list any requisites for registration. The requirements for registration and the definition of trade mark have converged. Instead of detailing requisites for registration, grounds for refusal are listed in Section 9(1), (2) and (3) & Section 11 which conversely are requisites for registration. Most of the substantive law laid down by the Trade & Merchandise Marks Act, 1958 remains valid and would hold the ground for administering the provisions of Trade Marks Act, 1999. From previous operation of trade mark law, four categories of trade marks were made out i.e., names, signatures, words and other distinctive marks. Most of the principles relating thereto would hold good under the new dispensation.

Now any mark which is a trade mark may be registered for any goods or services if it is not hit by any of the two kinds of grounds for refusal or other specific prohibitions. The first requisite is that it should be a trade mark within the meaning of Trade Marks Act, 1999 which concept itself imports many conditions as has been mentioned earlier in the legal concept of trade mark. There emerge many conditions from the definition of trade mark in Section 2(1) (zb). The identification and distinguishing functions performed by the trade mark must be fulfilled by the trade mark sought to be registered in India. That the trade mark is registered in any other member country of Paris Convention* or has been refused to be registered is not a factor to be considered in relation to registration of the trade mark. Explanation to Section 9 has been inserted to dispel the fears in relation to fulfillment of Article 7 of the Paris Convention.

The next pre-requisite—distinctive character emerges from the presence of words ”capable of distinguishing goods of one person from those of others….” in the definition of trade mark in Section 2(1)( zb). A mark shall be trade mark only if, in addition to fulfilling other conditions in the definition of trade mark, also satisfies the requirement of distinctive character. The term ‘distinctiveness’ has been changed to distinctive character, which would bring jurisprudence of distinguishing function of the trade mark in conformity with international practice. The Trade Marks Act, 1999, as in earlier laws also, recognizes that distinctive character may be inherent or acquired.

## OPPOSITION TO REGISTRATION

Section 21 provides that “any person” may give a Notice of Opposition to the application for registration of a trade mark whether he has or has not any commercial or personal interest in the matter.The person need not be a prior registered trade mark owner. He can be a customer, a purchaser or member of the public likely to use the goods. The question of bona fides of the opponent does not arise.

Essential requirements for filing Notice of Opposition:

- In all cases (whether an ordinary trade mark, collective mark or certification mark), the Notice of Opposition should be on the prescribed form TM-5, accompanied by the prescribed fee of ` 2,500.
- It should be filed at the appropriate office – see rule 8
- The provisions of rule 18 regarding 'address for service' must be complied with, where necessary.
- The Notice of Opposition should contain particulars as prescribed in Rule 48, which runs as follows:

A Notice of Opposition shall contain,-

(a) in respect of an application against which opposition is entered-

(i) the application number against which opposition is entered;

(ii) an indication of the goods or services listed in the trade mark application against which opposition is entered; and

(iii) the name of the applicant for the trade mark.

(b) in respect of the earlier mark or the earlier right on which the opposition is based,-

(i) where the opposition is based on an earlier mark, a statement to that effect and an indication of the status of earlier mark;

(ii) where available, the application number or registration number and the filing date, including the priority date of the earlier mark;

(iii) where the opposition is based on an earlier mark which is alleged to be a well-known trade mark within the meaning of sub-section (2) of section 11, an indication to that effect that an indication of the country or countries in which the earlier mark is recognized to be well known.

(iv) Where the opposition is based on an earlier trade mark having a reputation within the meaning of paragraph (b) of sub-clause (2) of section 11 of the Act, an indication to that effect and an indication of whether the earlier mark is registered or applied for;

(v) A representation of the mark of the opponent and where appropriate, a description of the mark or earlier right, and

(vi) Where the goods or services in respect of which earlier mark has been registered or applied for an in respect of which the earlier mark is well-known within the meaning of sub-section (2) of section 11 or has a reputation within the meaning of that section, the opponent shall when indicating all the goods or services for which the earlier mark is protected, also indicate those goods or services on which the opposition is based.

(c) in respect of the opposing party-

(i) where the opposition is entered by the proprietor of the earlier mark or of the earlier right, his name and address and an indication that he is the proprietor of such mark or right;

(ii) where opposition is entered by a licensee not being a registered user, the name of the licensee and his address and an indication that he has been authorized to enter the opposition.

(iii) where the opposition is entered by the successor in title to the registered proprietor of a trade mark who has not yet been registered as new proprietor, an indication to that effect, the name and address of the opposing party and an indication of the date on which the application for registration of the new proprietor was received by the appropriate office or, where this information is not available, was sent to the appropriate office; and

(iv) where the opposing party has no place of business in India, the name of the opponents and his address for service in India.

**Grounds of Opposition**

Section 21, which provides for filing Notice of Opposition, does not refer to any ground on which the opposition may be filed. The opponent is thus at liberty to set up any ground which may support his opposition against the registration of the trade mark under any of the provisions of the Trade Marks Act, 1999 and the Rules prescribed there under.

However, under section 11(5), a trade mark shall not be refused registration on the grounds specified in sub- section (2) and (3), unless objection on any one or more of those grounds is raised in opposition proceedings by the proprietor of the earlier trade mark.

In this connection, it is to be noted that section 9 contains 'absolute grounds for refusal of registration' and section 11 contains provision for 'relative grounds for refusal of registration'. [See also section 12, section 13, section 14 and section 18, which may form grounds of opposition].

The following is a list of possible grounds for opposition to the registration.

(1) That the trade mark advertised is not registrable in that it is neither distinctive nor capable of distinguishing or that it does not satisfy the requirements of the Act as to registrability;

(2) The essential part of the said trade mark is a word in ordinary use, descriptive of the character or quality of the goods and the applicant is not entitled to acquire an exclusive right therein by registration;

(3) That the trade mark is not capable of being represented graphically;

(4) That the trade mark is devoid of distinctive character, that is to say, not capable of distinguishing the goods, or services of one person from those of another person;

(5) That the trade mark consists exclusively of marks of indication which may serve to designate the kind, quality, intended purpose, values, geographical origin or the time of production of the goods or rendering of the services or other characteristics of the goods or services (mark which is directly descriptive of the character or quality of the goods or services or indicating geographical origin);

(6) That the trade mark consists exclusively of marks or indications which have become in the current language or in the bona fide and established practice of the trade (may refer to generic names or marks common to the trade);

(7) That the trade mark is of such a nature as to deceive the public or cause confusion;

(8) That the trade mark contains or comprises of any matter likely to hurt the religious susceptibilities of any class or section of the citizens of India;

(9) That the trade mark comprises or contains scandalous or obscene matter;

(10) That the trade mark is :

(a) identical with or similar to an earlier trade mark, and

(b) is to be registered for goods or services which are not similar to those for which the earlier trade mark is registered in the name of a different proprietor, and the earlier trade mark is a well known trade mark in India and the use of the later mark without due cause would take unfair advantage of or be detrimental to the distinctive character or repute of the earlier trade mark;

(11) That the use of the applicant's mark would be an infringement of the opponent's registration which could be restrained by the Court and the mark is therefore disentitled to protection in a Court;

(12) That the applicants are not entitled to registration under s. 12 of the Act;

(13) That the user claimed in the application for registration is not true;

## RIGHTS CONFERRED BY REGISTRATION

The registration of a trade mark confers on the registered proprietor of the trade mark the exclusive right to use the trade mark in relation to the goods or services in respect of which the trade mark is registered. While registration of a trade mark is not compulsory, it offers better legal protection for an action for infringement. As per Section 17 of the Act, the registration of a trade mark confers the following rights on the registered proprietor:

(i) It confers on the registered proprietor the exclusive right to the use of the trade mark in relation to the goods or services in respect of which the trade mark is registered.

(ii) If the trade mark consists of several matters, there is an exclusive right to the use of the trade mark taken as a whole. If the trade mark contains matter common to trade or is not of a distinctive character, there shall be no exclusive right in such parts.

(iii) It entitles the registered proprietor to obtain relief in respect of infringement of the trade mark in the manner provided by the Trade Marks Act, 1999 when a similar mark is used on (a) same goods or services, (b) similar goods or services, (c) in respect of dissimilar goods or services.

(iv) Registration of a trade mark forbids every other person (except the registered or unregistered permitted user) to use or to obtain the registration of the same trade mark or a confusingly similar mark in relation to the same goods or services or the same description of goods or services in relation to which the trade mark is registered.

(v) After registration of the trade mark for goods or services, there shall not be registered the same or confusingly similar trade mark not only for the same goods or services but also in respect of similar goods or services by virtue of Section 11(1) of Trade Marks Act, 1999.

(vi) Moreover, after registration of the trade mark for goods or services, there shall not be registered the same or confusingly similar trade mark even in respect of dissimilar goods or services by virtue of Section 11(2) in case of well-known trade marks.

(vii) Registered trade mark shall not be used by any one else in business papers and in advertising. Use in comparative advertising should not take undue advantage of the trade mark. Such advertising should not be contrary to honest practices in industrial or commercial matters. The advertising should not be detrimental to the distinctive character or reputation of the trade mark.

(viii) There is a right to restrict the import of goods or services marked with a trade mark similar to one's trade mark.

(ix) There is a right to restrain use of the trade mark as trade name or part of trade name or name of business concern dealing in the same goods or services.

The registered trade mark continues to enjoy all the rights which vest in an unregistered trade mark. By registration the proprietor of an unregistered trade mark is converted into proprietor of the registered trade mark. An application for registration may be based on a trade mark in use prior to such application and such a trade mark is already vested with rights at Common law from the time the use of the mark was commenced.

## INFRINGEMENT OF REGISTERED TRADEMARKS

Infringement very broadly means taking unfair advantage or being detrimental to the distinctive character or reputation of a trade mark.

Under the Trade Marks Act, 1999 the meaning of infringement has been enlarged as more actions shall be taken as constituting infringement which are listed in Section 29. Section 29 dealing with infringement of trade marks explicitly enumerates the grounds which constitute infringement of a registered trade mark. This section lays down that when a registered trade mark is used by a person who is not entitled to use such a trade mark under the law, it constitutes infringement. This section clearly states that a registered trade mark is infringed, if the mark is identical and is used in respect of similar goods or services; or the mark is deceptively similar to the registered trade mark and there is an identity or similarity of the goods or services covered by the trade mark; or the trade mark is identical and is used in relation to identical goods or services; and that such use is likely to cause confusion on the part of the public or is likely to be taken to have an association with the registered trade mark.

Sub-section (4) states that a person shall be deemed to have infringed a registered trade mark, if he uses a mark which is identical with or similar to the trade mark, and is used in relation to goods or services which are not similar to those for which trade mark is registered; and the registered trade mark has a reputation in India and the use of the mark without due cause would take unfair advantage of or is detrimental to the distinctive character or repute of the registered trade mark. Sub-section (5) prohibits a person from using someone else's trade mark, as his trade name or name of his business concern or part of the name of his business concern dealing with goods or services in respect of which trade mark is registered.

## ASSIGNMENT AND TRANSMISSION

Assignment and Transmission have been defined under Section 2(1) (b) and 2(1)( zc) of the Trade Marks Act, 1999 respectively. Section 2(1) (b) defines "assignment" as assignment in writing by act of the parties concerned. Under section 2(1)(zc) "transmission" means transmission by operation of law, devaluation on the personal representative of a deceased person and any other mode of transfer, not being assignment.

Assignment of trade mark involves transfer of ownership of the trade mark to another person or entity. The provisions concerning assignment and transmission of trade mark are contained in section 37 to 45 if the Trade marks Act,1999 read with rule 68 to 79 of the trade marks rules.

Section 37 entitles the registered proprietor of a trade mark to assign the trade mark and to give effectual receipts for any consideration for such assignment. Under the new Act, a registered trade mark is assignable and transmissible whether with or without goodwill of the business either in respect of all goods or services or part thereof. The assignment or transmission of trade

mark has been prohibited under Section 40, where multiple exclusive rights would be created in more than one person in relation to same goods or services; same description of goods or services; or goods or services or description of goods or services associated with each other, the use of such trade marks would be likely to deceive or cause confusion.

## POSITION OF UNREGISTERED TRADEMARK

An unregistered trade mark may be assigned or transmitted with or without the goodwill of the business concern. Earlier such an assignment or transmission without goodwill used to be on a different footing.

Section 39 of Trade Marks Act, 1999 has simplified the provisions in relation to assignment of unregistered trade mark without goodwill. It lays down that an unregistered trade mark may also be assigned with or without goodwill. Three conditions in Section 38(2) of Trade and Merchandise Marks Act, 1958 which were applicable on assignment of a trade mark without goodwill have been abrogated. Now, both unregistered and registered trade mark are subject to same conditions stated in Section 42, wherein such an assignee is required to apply to the Registrar within six months extendable by three months for directions with respect to advertisement. The assignee must issue the advertisement as directed for assignment to take effect, as the two limbs are cumulative.

Earlier Section 38 of the Trade & Merchandise Marks Act, 1958 provided for assignment or transmission of an unregistered trade mark without goodwill only if the following conditions were fulfilled:

(i) used in same business as a registered trade mark;

(ii) assigned at the same time to same person as registered trade mark;

(iii) used on same goods as registered trade mark.

Thus, the unregistered trade mark had been coupled with a registered trade mark with regard to goods, business, time and person. The situation has changed under Section 39 of Trade Marks Act, 1999 and now, even an unregistered trade mark can be assigned or transmitted without the goodwill of the business concern, and, without subjecting it to the above condition of coupling it with a registered trade mark.

## REGISTERED USERS

Sections 48 to 54 contain provisions relating to registered users. Section 50 empowers the Registrar to vary or cancel registration as registered user on the ground that the registered user has used the trade mark otherwise than in accordance with the agreement or in such a way as to cause or likely to cause confusion, or deception or the proprietor/registered user misrepresented or has failed to disclose any material facts for such registration or that the stipulation in the agreement regarding the quality of goods is not enforced or that the circumstances have changed since the date of registration, etc. However, Registrar has been put under obligation to give reasonable opportunity of hearing before cancellation of registration.

Section 51 empowers the Registrar to require the proprietor to confirm, at any time during the continuation of registration as registered user, whether the agreement on the basis of which registered user was registered is still in force, and if such confirmation is not received within a period of three months, the Registrar shall remove the entry thereof from the Register in the prescribed manner. The Act also recognises the right of registered user to take proceedings against infringement.

### COLLECTIVE MARKS

The primary function of a collective mark is to indicate a trade connection with the Association or organization. To be registerable, the collective mark must be capable of being represented graphically and meet other requirements as are applicable to registration of trade marks in general. Sections 61 to 68 contain provisions relating to the registration of collective trade marks. These provisions provide for registration of a collective mark which belongs to a group or association of persons and the use thereof is reserved for members of the group or association of persons. Collective marks serve to distinguish characteristic features of the products or services offered by those enterprises. It may be owned by an association which may not use the collective mark but whose members may use the same. The association ensures compliance of certain quality standards by its members, who may use the collective mark if they comply with the prescribed requirements concerning its use.

**CERTIFICATION TRADE MARK**

The purpose of certification trade mark is to show that the goods on which the mark is used have been certified by some competent person in respect of certain characteristics of the goods such as origin, mode of manufacture, quality, etc. The proprietor of a certification trade mark does not himself deal in the goods. A certification trade mark may be used in addition to the user's own trade mark on his goods. Unlike the old Act which empowered the Central Government to register certification trade mark, the new Act delegates the final authority for registration of certification trade mark to the Registrar. Sections 70 to 78 of the Trademarks Act, 1999 deal with registration of certification trade marks.

## Distinction between "Trademark" and "Certification Mark"

Trade marks in general serve to distinguish the goods or services of one person from those of others. The function of a certification trade mark is to indicate that the goods or services comply with certain objective standards in respect of origin, material, mode of manufacture of goods or performance of services as certified by a competent person.

## OFFENCES, PENALTIES AND PROCEDURE

Sections 101 to 121 deal with the matters relating to offences, penalties and procedure. Some of the important provisions are discussed below.

1. Section 103 deals with the penalty for applying false trade mark, trade description, etc. and imposes punishment with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.

2. Section 105 prescribes enhanced penalty on second and subsequent conviction for offences committed under sections 103 and 104 and imposes punishment with imprisonment which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees.

3. Section 106 provides penalty for removing piece goods, etc., in violation of the provisions of Section 81 dealing with stamping of piece goods, cotton yarn and thread. This section provides for forfeiture of goods to the government and fine upto ` 1000.

# Chapter 7: Copyrights

The idea of Copyright protection only began to emerge with the invention of printing, which made it for literary works to be duplicated by mechanical processes instead of being copied by hand. This led to the grant of privileges, by authorities and kings, entitling beneficiaries exclusive rights of reproduction and distribution, for limited period, with remedies in the form of fines, seizure, confiscation of infringing copies and possibly damages.

However, the criticism of the system of privileges led to the adoption of the Statute of Anne in 1709, the first copyright Statute. In the 18th century there was dispute over the relationship between copyright subsisting in common law and copyright under the Statute of Anne. This was finally settled by House of Lords in 1774 which ruled that at common law the author had the sole right of printing and publishing his book, but that once a book was published the rights in it were exclusively regulated by the Statute. This common law right in unpublished works lasted until the Copyright Act, 1911, which abolished the Statute of Anne.

Copyright is a well-recognized form of property right which had its roots in the common law system and subsequently came to be governed by the national laws in each country. Copyright as the name suggests arose as an exclusive right of the author to copy the literature produced by him and stop others from doing so. There are well-known instances of legal intervention to punish a person for copying literary or aesthetic output of another even before the concept of copyright took shape. The concept of idea was originally concerned with the field of literature and arts. In view of technological advancements in recent times, copyright protection has been expanded considerably. Today, copyright law has extended protection not only to literary, dramatic, musical and artistic works but also sound recordings, films, broadcasts, cable programmes and typographical arrangements of publications. Computer programs have also been brought within the purview of copyright law.

Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same. Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.

In India, the law relating to copyright is governed by the Copyright Act, 1957 which has been amended in 1983, 1984, 1985, 1991, 1992, 1994, 1999 and 2012 to meet with the national and international requirements. The amendment introduced in 1984 included computer program within the definition of literary work and a new definition of computer program was inserted by the 1994 amendment. The philosophical justification for including computer programs under literary work has been that computer programs are also products of intellectual skill like any other literary work. In 1999, the Copyright Act, 1957 was further amended to give effect to the provisions of the TRIPs agreement providing for term of protection to performers rights at least until the end of a period of fifty years computed from the end of the calendar year in which the performance took place. The Amendment Act also inserted new Section 40A empowering the Central Government to extend the provisions of the Copyright Act to broadcasts and performances made in other countries subject to the condition however that such countries extend similar protection to broadcasts and performances made in India. Another new Section 42A empowers the Central Government to restrict rights of foreign broadcasting organizations and performers.

The Act is now amended in 2012 with the object of making certain changes for clarity, to remove operational difficulties and also to address certain newer issues that have emerged in the context of digital technologies and the Internet. Moreover, the main object to amendments the Act is that in the knowledge society in which we live today, it is imperative to encourage creativity for promotion of culture of enterprise and innovation so that creative people realize their potential and it is necessary to keep pace with the challenges for a fast-growing knowledge and modern society.

## MEANING OF COPYRIGHT AND THE RIGHTS CONFERRED

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work. It means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever (Kartar Singh Giani v. Ladha Singh & Others AIR 1934 Lah 777).

Section 14 of the Act defines the term Copyright as to mean the exclusive right to do or authorize the doing of the following acts in respect of a work or any substantial part thereof, namely In the case of literary, dramatic or musical work (except computer programme):-

(i) Reproducing the work in any material form which includes storing of it in any medium by electronic means.

(ii) Issuing copies of the work to the public which are not already in circulation.

(iii) Performing the work in public or communicating it to the public.

(iv) Making any cinematograph film or sound recording in respect of the work; making any translation or adaptation of the work.

Further any of the above-mentioned acts in relation to work can be done in the case of translation or adaptation of the work.

In the case of a computer programme:

(i) To do any of the acts specified in respect of a literary, dramatic or musical work; and

(ii) To sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programme. However, such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental.

In the case of an artistic work:

(i) Reproducing the work in any material form including depiction in three dimensions of a two-dimensional work or in two dimensions of a three-dimensional work.

(ii) Communicating the work to the public.

(iii) Issuing copies of work to the public which are not already in existence.

(iv) Including work in any cinematograph film

Making adaptation of the work, and to do any of the above acts in relation to an adaptation of the work. In the case of cinematograph film and sound recording.

(i) Making a copy of the film including a photograph of any image or making any other sound recording embodying it.

(ii) Selling or giving on hire or offer for sale or hire any copy of the film/sound recording even if such copy has been sold or given on hire on earlier occasions; and

(iii) Communicating the film/sound recording to the public.

In the case of a sound recording:

- To make any other sound recording embodying it.
- To sell or give on hire, or offer for sale or hire, any copy of the sound recording
- To communicate the sound recording to the public.

The main objective of the Act is to give protection to the owner of the copyright from the dishonest manufacturers, who try to confuse public and make them believe that the infringed products are the products of the owner. Further, it wants to discourage the dishonest manufacturers from enchasing the goodwill of the owner of the copyright, who has established itself in the market with its own efforts [Hawkins Cookers Ltd.v. Magicook Appliances Co., 00(2002) DLT698].

Unlike the case with patents, copyright protects the expressions and not the ideas. There is no copyright in an idea. In M/s Mishra Bandhu Karyalaya & Others v. Shivaratanlal Koshal AIR 1970 MP 261, it has been held that the laws of copyright do not protect ideas, but they deal with the particular expression of ideas. It is always possible to arrive at the same result from independent sources. The rule appears to be settled that the compiler of a work in which absolute originality is of necessary excluded is entitled, without exposing himself to a charge of piracy, to make use of preceding works upon the subject, where he bestows such mental labour upon what he has taken and subjects it to such revision and correction as to produce an original result.

## COPYRIGHT PERTAINING TO SOFTWARE

The definition of" Literary wok" under section 2 (o) of the Copy right Act,1957 includes computer programmes, tables and compilations including computer "literary data bases. Computer programme as stated above was included within the definition of "literary work" in

1984 and the new definition of "computer programme" under Section 2 (ffc) introduced in 1994 means a set of instructions expressed in words, codes or in any other form, including a machine-readable medium, capable of causing a computer to perform a particular task or achieve a particular result.

Computer programmes (also known as "software") originated with the invention of the computer itself. However, it was only with the advent of Personal Computers (PCs) in the 1980s that software became w'dely available and the need for protecting software under Copyright law became an issue. In the initial stages, computer programmes were developed by the manufacturers of computers themselves. With the emergence of wide use of PCs, production of software became delinked from manufacturers of computers. Development and manufacturing of software has now become an independent activity and the number of companies engaged in this activity has also increased. It is however the output and variety which has grown manifold which has given rise to problems of enforcement of Copyright in them. While vigorous competition among producers of software has, on the one hand brought about improvement in the quality of computer programmes and brought down the prices, the increased opportunities have also given rise to what is commonly known as "software piracy" - the activity of duplicating and distributing software without authority from the holder of the copyright.

The philosophical justification for including computer programmes within the definition of ' 'literary work'' has been that computer programmes are also products of intellectual skill like any other literary work. Developing a computer programme is an activity which is comparable to the writing of a novel or other literary work excepting that the "language" used as well as its uses are of a very different kind. Though a software can be written by individual programmer, most of the major software's are the outcome of group efforts, where medium to large sized teams spend months or even years to write a programme.

Like the unauthorised copying of literary works, unauthorised copying of computer programmes also attracts the same legal consequences under the Copyright law. However, since the facility of copying a computer software and its duplication is within the easy reach of a potential pirate and since copies of software are indistinguishable from the original, publishers/owners of software are also confronted with daunting problems for safeguarding their interests under the Copyright law when large scale software piracy takes place. Software piracy has assumed enormous proportions in certain countries and has become a friction point in international trade negotiations. Within domestic jurisdictions also software piracy has thrown up serious challenges to enforcement authorities. The Copyright (Amendment) Act, 1994 has tried to address these questions and has incorporated internationally recognised standards and procedures for enforcement of copyright in the field of computer programmes. The relevant provisions have been discussed under remedies against infringement of copyright.

## AUTHORSHIP AND OWNERSHIP

Copyright protects the rights of authors, i.e., creators of intellectual property in the form of literary, musical, dramatic and artistic works and cinematograph films and sound recordings. Generally, the author is the first owner of copyright in a work.

"Author" as per Section 2(d) of the Act means.

- In the case of a literary or dramatic work the author, i.e., the person who creates the work.
- In the case of a musical work, the composer.
- In the case of a cinematograph film, the producer.
- In the case of a sound recording, the producer.
- In the case of a photograph, the photographer.
- In the case of any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created.

In a musical sound recording there are many right holders. For example, the lyricist who wrote the lyrics, the composer who set the music, the singer who sang the song, the musician (s) who performed the background music, and the person or company who produced the sound recording. A sound recording generally comprises various rights. It is necessary to obtain the license from each and every right owner in the sound recording. This would, inter alia, include the producer of the sound recording, the lyricist who wrote the lyrics, and the musician who composed the music. In the case of a government work, government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.

In the case of a work made or first published by or under the direction or control of any public undertaking, such public undertaking shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.

## Term of Copyright

Sections 22 to 29 deal with term of copyright in respect of published literary, dramatic, musical and artistic works; anonymous and pseudonymous; posthumous, photographs, cinematograph films, sound recording, Government works, works of PSUs and works of international organizations.

Literary, dramatic, musical or artistic works enjoy copyright protection for the lifetime of the author plus 60 years beyond i.e. 60 years after his death. In the case of joint authorship which implies collaboration of two or more authors in the production of the work, the term of copyright is to be construed as a reference to the author who dies last.

In the case of copyright in posthumous, anonymous and pseudonymous works, photographs, cinematograph films, sound recordings, works of Government, public undertaking and international organizations, the term of protection is 60 years from the beginning of the calendar year next following the year in which the work has been first published.

## COPYRIGHT OFFICE

Section 9 of the Copyright Act requires for establishment of an office to be called the Copyright Office for the purpose of the Act. The Copyright Office is to be under the immediate control of a

Registrar of Copyrights to be appointed by the Central Government, who would act under the superintendence and directions of the Central Government.

**Copyright Board**

Section 11 of the Act provides for the establishment of the Copyright Board and empowers the Central Government to constitute the same consisting of a Chairman and not less than two, but not more than fourteen members. Chairman of the Board should be a sitting or retired judge of the High Court, or a person qualified to be appointed as judge of the High Court. The Registrar of Copyright to act as Secretary of the Copyright Board.

**Functions of the Copyright Board**

The main functions of the Copyright Board are as under:

1. Settlement of disputes as to whether copies of any literary, dramatic or artistic work or records are issued to the public in sufficient numbers.
2. Settlement of disputes as to whether the term of copyright for any work is shorter in any other country than that provided for that work under the Act.
3. Settlement of disputes with respect to assignment of copyright as dealt with in Section 19A.
4. Granting of compulsory licenses in respect of Indian works withheld from public.
5. Granting of compulsory license to publish unpublished Indian works.
6. Granting of compulsory license to produce and publish translation of literary and dramatic works.
7. Granting of compulsory license to reproduce and publish literary, scientific or artistic works for certain purposes.

8. Determination of royalties payable to the owner of copyright.

9. Determination of objection lodged by any person as to the fees charged by Performing Rights Societies.

10. Rectification of Register on the application of the Registrar of Copyright or of any person aggrieved.

The Copyright Board has no powers to limit the user of copyright to any particular territorial area. The appeal against orders passed by the Copyright Board except under Section 6 lies to the High Court within whose jurisdiction the appellant resides or carries on business.

## Assignment of Copyright

The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright Section 18 of the Copyright Act provides for the assignment of copyright in an existing work as well as future work. In both the cases an assignment may be made of the copyright either wholly or partially and generally or subject to limitations and that too for the whole period of copyright or part thereof. However, in case of assignment of copyright in any future work, the assignment has the real effect only when the work comes into existence. Section 18(3) explains that a assignee in respect of assignment of the copyright in future work include the legal representative of the assignee, if the assignee dies before the work comes into existence.

Sections 17 and 18 of the Copyright Act, 1957 show where the copyright vests. If a work is done by an author for a consideration for a publisher, the copyright in it would normally vest in the publisher subject to any contract to the contrary, as is provided by Section 17 of the said Act. It can be legitimately said that this Section has been inserted in the Act of 1957, but the rule of law has been same even prior to this statutory provision. Secondly as provided by Section 18, the copyright could be assigned, and if it is so done it would be vested in the purchaser.

**Licenses**

Chapter VI containing Sections 30-32B deal with licences. Section 30 deals with licences by owners of copyright; Section 30A contains provisions regarding application of Sections 19 and 19A; Section 31 provides for compulsory licence in works withheld from public; Section 31A deals with compulsory licences in unpublished Indian works; Section 31B deals with Compulsory Licence for the benefit of disabled; Section 31C deals with statutory licence for cover versions; Section 31D deals with statutory licence for broadcasting of literary and musical works and sound recording; Section 32 deals with licences to produce and publish translations; Section 32A provides for licence to reproduce and publish works for certain purposes; and Section 32B deals with termination of licences.

## Licences by Owners of Copyright

Section 30 of the Act empowers the owner of the copyright in any existing work or the prospective owner of the copyright in any future work to grant any interest in the right by licence in writing by him or by his duly authorized agent. However, in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence. Explanation to this section clarifies that where a person to whom a licence relating to copyright in any future work is granted, dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

Compulsory Licence in Works Withheld from Public Section 31 provides that if at any time during the term of copyright in any Indian work which has been published or performed in public, a complaint is made to the Copyright Board that the owner of copyright in the work has refused to re-publish or allow the re-publication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public or has refused to allow communication to the public by broadcast of such work or in the case of a sound recording; the work recorded in such sound recording, on terms which the complainant considers reasonable, the Copyright Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish the work, perform the work in public or communicate the work to the public by broadcast, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Copyright Board may determine.

## Compulsory Licence in Unpublished “or Published Works

Section 31A of the Act provides that in the case of any unpublished work or any work published or communicated to the public and the work is withheld from the public in India, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Copyright Board for a licence to publish or communicate to the public such work or a translation thereof in any language.

Before making an application to the Copyright Board, the applicant required to publish his proposal in one issue of a daily newspaper in the English language having circulation in the major part of the country and where the application is for the publication of a translation in any language, also in one issue of any daily newspaper in that language.

## Licence to Produce and Publish Translations

Section 32 entitles any person to apply to the Copyright Board for a licence to produce and publish a translation of a literary or dramatic work in any language after a period of seven years from the first publication of the work. However, in respect of teaching, scholarship or research Section 32(1A) allows any person to apply to the Copyright Board for a licence to produce and publish a translation, in printed or analogous forms of reproduction, of a literary or dramatic work, other than an Indian work, in any language in general use in India after a period of three years from the first publication of such work. Further, where such translation is in a language not in general use in any developed country, such application may be made after a period of one year from such publication.

## Termination of Licence

Section 32B of the Act deals with termination of licences and provides that if at any time after the granting of a licence, the owner of the copyright in the work or any person authorized by him publishes a translation of such work in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for the translation of works of the same standard on the same or similar subject, the licence so granted shall be terminated. However, such termination shall take effect only after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding such licence by the owner of the right of translation intimating the publication of the translation.

## Rights of Broadcasting Organization and Performers

Chapter VIII of the Act containing Section 37-39A deals with rights of broadcasting organizations and of performers.

### Broadcast Reproduction Right

Section 37 entitles every broadcasting organisation to have a special right to be known as "broadcast reproduction right" in respect of its broadcasts for twenty-five years from the beginning of the calendar year next following the year in which the broadcast is made.

As per sub-Section (3) of Section 37 during the continuance of a broadcast reproduction right in relation to any broadcast, any person who, without the licence of the owner of the right does any of the following acts of the broadcast or any substantial part thereof, -

(a) re-broadcasts the broadcast; or

(b) causes the broadcast to be heard or seen by the public on payment of any charges; or

(c) makes any sound recording or visual recording of the broadcast; or

(d) makes any reproduction of such sound recording or visual recording where such initial recording was done without licence or, where it was licensed, for any purpose not envisaged by such licence; or

(e) sells or gives on commercial rental or offer for sale or for such rental, any such sound recording, or visual recording referred to in clause (c) or clause (d) and subject to the provisions of Section 39 deemed to have infringed broadcast reproduction right.

**Performer's Right**

Section 38 provides that where any performer appears or engages in any performance, he shall have a special right to be known as the "performer's right" in relation to such performance. The performers right subsist until fifty years from the beginning of the calendar year next following the year in which the performance is made.

**Exclusive Right of Performer**

As per Section 38A without prejudice to the rights conferred on authors, the performer's right which is an exclusive right subject to the provisions of the Act to do or authorize for doing any of the following acts in respect of the performance or any substantial part thereof, namely: —

To make a sound recording or a visual recording of the performance, including—

(i) reproduction of it in any material form including the storing of it in any medium by electronic or any other means.

(ii) issuance of copies of it to the public not being copies already in circulation.

(iii) communication of it to the public.

(iv) selling or giving it on commercial rental or offer for sale or for commercial rental any copy of the recording.

## INFRINGEMENT OF COPYRIGHT

Copyright protection gives exclusive rights to the owners of the work to reproduce the work enabling them to derive financial benefits by exercising such rights. If any person without authorization from the owner exercises these rights in respect of the work which has copyright protection it constitutes an infringement of the copyright. If the reproduction of the work is carried out after the expiry of the copyright term it will not amount to an infringement In Penguin Books Ltd., England v. M/s India Book Distributors & Others AIR 1985 Del. 29, it was observed that whenever there is misappropriation of intellectual property of which the primary beneficiary is the copyright owner there is infringement of copyright. Copyright is a property right. Throughout the world it is regarded as a form of property worthy of special protection in the ultimate public interest. The law starts from the premise that protection would be as long and as broad as possible and should provide only those exceptions and limitations which are essential in the public interest. Section 51 of the Act contemplates situations where copyright in a work shall be deemed to be infringed. As per this section copyright in a work is infringed when any person without a licence granted by the owner of the copyright or the Registrar of Copyright or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority does —

(1) anything for which the exclusive right is conferred upon the owner of the copyright, or

(2) permits for profit any place to be used for the communication of the work to public where such a communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication would be an infringement of copyright.

(3) when any person (i) makes for sale or hire or lets for hire or by way of trade display or offers for sale or hire, or (ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or (iii) by way of trade, exhibits in public, or (iv) imports into India any infringing copies of the work.

However, import of one copy of any work is allowed for private and domestic use of the importer.

Explanation to Section 51 clarifies that the reproduction of literary, dramatic, musical or artistic work in the form of cinematograph film shall be deemed to be an infringing copy.

## APPEALS

An appeal under the Copyright Act, 1957 lies against (a) certain orders of magistrate & (b) against orders of Registrar of Copyrights and Copyright Board: -

As per Section 71 of the Act any person aggrieved by an order under sub-section (2) of Section 64 or Section 66 may, within thirty days of the date of such order, appeal to the court to which appeals from the court making the order ordinarily lie, and such appellate court may direct that execution of the order be stayed pending disposal of the appeal.

Section 72(1) provides that any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the Copyright Board. Any person aggrieved by any final decision or order of the Copyright Board, not being a decision or order made in an appeal under sub-section (1), may, within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

However, no such appeal shall lie against a decision of the Copyright Board under Section 6.

## INTERNATIONAL CONVENTIONS

The first multilateral agreement on copyright is the Berne Convention which was concluded in 1886 and was meant for providing protection to literary and artistic works. A country joining the Convention has to provide copyright protection to literary and artistic works of member countries in its own territory and also entitled for enjoying reciprocal protection from others. The Berne Convention was revised seven times in 1896 (at Paris), 1908 (at Berlin), 1928 (at Rome), 1948 (at Brussels), 1967 (at Stockholm) and 1971 (at Paris) and finally in 1978. Among these, the 1971 revision (the Paris Act) is of particular importance to the developing countries as it provided special concessions to these countries in making translations and reproduction of foreign literary works for educational purposes. Ninety countries are at present member of the Berne Convention. The post Second World War era saw the emergence of the need for protecting copyright on a universal basis. Till then countries in the North America were not party to the Berne Convention and copyright protection in these countries were governed by various national and regional agreements.

In August 1952 the Intergovernmental Copyright Conference was convened in Geneva which led to the adoption of another historical copyright convention, namely the Universal Copyright Convention (UCC). The UCC is not a substitute for the Berne Convention. Rather it tried to establish the link between the countries on the Bern Union and those in North America. India is a member of both the Berne Convention and the UCC.

TRIPS Agreement negotiated at the Uruguay Round of General Agreement on Tariffs and Trade (GATT) in 1994 came into effect on 1 January 1995. The text comprises 73 articles grouped in seven different parts. The standards for specific IPRs such as copyright and related rights are discussed under articles 9-14.

# Chapter 8: IP ORGANIZATIONS IN INDIA

DPIIT, earlier known as the Department of Industrial Policy and Promotion (DIPP), under the Ministry of Commerce and Industry, Govt. of India, is the apex IP body. It came into existence in 1995 and is the main body for regulating and administering the industrial sector. The major categories of IPs are being governed and administered by the DPIIT.

**Table 1: Categories of IPR and their governing bodies in India**

| S. No. | Type of IP | Governing Body |
|---|---|---|
| 1. | Patents Copyrights Industrial Designs Trademarks Geographical Indications Semiconductor Integrated Circuits Layout-Design | Department for Promotion of Industry and Internal Trade, New Delhi |
| 2. | Traditional Knowledge Digital Library | CSIR & Ministry of AYUSH* |
| 3. | Plant Variety Protection | CSIR & Ministry of AYUSH* Ministry of Agriculture and Farmers Welfare, New Delhi |
| 4. | Biological Diversity Protection | Ministry of Environment, Forest and Climate Change, New Delhi |
| 5. | Trade Secrets | No specific body governs Trade Secrets. These are protected under a various statutes like Indian Contract Act, 1872 Copyright Act, 1957 |

| | | |
|---|---|---|
| | | Information Technology Act 2000, etc. |

DPIIT has a dedicated and robust Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) for formulating as well as implementation of the policies, rules and regulations pertaining to IPR. In addition, DPIIT also undertakes the following IPR-related activities:

- Modernization and strengthening of Intellectual Property Office.
- Strengthening of physical infrastructure.
- Enhancement of human resources.
- Expansion of physical infrastructure in Delhi, Mumbai, Kolkata and Chennai.
- IT upgradation.
- Development of software required for ISA/IPEA and Madrid Protocol.
- Subscription to non-patent literature required for PCT minimum documentation.
- Digitization of records.
- Sensitization and awareness programmes.
- Establishment of the electronic library.
- Furniture and office equipment for the modernized environment in IP offices.

DPIIT also collaborates with WIPO and other apex industry organizations to promote and strengthen the IP ecosystem. It also provides input on various issues related to the TRIPS agreement.

## Intellectual Property Appellate Board and its Amendment

With an increase in the IPR regime all over the world, a higher number of disputes had also been observed. Because of the over occupancy of the judicial courts in India, there was a significant delay in the judgments related to IPR cases. To overcome this issue, in 2003 Government of India established Intellectual Property Appellate Board (IPAB), a statutory body under DPIIT, under the provisions of the Trademarks Act, 1991. The Board used to hear appeals against the decisions of the Registrars of Trademarks and Geographical Indications, and Controller of Patents. The Copyright Office of GoI had created a dedicated Board to determine the reasonable rates or royalties, licensing and assessment of compensation. In the year 2017, the Copyright Board and Plant Varieties Protection Appellate Tribunal merged with IPAB and functions in accordance with their respective Acts and Rules.

As per the new amendments in the Tribunal Reforms (Rationalization and Conditions of Service) Ordinance, various Boards/Appellate Tribunals, which existed under these statutes, have been abolished (https://spicyip.com/wp-content/uploads/ 2021/07/Press-Release-IPD.pdf). Therefore, the IPAB dealing with appeals from the Intellectual Property (IP) offices and matters such as revocation of Trademarks, Patents, etc. stands abolished. The orders for the same were passed by the Hon‘ble Shri D.N. Patel (Chief Justice of High Court of Delhi) on 4th April, 2021 Chief Justice also directed High Courts to create a dedicated Intellectual Property Division (IPD) to deal with all matters related to Intellectual Property Rights (IPR). This has been done to avoid multiplicity of proceedings (of IPAB and High Courts) and also to avoid the possibility of conflicting decisions with respect to matters relating to the same trademarks, patents, design etc. All the pending cases (nearly 3000) of IPAB have been transferred to IPD.

Delhi High Court is in the process of framing comprehensive Rules for the IPD. A committee has already been constituted to frame the `Delhi High Court Patent Rules', which shall govern the procedures for adjudication of patent disputes before the Delhi High Court. This is a landmark decision in the history of IPRs in India and such IPDs already exist in countries like UK, Japan, Malaysia, Thailand, China, etc.

## Draft Model Guidelines on Implementation of IPR Policy for Academic Institutions

To implement the policy for enhancing the IP ecosystem, IP commercialization, Entrepreneurship and start-up ecosystem in academic institutions, DPIIT has prepared a draft of guidelines for the implementation of IPR policy for academic institutions. The draft can be accessed from the official website (https://dipp.gov.in/ draft-model-guidelines-implementation-ipr-policy-academic-institutions). The draft was open for feedback and suggestion for the public at large from September 9th 2019 till October 25th 2019. The department is in the process of finalizing the guidelines and will be released soon.

## Scheme for Facilitating Start-ups Intellectual Property Protection (SIPP)

To protect and promote IP in India, DPIIT initiated this scheme in 2016 (http://www.ipindia.nic.in/writereaddata/Portal/News/323_1_Scheme_for_facilitating_start-ups.pdf). This scheme is to facilitate the protection of Patents, Trademarks and Designs generated by start-ups. The scheme is inclined to nurture and mentor innovative and emerging technologies among the start-ups and assist them in protection and commercialization by providing them access to high-quality IP services and resources.

## Office of the Controller General of Patents, Designs and Trademarks (CGPDTM)

This office is the most important component of the IP regime in India. It supervises the functioning of the following IP offices:

- The Patent Offices (including the Design Wing) at Chennai, Delhi, Kolkata & Mumbai.
- The Patent Information System (PIS) and Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM) at Nagpur.
- The Trademarks Registry at Ahmadabad, Chennai, Delhi, Kolkata & Mumbai.
- The Geographical Indications Registry (GIR) at Chennai.
- The Copyright Office at Delhi.
- The Semiconductor Integrated Circuits Layout-Design Registry at Delhi.

Salient features of CGPDTM are:

- The office of CGPDTM administers all the Acts and laws related to Patents, Trademarks, Industrial Designs, Geographical Indications, Copyrights and Semiconductor Integrated Circuits Layout-Design Registry.
- Applicants can file their applications related to Patents, Designs, Trademarks, GI through E gateway ‘ (http://www.ipindia.nic.in/e-gateways.htm#comprehensive-e- filing).
- The office has designed a dedicated public search engine to search the details of the registered IP and the status of the applications filed. These search engines are available free of cost for the public at large.
- The office publishes official journals of Patents, Trademarks and GI every week, which contain the details of applications published, abandoned, First Examination Report (FER) and

Patents granted by the controller general.

• The details and amendments in the Rules and Acts are administered by the office and the same is notified by the Office on a regular basis.

• The Office publishes an annual report every year containing statistics about all IPs. The report also contains information regarding the international applications filed and granted in India through PCT and Conventions. The details of the revenue incurred and generated in the respective financial year are also depicted in the report.

• The Office notifies the vacancies for Patent Examiners ‘and holds the exams of _Patent Agents ‘from time to time.

## Organizational structure of IPR regime in India

### IPO Website

A Patent Search web portal (www.ipindia.nic.in) and patents’- filing webpage (https://ipindiaonline.gov.in/epatentfiling/goFor Login/do Login) have been redesigned to make it more informative, interactive and user-friendly. This portal can be accessed free of charge and carries information, such as the status of Patent applications, including publication, examination, grant and renewal.

## Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM)

This institute has been established as a national "Centre of Excellence" for training, management, research, and education in the field of IPR, in Nagpur. Additionally, the institute addresses the need to increase the general awareness and understanding of the government officers and users of

IP systems in universities and other educational institutions. Salient activities of the institute are:

- The institute research various aspects of IP and prepares study reports and policy analysis papers on the subject of current relevance for policy and lawmakers. It conducts research in the field of IP on several socio-economic parameters, strata of the society, technological fields, R&D trends, etc. to find the gaps in the IP ecosystem in India. These reports are available on the official website of the institute free of cost.
- Based on the research conducted, discussion with experts of IP laws and other concerned stakeholders, the institute lays down policy recommendations for the government, SMEs, industries and universities in India.
- The institute proposes a three-month diploma course, six months and one-year Post Graduate Diploma course in Intellectual Property Law.
- The institute conducts time to time training for the students and IP professionals for awareness and sensitizes them about the significance of IPR.
- The training of IP examiners is conducted to make them proficient as per the international standards. The institute also collaborates with WIPO for organizing training programmes in India.
- The institute also organizes IP Awareness/Campaign in the country in collaboration with IP Offices, Government Organizations and R&D Institutions.

## Cell for IPR Promotion and Management (CIPAM)

CIPAM, a professional body under DPIIT, has been established for addressing the objectives of IPR Policy specially creating awareness about IPR among all strata of life i.e. educational institutions, industries (primarily small scale industries), and general public and professional bodies like the police, lawyers, etc. Over one lakh students have benefitted from lectures/talks related to IPR. Besides, over 80 IPR cells have been established in colleges/ universities. A chapter on _IPR, Innovation & Creative Works ‘is included in NCERT ‘s course curriculum. CIPAM plans to introduce animated videos on IPR for the students. An IPR Activity Book titled ‘Let’s Have Fun with IP’ has also been published to benefit students.

**India’s First IPR Mascot – IP Nani**

The major activities of CIPAM include:

- A 20-minute tutorial video on the overview of IPR featuring IP Nani has been created in collaboration with Qualcomm, an American multinational corporation headquartered in San Diego, California.
- A Training of Trainers Module (beta version) to aid schoolteachers in teaching basic concepts of IP using CIPAM‘s content has been created (http://cipam.gov.in/wp-content/uploads/2019/05/School-Teachers-Training-Module.pdf).
- Till date, 700+ teachers have been trained on the subject of IPR.
- CIPAM utilizes community radios to reach out to the youth.

- An online IP Learning Platform - L2Pro has been launched in collaboration with National Law University (NLU), Delhi and Qualcomm, which would provide students and industry (especially SMEs) an easily accessible IP learning forum.

## Intellectual Property Facilitation Centre (IPFC)

It is a joint project of NRDC and MoMSME with a mandate to create awareness and adoption of IPR by the entrepreneurs and the MSMEs (http://www.nrdcindia.com/Pages/IPFC). From time to time, IPFC organizes IP-related training programs across the country. Participants are awarded certificates after successful completion of the course. The IP related services offered by IPFC include:

- Prior Art Search and Preliminary Patentability Assessment.
- Patent Filing Support for filing with the provisional specification or/and with complete specification.
- Advice for filing Patents in other countries.
- Advice on examination reports and queries for the Indian Patent Office.
- Post-Grant Support.
- Support for Infringement Proceedings, Opposition Proceedings, etc.
- Technology Transfer Agreements and Patent Valuation.
- Technology Marketing and Licensing.

IPFC also provides guidance and assistance in the preparation of documents required for registration of Copyrights, Trademark, Industrial Designs, and Geographical Indications.

## Start-ups IP Protection (SIPP)

This is a scheme launched by DPIIT, Govt. of India to assist start-ups in filing applications for Patents, Designs and Trademarks through registered facilitators by paying only the statutory fees. NRDC plays a significant role in this scheme by providing services and guidance to budding start-ups in their innovative plans and IP- related matters. NRDC signed an agreement with the Indian Oil Corporation for providing a variety of assistance in Indian Oil's Start-up Scheme. NRDC has supported more than 14 start-ups under this scheme in the following ways:

- Providing general advisory on different IP on a pro bono basis
- Providing information on protecting and promoting IPR to start- ups in other countries on a pro bono basis.
- Assisting in filing and disposal of the IP applications related to Patents, Trademarks and Design under relevant Acts at the national IP offices under the CGPDTM.
- Drafting provisional and complete Patent specifications for inventions of start-ups.
- Preparing and filing responses to examination reports and other queries, notices, or letters issued by the IP office.
- Appearing on behalf of start-up at hearings.
- Contesting opposition, if any, by other parties.
- Ensuring final disposal of the IPR application.

**IPR Awareness**

To sensitize people about the importance of IPR and its protection & management, NRDC organizes IPR awareness seminars/workshops on issues related to the commercialization of

Technology/Patents, protection of IP, prior art searching techniques, IP issues in technology licensing and so on. NRDC also delivers talks/seminars on the importance and need for IP protection to students, young scholars, teaching and research communities. NRDC provides IPR Service (Patent search, Patent filing, consultancy, organising workshops, capacity building, etc.) to many companies, such as National Thermal Power Corporation (NTPC), Bharat Earth Movers Limited (BEML), Mishra Dhatu Nigam

## Limited (MIDHANI) Bharat Dynamics Limited (BDL).

**Innovation Facilitation Centres (IFCs)**

On behalf of DSIR, NRDC has set up 6 IFCs in the universities under _Programme for Inspiring Inventors and Innovators' (PIII). The mandate of IFCs is to sensitize the students, research scholars and faculty members (preferably science stream) about IP related issues by organizing seminars and workshops on IP and technology transfer (http://www.nrdcindia.com/Pages/IFC). NRDC plans to set up additional IFCs in universities, NIT's and IIT's, autonomous Institutions & academic institutions which are desirous of stimulating technology-led innovations.

Main Objectives:

- To promote area-specific technologies for the industries by utilizing the R&D capabilities of the host institutions in the region.
- To provide value-added services in terms of IP management & technology commercialization for making commercial products from the R&D of institutions of the region.
- To act as a potent resource of IP-protected technologies to help the manufacturing sector

of the country in developing new products and services based on the innovative technologies available through the IFCs.

- To provide IP protection and management services and facilitate technology transfer and commercialization.

**Outreach Activities**

To promote regional innovations, technologies, IP promotion and commercialization in the country because of growing industrialization and start-up ecosystem, NRDC has created 4 outreach centers in various locations:

- Intellectual Property Facilitation Centre (IPFC) at Vishakhapatnam with support of MoMSME, GoI.
- Technology and Innovation Support Centre (TISC) at Vishakhapatnam with support of DPIIT-CIPAM, GoI.
- Incubation Centre at New Delhi.
- North Eastern Cell - NRDC at Guwahati.

Since its inception, IPFC & TISC at Visakhapatnam have provided its IPR services to various sectors (public and private), including PSU‘s, educational institutions and industries. It has been at the forefront of organizing IP workshops in the domains of Patent capacity building, Patent awareness, Patent filing, Patent management, etc. Within a short span of a little over two years, NRDC-IPFC has performed the following activities.

| Attributes | Number FY 2018-19 | FY 2019-20 (Till 31st March 2020) |
|---|---|---|
| Patent services facilitated with due diligence (Novelty Search Reports generated + Patents Filed service + Advisory) | 45 | 55 |
| Technology transfer toMSME/ Entrepreneurs/ Start-ups/ Industries & PSU‘s | 7 | 10 |
| Technologies assigned | 8 | 7 |
| Trademark services facilitated & filed | 14 | 29 |
| Copy right services facilitated & filed | 1 | 3 |
| Industrial Design services facilitated & filed | 4 | 2 |
| Geographical Indication of Goods | | |

| | | |
|---|---|---|
| Initiated & services facilitated undertaken | 1 | 2 |
| MoU/MoA signed | 9 | 19 |
| IP Workshops conducted | 7 | 8 |

## Schemes and Programmes

IP Consultancies - Academia/R&D institutes and industries are at the forefront of knowledge creation and scientific activities.

With innovation as a central theme, NRDC provides consultative services in drafting/formulating innovation, technology transfer and IP policy of their respective organizations.

Technology Landscaping - NRDC helps stakeholders in technology landscaping analysis in which it helps to understand the market evaluation of a particular technology as well as the latest developments involving such technology. This initiative helps stakeholders to take important decisions and adopt strategies involving R&D of product processes, investment in specific areas of technology and identifying Patent trends. NRDC is financing programmes like Programme for Inspiring Inventors and Innovators (PIII) and Programme for Development of Technology Inspiring for Commercialization (PDTC). The main features of the programmes are mentioned below:

Programme for Inspiring Inventors and Innovators:

- Promotion & Propagation of Inventions and Innovations.
- Prize Award to Meritorious Inventions and open-source Technologies.
- Innovate India Conference.
- Intellectual Property & Innovation Facilitation.

- Intellectual Property and Technology Facilitation Centre (IPFC).
- NRDC-University Facilitation Innovation Centers.
- Patent Seminars, Patent Search.
- On-Line IPR & Knowledge Management Courseware for Certificate Programme.
- Technology Knowledge Management Programme.
- Techno-commercial Support to Scientists, Innovators and Student for process Trial and Validation of Technologies.
- Knowledge Management Programme for the promotion of Innovations / Technologies.

**Programme for Development of Technology Inspiring for Commercialization:**

- Digital Knowledge Base (Innovation Portal) for Commercialization of Innovations.
- Digital Portal and Membership & Subscription.
- Technology Value Addition.
- Basic Engineering Design Package.
- Market Survey on assigned technologies.
- Development Projects and value addition for priority projects.
- Promotion of Innovation in Rural & North East Region.
- Entrepreneurship Development Programme in backward and rural areas through Innovative Appropriate Technology.
- Increase Shelf-life of Fruit & Vegetables through Innovative Appropriate Technology.
- Organic Fruits Cultivation & Processing Programme at Mizoram (MFCP Certified Programme).

- Promotion of Technology Commercialization in the country and abroad.
- Dissemination of Information through R&D-Industry Meet, Conferences, Seminars, Workshops, Exhibitions, Foreign Exhibition, Publication, etc.

ASEAN-India - Under the overall aegis of the ASEAN- India Science, Technology and Innovation Cooperation Program, NRDC has developed a portal, namely the ASEAN-India Innovation Platform (Research Innovation Component). NRDC shall create and develop a databank of technologies/ Innovations, etc. available in India and the ASEAN Members States under a single platform and make it available for transfer and commercialization for Indian as well as ASEAN entrepreneurs. The collaborating partners of NRDC are National Innovation Foundation and FICCI. In the portal, the innovators can share their technology and the buyer can access the available technology for its commercial exploitation.

The main objectives of the portal are:

- Creation of extensive database/research work and IPs.
- Creation of a single platform to access the technologies developed in India and ASEAN countries.
- Facilitation of technology seekers and technology owners through an interactive and dynamic portal.
- Bridging the technological gap between inventor, industry, manufacturers & academia of ASEAN countries.
- Helping the member countries in networking with people to share ideas, experiences, problems faced and their solutions.

- To work as a single source of information for ASEAN countries about inclusive innovation, sectors, such as health, education, food and agriculture, environment and natural resources, science and technology, etc. are the thrust area.
- Helping at networking the industries of ASEAN and India with the IP knowledge bases for employment and wealth creation.

Technology Information Forecasting and Assessment Council (TIFAC), New Delhi

The importance of undertaking technology forecasting and assessment studies on a systematic and continuing basis was highlighted in the Government of India's Technology Policy Statement (TPS) of 1983. Therefore in 1985, TIFAC was established as an autonomous body, registered as a Society in 1988, under the Department of Science and Technology. It is an important cog in filling a critical gap in the overall S&T system of India. Its mission is to assess the state-of-art of technologies and set directions for future technological developments in India in important socio-economic sectors.

Patent Facilitation Centre

TIFAC is also a nodal agency for carrying out IPR related activities in the country. In 1995 a Patent Facilitation Centre (PFC- https://tifac.org.in/index.php/admin-finance/patent) was set up in TIFAC with four-fold objectives (https://tifac.org.in/index.php/ about-us/mandate):

- Introducing Patent information as a vital input in the process of promotion of R&D programmes.
- Providing patenting facilities to scientists and technologists in the country for Indian and foreign Patents on a sustained basis.

- Keeping a watch on development in the area of IPR and making important issues known to policymakers, scientists, industry, etc.
- Creating awareness and understanding related to Patents and the challenges and opportunities in this area, including arranging workshops, seminars, conferences, etc.

In order to fulfill these objectives, PFC carries out dedicated activities, such as:

Facilitation of IP Protection - PFC acts as a facilitator to provide support (legal, technical and financial) for obtaining Patents emanating from research funded by DST, GoI to educational institutions and central/state government departments/agencies. These Patent and IP applications are drafted and filed through Patent attorneys empanelled by PFC-TIFAC. PFC also attends to the requests from public and private sectors for patent search, novelty and inventiveness free of cost/nominal charges. As per the latest data available (Annual Report, 2017-18) PFC has facilitated the filing of about 1500 Patents in India and abroad, out of which nearly 250 Patents have been granted.

## IPR related statistics of Patent Facilitation Centre

| **Activ ities** | **Total** |
|---|---|
| Patent & IPR awareness workshops | 424 |
| IPR bulletin | 122 issues |
| Facilitation of filing of Patent applications | Filed: 1500; Granted:250 |
| Registration Geographical Indications | 7 |

| | |
|---|---|
| Patent search reports | 1200 |
| PICs | 20 |
| Training Programme | ~20 |
| Special reports | 47 |
| Women Scientists Scheme (WOS-C) | 311 Women trained in 6 batches; 119 Patent agents |

**Awareness Creation** - PFC delivers many talks and organizes workshops to create IPR awareness amongst students, researchers, scientists and professors belonging to universities and other educational institutes, R&D institutions, industries, NGOs and government departments. PFC also publishes an IPR Bulletin to spread awareness across the country about Patents and other IPRs IP related matters. PFC has also prepared FAQs on IPR in various Indian languages.

**Patent Information Centres (PICs)** - To provide IPR related services, PFC has opened 24 PICs in various states of India. Now, this programme is being administered by DST. The PICs are playing the role of a _Consultant and Guide' w.r.t. IPR, especially Patents, at the State level, by providing guidance in the filing Patent applications, extending the Patent search services and also assisting PFC in conducting workshops in their respective states. In addition, PICs are working on registration of potential aspects, such as Geographical Indications (GI), the inclusion of IPR in course curriculum, supporting IPR Cells in the academic sector.

**Registering Geographical Indications** - PFC has taken the initiative to protect many items of traditional excellence originating from a particular geographical area as defined by _The

Geographical Indication of Goods (Registration and Protection) Act‘. Registration certificates were issued for Kangra Tea, Kullu Shawls, Muga Silk and Malda Mangoes. Now PICs are independently handling GI related work in the States.

**IPR Cells in Universities** - PFC has successfully set up IPR Cells in Universities (IPCU) with the help of PICs. There are 84 IPCUs in different universities in the states. IPCUs have been created to guide university academicians in matters related to IPR like Patent searches, IP audit of universities and protecting such inventions through PICs which in turn approach PFC for filing and processing Patent applications and maintaining granted Patents. The ownership of a Patent would rest with the universities. The aim is to have an IP cell in each university within a few years. Now it is directly handled by DST and PICs at the state level.

**Training Programmes -** PFC is also actively involved in imparting IPR-related training programmes on dedicated topics, such as Patent drafting, Patent searches, etc. Usually, the training programmes are conducted in association with other organizations, such as DRDO, DAE, UNIDO, Indo-US S&T Forum (IUSSTF), National Institute of Health, USA, etc. Women Scientist Scholarship Scheme (WOS-C)-KIRAN IPR) - Many young Indian women are well qualified in the domain of science/engineering/medicine or allied areas but are unable to pursue their career due to domestic and social reasons. To bring back these young talented women into mainstream, DST, GoI started an interesting scheme, the Women Scientists Scheme (WOS- C), popularly known as KIRAN-IPR, which provides avenues in the area of IPR to unemployed women scientists sitting at home. The one-year coursework can be carried out from home for 11 months and thus maintain a good balance between professional and domestic demands. Only for a month, women scientists are requiredto spend time in TIFAC, New Delhi. After the orientation programme, candidates have to join 11 months of job training at various Patent agencies throughout the country. The scheme is being implemented by the PFC of TIFAC on behalf of DST. The major objectives of the scheme are:

- Empower talented and skilled women who have studied science, engineering, medicine and allied areas to contribute effectively to the advancement of science and technology in the country.
- Develop a pool of women scientists geared up in creating, protecting and managing IP in India.
- Train talented and meritorious women in laws related to the protection of IP, management of IPR, determination of novelty and originality of IP, ascertaining patentability of an invention, searches of databases related to Patents and allied databases and other aspects of IPR, enabling them to seek specialized employment or be self-employed.
- Develop a core of professionals for preparing reports on various aspects of IPR.

This scheme has been highly successful. Nearly 600 women scientists have been trained, out of which 270 have cleared the Patent Agent Examination conducted by the Patent Office of India. Sixty percent of these women are pursuing their career in the area of IPR and some of them are self-employed and have become entrepreneurs.

Looking at the success of this scheme, PFC set up three coordination centres at Centre for International Cooperation in Science (CICS), Chennai; IIT, Kharagpur and CSIR-Unit for Research & Development of Information Products (URDIP), Pune for facilitating the training of candidates. The candidates for the scheme are selected based on all India online examinations followed by the interviews.

**Database on Indian Patents -** PFC has developed three CD-ROM databases on Indian Patents:

**Ekaswa-A** - contains the database related to Patent applications filed in India as published in the issues of the Gazette of India (Part III, Section 2) from 1st January 1995 to 1st December 2004.

**Ekaswa-B** - contains the database related to Patent applications accepted and notified for the opposition in the Gazette of India (Part III, Section 2) published for the same period i.e. from 1st January 1995 to 31st December 2004.

**Ekaswa-C** - for Patent applications published in Official Journal of Patent Office from January 2005 till June 2008. These databases can be accessed online (www.indianpatents.org.in) free of cost.

**Counselling and Advisory Role -** PFC has been played an important role in preparing guidelines for the Ministry of Science and Technology for handling IP related matters of research projects funded by DST. PFC has been widely accepted as the national nodal point for higher education institutes, government bodies, NGOs, entrepreneurs, scientists, foreign embassies, etc. for seeking information and guidance on IPR related matters. PFC plays a crucial role in policy formulation and future planning in the area of IPR and related matters.

**TIFAC Internship Programme** - This Programme provides an opportunity for students to work in the technology foresight and technology road-mapping exercises under the supervision of TIFAC Scientists. Under this programme, students are assigned specific topics to get familiar with emerging trends in the domain of cutting- edge technologies. About 80 students benefited from this programme. In return, TIFAC too gets benefits from the interaction with enthusiastic young minds with fresh thoughts and technical insights.

**Foresight Training -** TIFAC conducts programmes on technology foresight with hands-on training in various areas for industry and institutions. Foresight Methodologies being used are Scenarios, Delphi, Brainstorming, Horizon Scanning, Patent Analysis, etc. These programmes are helpful in understanding future technologies.

**National Innovation Project -** In 2007-08, TIFAC prepared a Detailed Project Report (DPR) for the National Innovation Project (NIP) for unleashing India‘s innovation potential. This project was supported by the World Bank. The task was assigned to be executed based on national and international best practices to improve, expand and scale-up ongoing innovation-led initiatives and to introduce fresh initiatives for greater impact on growth and poverty. The main components of the DPR were:

**Component I-** Fortify innovation management & capacity building for strengthening the IPR system.

**Component II-** Providing support to SMEs for research leading to new technology development through suitable adoption/adaptation.

**Component III-** Strengthening technology commercialization by taking innovations to market, including grass- root/ rural innovators.

# Chapter 9: EDUCATION AND TRAINING IN INTELLECTUAL PROPERTY

Concerns about intellectual property in education typically involve administrative interest in improving institutional compliance with copyright and patent laws. The focus on compliance, rather than on intellectual property as an area of educational inquiry for students raises two questions: Are educational institutions adequately preparing students (a) to participate in a global economy that is increasingly driven by intellectual property and (b) for a future in which the creation and distribution of intellectual property is being reshaped by the emerging digital era? The educational value of intellectual property begins, however, with history of the concept in which learning played a strong role in giving shape to the idea of text as an intangible good associated with distinct properties, rights, and responsibilities, with all of this taking place well before the 18th-century introduction of the modern concepts of copyright and patent law. In light of this history and its contemporary standing, intellectual property has much to offer as a way for students and teachers to gain insight into the nature of creative work in relation to private property and the public domain. While education benefits from exceptions made for “fair use” and other exemptions in copyright law, the digital era has seen the introduction of new intellectual property strategies that support the collective educational enterprise, including Creative Commons licensing, open educational resources, open access to research, and open-source software. While intellectual property has played a small part in business education and composition classes in the past, a number of innovative programs now involve students in different approaches to balancing the private and public interests associated with this concept, suggesting the value that intellectual property holds, as a teachable topic, for the curriculum and for thinking, more broadly, about education’s role as a public good.

Intellectual property (IP) is a broad and complex field that encompasses various legal rights and protections for creations of the human mind. These creations can include inventions, artistic works, and even business processes. In today's knowledge-based economy, intellectual property has become a critical driver of innovation, economic growth, and competitiveness. To fully harness the benefits of intellectual property, individuals, businesses, and governments must invest in education and training initiatives that promote a deeper understanding of IP rights, enforcement, and management. This essay explores the significance of education and training in intellectual property, examining its impact on innovation, economic development, and broader society.

Before delving into the importance of education and training in intellectual property, it is essential to have a comprehensive understanding of what intellectual property entails. IP encompasses various categories, with the most common ones being:

1. **Copyright:** Protects original literary, artistic, and musical works. This includes books, music, films, and software.
2. **Patents:** Grant exclusive rights to inventors for their inventions for a specified period. Patents cover innovations and processes that are novel, non-obvious, and useful.
3. **Trademarks:** Protect symbols, names, and logos used to identify goods or services in the marketplace. Trademarks help consumers distinguish between different products and services.
4. **Trade Secrets:** Safeguard confidential and proprietary information, such as formulas, business processes, and customer lists. Trade secrets provide a competitive advantage by keeping valuable information out of the hands of competitors.
5. **Industrial Designs:** Protect the visual design of objects, like the shape and surface of a product.

6. **Geographical Indications:** Indicate that a product comes from a specific region or has specific characteristics due to its origin.

Each category of intellectual property serves a unique purpose and provides creators and innovators with the legal means to protect their work. The importance of education and training in intellectual property becomes apparent when considering the intricacies and nuances of these rights and their application in various industries.

## The Role of Education in Intellectual Property

Education is the foundation upon which a society builds its understanding of intellectual property. It plays a critical role in ensuring that individuals, from students to professionals, are aware of their intellectual property rights and responsibilities. Several key aspects highlight the significance of education in the field of IP:

1. **Fostering Creativity and Innovation:** Education in intellectual property inspires creativity by teaching individuals how to protect their ideas and inventions. When people know that their intellectual efforts are safeguarded, they are more likely to invest time and resources into innovative projects.
2. **Preventing Infringement:** Awareness of intellectual property rights helps individuals avoid unintentional infringement. Education can teach creators and businesses how to conduct thorough searches to ensure that their work does not violate existing patents, trademarks, or copyrights.
3. **Enhancing Legal Literacy:** IP laws can be complex and understanding them is essential

for both creators and consumers. Education in intellectual property equips individuals with the legal literacy necessary to navigate these complexities.

4. **Supporting Business Growth:** Entrepreneurs and business owners benefit from IP education, as it enables them to protect their intellectual assets and use them as strategic tools for business growth. Patents, trademarks, and copyrights can all play a crucial role in establishing a competitive edge in the market.

5. **Promoting Ethical Practices:** Education in intellectual property also instills ethical values by emphasizing the importance of respecting the rights of others. This reduces instances of plagiarism, counterfeiting, and other forms of IP infringement.

## Training in Intellectual Property

While education provides the theoretical foundation for understanding intellectual property, training is the practical application of that knowledge. Training programs are designed to equip individuals with the skills and expertise needed to manage and protect intellectual property effectively. Here are some key aspects of training in intellectual property:

1. **Legal Training:** Legal professionals, such as lawyers and patent agents, require specialized training in intellectual property law. This training enables them to provide legal advice, conduct IP-related litigation, and assist clients in obtaining patents, trademarks, and copyrights.

2. **Technology Transfer and Commercialization:** Training programs in technology transfer and commercialization help bridge the gap between academia and industry. They teach researchers and scientists how to bring their innovations to market, navigate licensing agreements, and monetize their intellectual property.

3. **IP Management:** Businesses and organizations benefit from training programs that focus on IP management. These programs teach strategies for identifying, valuing, and leveraging intellectual assets to enhance competitiveness and profitability.

4. **Enforcement and Anti-Counterfeiting:** Training in IP enforcement equips individuals with the skills needed to combat counterfeiting and piracy. This includes law enforcement officials, customs officers, and private investigators.

5. **International IP Protection:** As businesses expand globally, there is a growing need for training in international IP protection. This includes understanding international treaties and agreements, such as the TRIPS Agreement under the World Trade Organization (WTO).

The Impact of Education and Training in Intellectual Property

The impact of education and training in intellectual property extends far beyond individual knowledge and skills. It has wide-ranging effects on innovation, economic development, and societal well-being.

**1. Fostering Innovation:**

One of the most significant impacts of education and training in intellectual property is its role in fostering innovation. When individuals and organizations understand the value of their intellectual assets and how to protect them, they are more likely to invest in research and development activities. This, in turn, leads to the creation of new products, services, and technologies that drive economic growth.

For example, universities and research institutions often offer IP education and training programs to their researchers. When scientists and innovators at these institutions are educated about IP, they are better equipped to patent their discoveries and engage in technology transfer, ensuring that their innovations reach the market and benefit society.

**2. Economic Development:**

Education and training in intellectual property are closely linked to economic development. A strong IP framework encourages investment in innovation, which can lead to the growth of industries and the creation of high-value jobs. Additionally, intellectual property can serve as a source of revenue through licensing and technology transfer agreements.

Countries that prioritize IP education and training tend to have more innovative and competitive economies. For instance, nations like the United States and Japan have robust IP education systems that contribute to their leadership in innovation and technology.

**3. Protection of Intellectual Assets:**

Education and training in intellectual property are essential for protecting intellectual assets from theft and infringement. In the digital age, where information can be easily copied and distributed, understanding IP rights and enforcement mechanisms is crucial.

For businesses, IP education helps them secure their brands and innovations, preventing competitors from capitalizing on their investments. It also enables them to take legal action against those who infringe on their rights.

**4. Enhancing Global Competitiveness:**

In today's globalized economy, businesses often operate in multiple countries and markets. Understanding international IP regulations and standards is vital for protecting intellectual property across borders.

The UK is not alone in having introduced intellectual property to primary and secondary schools. In March 2003 the UK Patent Office introduced its ‘Think Kit’25 with great success. Within a few months of its release in March 2003 it was taken up by 51% of schools and will contribute to delivery of the national citizenship curriculum. The Australian Government's IP Australia Innovated26 is another such a resource. In 2000 the Intellectual Property Group of the Creative Industries Task Force championed the intellectual property portal, which offers information and links that include a section on IP and education. Development of the 'Think Kit' could be linked to the European Union's intellectual property enforcement directive, which in its early stages made clear references to the need for intellectual property education. The proposed enforcement directive drew harsh criticism for its potential to restrict civil liberties and impose sanctions. The final version of the directive refers to publication of intellectual property infringement decisions as a useful contribution to public awareness30 but has dropped earlier specific reference to education. This is regretted, particularly by enforcement agencies in the countries currently preparing for accession to the EU. It was succinctly put by a Bulgarian custom training manager, bemoaning the endemic lack of awareness of and respect for IPR in his country 'You need education and engagement as well as enforcement'. In educational terms, IP enforcement is a 'negative' aspect of intellectual property. It focuses the pupils mind on what they should not do. IP in enterprise, on the other hand, provides a 'positive' dimension because it underpins commercial exploitation, and would sit easily in innovation, technology, design, business and enterprise studies. In Japan, intellectual property education in school is emphasized because 'Knowledge about the protection and utilization of intellectual property rights is important to every citizen in order to ensure that Japan establishes for the 21st century a society based on creative science and technology. The Japanese Patent Office sets out a programme that will include teacher education and the production of appropriately engaging free of charge IPR textbooks, as well as promoting invention through public libraries and museums. IP competence is also seen as a key skill of the successful entrepreneur. An expressed ambition of UK and European governments is to increase the volume and capacity of enterprising graduates in all disciplines, especially science, technology and business32. The European Patent Office is championing a development called ‘five2twelve’. The hope is that EPO staff, giving their services as volunteers, will create ‘a palette of characters, activities and resources that could turn budding European inventors, innovators and entrepreneurs on to the potential of patents for their future creativity’.

At a recent IP awareness event a question was asked about ownership of copyright in music created by a young pupil in the course of his schoolwork. Followed by ‘could the school forbid the pupil to present the music as part of his portfolio to future employers?’ Higher education awareness of intellectual property has been heightened by two developments. One is the increase in the volume of plagiarism in assessed academic work. Direct and unattributed copying is seen by most as cheating. As the higher education community becomes more diverse, thought has had to be given to how respect for academic convention can be preserved. Leeds and Koppelman ask at what point does something become plagiarism? With the glut of work out there today it is easier and easier to get away with minor bits of plagiarism. Although it is easier it is still unethical. Talking to students about the definition of plagiarism and the use of internet sources is vital. Exactly how much text can be used in a publication (assuming every word of it is properly credited) before it moves from an original work to a derivative work? The second is the drive to manage the intellectual property generated within the academic community. Government funding initiatives have supported expansion of numbers employed in higher education technology transfer offices. Government funding has been found to support their continuing professional development, particularly in the area of intellectual property management. Today, most H.E. institutions aim to employ at least one intellectual property literate staff member. Intellectual property is relevant to all professions and businesses. Individuals and organizations can capitalize on opportunities presented by accelerating developments in the knowledge economy if they increase their intellectual property competence. Increasingly, graduating students expect to study and pursue their careers in an international community, and need to be equipped with an awareness of the implications of trading beyond their native shores.

Intellectual property rights, including copyrights, patents, and trademarks, are essential for incentivizing innovation and creativity. They grant exclusive rights to creators, authors, and inventors, protecting their works and ideas from unauthorized use. In the context of education, copyright plays a crucial role in safeguarding academic materials, textbooks, research papers, and other scholarly content. It ensures that the creators receive recognition and compensation for their efforts, motivating them to produce high-quality educational resources.

While intellectual property rights have undeniable benefits, their enforcement can sometimes hinder the free flow of educational materials and ideas. Traditional copyright models can restrict access to educational resources, creating barriers for students, educators, and researchers, particularly in low-resource settings. The high costs associated with accessing copyrighted materials and the limited availability of licenses can impede the dissemination of knowledge and create educational inequalities.

Open education has emerged as a response to these challenges. Open educational resources (OER) are educational materials that are freely available for use, adaptation, and distribution. OER promotes open access to knowledge, enabling learners and educators to access a vast array of educational content without financial constraints. This fosters collaboration and sharing within the educational community and democratizes learning opportunities.

To strike a balance between intellectual property rights and open education, there is a need for innovative models and licensing frameworks. Intellectual property rights play a significant role in shaping access to educational resources and open education. While they serve to protect and incentivize innovation, they can also create barriers to access and hinder the widespread dissemination of knowledge. Open education, with its emphasis on open educational resources, has emerged as a promising solution, promoting equitable access to education and fostering a culture of collaboration.

However, addressing challenges related to quality, sustainability, and attribution is crucial to harnessing the full potential of open education and realizing a truly inclusive and transformative educational landscape.

## OBJECTIVE

This article aims to investigate and analyze how intellectual property rights (IPRs) influence the availability, affordability, and accessibility of educational materials and resources in the context of open education. The study aims to explore the potential barriers and benefits that IPRs pose to open education initiatives and propose solutions or recommendations to promote equitable access to educational resources while respecting intellectual property rights.

## WHAT ARE INTELLECTUAL PROPERTY RIGHTS?

"Intellectual property rights (IPR) refer to the legal rights given to the inventor or creator to protect his invention or creation for a certain period of time. These legal rights confer an exclusive right to the inventor/creator or his assignee to fully utilize his invention/creation for a given period of time."

Intellectual Property Rights (IPRs) are legal rights granted to individuals or entities for their creations or inventions. These rights serve to protect the intangible assets of the human mind, encouraging innovation and creativity. The concept of intellectual property encompasses various forms, such as patents, copyrights, trademarks, and trade secrets. While IPRs are crucial for fostering innovation and rewarding creators, they also raise significant debates concerning access to knowledge, particularly in domains like education, where open access to resources is of paramount importance.

"To put it another way, we can say that the legal rights forbid anybody else from utilizing the intellectual property for commercial gain without the owner's prior approval. Trade secrets, utility models, patents, trademarks, geographical indications, industrial designs, integrated circuit layout designs, copyright and related rights, and new plant varieties are all examples of IP rights. It is widely accepted that IP is crucial to the modern economy.

Intellectual property includes innovations, literary and artistic works, as well as symbols, names, and pictures utilized in trade." The purpose of intellectual property protection is to promote human innovation for the good of all and to make sure that the creator receives the benefits from the use of their work. This will promote innovation and provide investors with a respectable return on their investment in research and development. IP enables people, businesses, or other entities to restrict others from using their creations. Intellectual property gives people, businesses, and other entities the power to forbid others from using their creations without their permission.

## TYPES OF IPRs

Intellectual property rights refer to the legal rights granted to creators and inventors over their creations, providing them with exclusive control over the use and exploitation of their intangible assets. There are four primary types of intellectual property rights:

**Patents:** Patents are exclusive rights granted to inventors for new and inventive products, processes, or methods. They allow inventors to protect their innovations from unauthorized use, enabling them to recoup their investment in research and development. Patents typically have a limited duration, after which the inventions enter the public domain, benefiting society as a whole.

**Copyrights:** Copyrights protect original works of authorship, such as literary, artistic, musical, and dramatic creations. These rights allow authors and artists to control the reproduction, distribution, and public performance of their works. Copyrights have a fixed duration and usually extend to the life of the creator plus a specific number of years.

**Trademarks:** Trademarks are distinctive signs, symbols, logos, or phrases used to identify goods and services and distinguish them from those of competitors. Trademark protection prevents unauthorized use, ensuring that consumers can rely on the quality and reputation associated with a particular brand.

**Trade Secrets:** Trade secrets refer to confidential and proprietary business information, such as manufacturing processes, formulas, and customer lists. Unlike other forms of intellectual property, trade secrets are not registered but are protected through non-disclosure agreements and confidentiality practices.

## IMPORTANCE OF IPRs

The establishment and enforcement of intellectual property rights are crucial for several reasons, each contributing to the overall progress and well-being of society:

**Encouraging Innovation and Creativity:** Intellectual property rights provide inventors, artists, and authors with the assurance that their efforts will be rewarded and protected. This incentive drives individuals and businesses to invest in research, development, and creative endeavors, leading to the continuous advancement of technology and culture.

**Fostering Economic Growth:** Intellectual property-intensive industries have a significant impact on economies, driving job creation, investment, and exports. Patents, in particular, facilitate the emergence of new industries and the growth of existing ones, contributing to economic growth and prosperity.

**Dissemination of Knowledge:** The protection afforded by intellectual property rights allows creators to disclose their works to the public without fear of unauthorized copying or distribution. This, in turn, fosters the dissemination of knowledge and cultural exchange, promoting societal development.

**Protecting Consumers:** Trademarks and patents help consumers make informed choices by identifying reputable products and services. These rights create trust in the market, as consumers can rely on the quality and authenticity associated with registered trademarks.

Global Collaboration and Technology Transfer: Intellectual property rights facilitate international cooperation and technology transfer. By protecting inventions and innovations, they encourage partnerships and collaborations between companies from different countries, leading to the sharing of knowledge and expertise.

## WHAT IS OPEN EDUCATION

In the digital age, the world is experiencing a profound transformation in the way information and knowledge are shared and accessed. Open Education, a revolutionary concept, has emerged as a beacon of hope, challenging traditional educational paradigms by breaking down barriers and promoting equitable access to education. Open Education refers to a set of principles, practices, and resources designed to promote universal access to knowledge and learning. At its core, Open Education embraces the belief that education should be a fundamental human right, freely available to anyone, regardless of geographic location, socio-economic status, or institutional affiliation. It strives to eliminate barriers that hinder learning opportunities and democratize education through open licensing and digital technologies.

The roots of Open Education can be traced back to the early 2000s when the internet began to profoundly influence the way information was disseminated. The development of Massive Open

Online Courses marked a pivotal moment, enabling access to courses offered by prestigious institutions to learners worldwide. This innovative approach allowed learners to engage with high-quality content at their own pace, redefining the boundaries of traditional education.

"A way of carrying out education, often using digital technologies. Its aim is to widen access and participation to everyone by removing barriers and making learning accessible, abundant, and customizable for all. It offers multiple ways of teaching and learning, building and sharing knowledge. It also provides a variety of access routes to formal and non-formal education and connects."

Open Education stands at the forefront of transforming the educational landscape, challenging traditional barriers to knowledge, and fostering a global community of learners and educators. Its core principles of open licensing, accessibility, collaboration, and innovation have the potential to revolutionize education, ensuring that learning is no longer confined within the walls of institutions but becomes a limitless journey of exploration and empowerment for all. However, challenges remain in terms of quality assurance, funding sustainability, technological accessibility, and recognition of open qualifications. As Open Education continues to evolve, addressing these challenges will be crucial in realizing its true potential and creating a more inclusive, equitable, and dynamic learning environment for generations to come.

## BENEFITS OF OPEN EDUCATION

Open Education, with its core principles of accessibility, collaboration, and open licensing, has emerged as a transformative force in the realm of education. By breaking down traditional barriers and promoting the free exchange of knowledge, it has ushered in a new era of learning possibilities. One of the fundamental pillars of Open Education is accessibility, which seeks to make educational resources available to individuals regardless of their socio-economic background, geographic location, or institutional affiliation. Traditional education often comes with a hefty price tag, hindering many aspiring learners from pursuing higher education or accessing high-quality learning materials. Open Education, however, provides a wealth of openly licensed educational resources, including textbooks, lecture notes, and multimedia content, freely available to anyone with internet access.

Open Education is closely intertwined with the Open Science movement, which advocates for open access to scientific research and data. By embracing open licensing and sharing research findings, Open Education promotes transparency, reproducibility, and wider dissemination of knowledge.
Open Education has emerged as a powerful catalyst for positive change in the realm of education. By promoting accessibility, empowering educators and learners, encouraging innovation, fostering a global community of knowledge-sharing, and advancing open science and research, it has the potential to revolutionize the way we learn and share knowledge. As Open Education continues to gain momentum, it will play a pivotal role in shaping a more inclusive, equitable, and interconnected world, where education is no longer confined to a select few but is accessible and empowering for all.

- **Expanded access to learning:** Students anywhere in the world can access OERs at any time, and they can access the material repeatedly.
- **Scalability:** OERs are easy to distribute widely with little or no cost.

- **Augmentation of class materials:** OERs can supplement textbooks and lectures where deficiencies in information are evident.
- **Enhancement of regular course content:** For example, multimedia material such as videos can accompany text. Presenting information in multiple formats may help students to more easily learn the material being taught.
- **quick circulation:** Information may be disseminated rapidly (especially when compared to information published in textbooks or journals, which may take months or even years to become available). Quick availability of material may increase the timeliness and/or relevance of the material being presented.
- **Showcasing innovation and talent:** A wide audience may learn of faculty research interests and expertise. Potential students and donors may be impressed, and student and faculty recruitment efforts may be enhanced.
- **Ties for alumni:** OERs provide an excellent way for alumni to stay connected to the institution and continue with a program of lifelong learning.
- **continually improved resources:** Unlike textbooks and other static sources of information, OERs can be improved quickly through direct editing by users or through solicitation and incorporation of user feedback. Instructors can take an existing OER, adapt it for a class, and make the modified OER available for others to use." [5]

## ROLE OF IPRs IN THE EDUCATIONAL SECTOR

Intellectual Property Rights (IPRs) play a critical role in shaping the dynamics of the educational sector. These rights encompass a range of legal protections that safeguard the creations of the human mind, such as inventions, literary and artistic works, and symbols, names, and images used in commerce. While IPRs incentivize innovation and creativity by granting exclusive rights to creators, they also have implications for access to knowledge in the educational domain. Intellectual Property Rights find their roots in the belief that creators should be rewarded for their innovative efforts, encouraging them to continue contributing to the advancement of society. These rights are enshrined in national and international laws, such as patents for inventions, copyrights for creative works, trademarks for commercial identifiers, and trade secrets for confidential information. By granting exclusive rights for a limited period, IPRs promote innovation and economic growth while providing a legal framework to protect creators' interests.

In the educational sector, IPRs impact content creation significantly. Educators, authors, and publishers are incentivized to produce high-quality educational materials, including textbooks, course materials, and research papers, knowing that their efforts will be protected and monetized through copyright protection. However, the use of copyrighted materials in the classroom must be balanced with the doctrine of fair use or fair dealing, allowing for limited and transformative use without infringing on copyright holders' exclusive rights.

## BALANCING IPRs AND OPEN EDUCATION

The intricate interplay between intellectual property rights and education has been a topic of great debate and concern in the modern world. On one hand, intellectual property rights (IPRs) provide essential incentives for creators and innovators, encouraging them to invest time, effort, and resources in producing valuable works and inventions. On the other hand, education thrives on the free flow of knowledge, information, and ideas, enabling individuals to grow intellectually, professionally, and socially. Striking a delicate balance between these two seemingly conflicting interests is crucial to promote innovation, protect creators' rights, and ensure equitable access to education for all.

IPRs play a fundamental role in fostering innovation and creativity by providing creators and inventors with the incentive to invest in research, development, and production. The exclusive rights granted by IPRs enable innovators to recoup their investments, profit from their creations, and maintain a competitive edge in the market. This encourages a continuous cycle of innovation, benefiting society through the development of new technologies, cultural works, and scientific discoveries.

Achieving a harmonious balance between intellectual property rights and education is a multifaceted challenge that requires careful consideration, collaboration, and innovative solutions. Striking this balance is essential to foster innovation, protect creators' rights, and ensure that knowledge and education are accessible to all members of society. Embracing open educational resources, clear copyright exceptions, and public-private partnerships can contribute to a more equitable and thriving educational landscape where knowledge is both protected and freely shared, benefitting individuals and societies worldwide.

## LANDMARK CASES

- The Chancellor, Masters & Scholars of the University of Oxford v. Rameshwari Photocopy **Services**

This case dealt with copyright infringement concerning the reproduction of copyrighted books and study materials by a photocopy shop for educational purposes. The court ruled in favor of the defendant, stating that the photocopying of copyrighted material for educational use fell under the fair dealing provisions of the Copyright Act, 1957.

- **Amar Nath Sehgal v. Union of India**

In this case, the court held that an artist's moral rights can be protected even if the artwork is used by an educational institution. The court emphasized the importance of recognizing the moral rights of artists even in the context of educational use.

- **Novartis AG v. Union of India**

This was a landmark case related to pharmaceutical patents. Novartis sought a patent for its cancer drug Glivec, but the Supreme Court denied the patent, ruling that the drug was not a new invention and did not meet the criteria for patentability under Indian patent law. This decision had implications for access to affordable medicines in the country and highlighted the balance between IPR protection and public health.

- **Tata Sons Limited v. Greenpeace International & Ors**

This case involved trademark issues and freedom of speech in the context of an educational campaign. The court upheld the right to freedom of expression and ruled that the use of Tata's trademarks in the campaign was not trademark infringement since it was for educational purposes and not for commercial gain.

## CHALLENGES AND OPPORTUNITIES

The interplay between IPR and open education presents several challenges and opportunities that warrant consideration.

**Copyright Awareness and Education:**

Many educators and learners may not fully understand copyright laws and how they intersect with open education. Raising awareness and providing educational resources about copyright, fair use, and open licensing can empower individuals to navigate the complexities of IPR and utilize OER more effectively.

**Sustainable Funding Models:**

Sustainability is a crucial aspect of open education. While OER may be freely accessible, there are costs associated with creating, maintaining, and updating educational resources. Exploring sustainable funding models, such as institutional support, grants, and public-private partnerships, can ensure the longevity of open education initiatives.

**Collaboration between Stakeholders:**

Efforts to promote open education should involve collaboration between various stakeholders, including educators, governments, educational institutions, publishers, and technology providers. Open dialogues can lead to better frameworks that encourage the production and dissemination of high-quality OER while respecting creators' rights.

**Integration with Formal Education:**

To maximize the impact of open education, there is a need for greater integration with formal educational systems. This involves recognizing the value of OER in academic settings, supporting educators in adopting open practices, and fostering a culture of sharing and collaboration within educational institutions.

## CONCLUSION

The impact of intellectual property rights on access to educational resources and open education is a multifaceted and evolving subject. While IPR plays a crucial role in incentivizing innovation and creativity, it must be balanced with the broader goal of equitable access to knowledge and education for all. Open education has the potential to revolutionize learning, democratize education, and bridge educational gaps worldwide. However, realizing this potential requires thoughtful consideration of copyright laws, the adoption of open licensing models, and the active engagement of all stakeholders in building a more inclusive and accessible education ecosystem. By nurturing a collaborative and sustainable approach, we can create a future where intellectual property rights and open education work hand in hand to empower learners and educators globally.

# Chapter 10: Cyber Law Cyber Law

Cyber law is the area of law that deals with the Internet's relationship to technological and electronic elements, including computers, software, hardware and information systems (IS).
Cyber law is also known as Cyber Law or Internet Law.

Cyber laws prevent or reduce large scale damage from cybercriminal activities by protecting information access, privacy, communications, intellectual property (IP) and freedom of speech related to the use of the Internet, websites, email, computers, cell phones, software and hardware, such as data storage devices.
The increase in Internet traffic has led to a higher proportion of legal issues worldwide. Because cyber laws vary by jurisdiction and country, enforcement is challenging, and restitution ranges from fines to imprisonment.
The Information Technology Act, 2000 (also known as ITA-2000, or the IT Act) is an Act of the Indian Parliament (No 21 of 2000) notified on 17 October 2000. It is the primary law in India dealing with cybercrime and electronic commerce. It is based on the United Nations Model Law on Electronic Commerce 1996 (UNCITRAL Model) recommended by the General Assembly of United Nations by a resolution dated 30 January 1997.

## Cyber Crime

Intellectual property (IP) theft is defined as theft of material that is copyrighted, the theft of trade secrets, and trademark violations. A copyright is the legal right of an author, publisher, composer, or other person who creates a work to exclusively print, publish, distribute, or perform the work in public. The United States leads the world in the creation and selling of IP products to buyers nationwide and internationally. Examples of copyrighted material commonly stolen online are computer software, recorded music, movies, and electronic games.

Theft of trade secrets means the theft of ideas, plans, methods, technologies, or any sensitive information from all types of industries including manufacturers, financial service institutions, and the computer industry. Trade secrets are plans for a higher speed computer, designs for a highly fuel-efficient car, a company's manufacturing procedures, or the recipe for a popular salad dressing, cookie mix, or barbeque sauce. These secrets are owned by the company and give it a competitive edge. Theft of trade secrets damages the competitive edge and therefore the economic base of a business.

A trademark is the registered name or identifying symbol of a product that can be used only by the product's owner. A trademark violation involves counterfeiting or copying brand name products such as well-known types of shoes, clothing, and electronics equipment and selling them as the genuine or original product.

The two forms of IP most frequently involved in cyber crime are copyrighted material and trade secrets. Piracy is a term used to describe IP theft—piracy of software, piracy of music, etc. Theft of IP affects the entire U.S. economy. Billions of dollars are lost every year to IP pirates. For example, thieves sell pirated computer software for games or programs to millions of Internet users. The company that actually produced the real product loses these sales and royalties rightfully due to the original creator.

Historically, when there were no computers, IP crimes involved a lot of time and labor. Movie or music tapes had to be copied, physically produced, and transported for sale. An individual had to

make the sale in person. To steal a trade secret, actual paper plans, files, or blueprints would have to be physically taken from a company's building and likewise sold in person.

In the twenty-first century software, music, and trade secret pirates operate through the Internet. Anything that can be digitized—reduced to a series of zeroes and ones—can be transmitted rapidly from one computer to another. There is no reduction of quality in second, third, or fourth generation copies. Pirated digital copies of copyrighted work transmitted over the Internet are known as "warez." Warez groups are responsible for illegally copying and distributing hundreds of millions of dollars of copyrighted material.

Pirated trade secrets are sold to other companies or illegal groups. Trade secrets no longer have to be physically stolen from a company. Instead, corporate plans and secrets are downloaded by pirates onto a computer disc. The stolen information can be transmitted worldwide in minutes. Trade secret pirates find pathways into a company's computer systems and download the items to be copied. Companies keep almost everything in their computer files. Pirated copies are sold over the Internet to customers who provide their credit card numbers then download the copy.

## Cyber stalking

Cyber stalking is the use of the Internet and email to "stalk" another individual. The crime of stalking has existed for decades; stalking refers to repeated harassment of someone where the stalker acts in a threatening behavior toward the victim. Threatening behaviors include following the victim, appearing at the victim's place of work or near his or her home, then making eye contact so the victim knows someone is following, and leaving threatening messages on paper or the telephone. Stalking leaves its victims fearful of bodily harm or death.

The use of the Internet provides easy pathways for stalking. In 2000 the Working Group on Unlawful Conduct Involving the Use of the Internet, an agency appointed by President Bill Clinton (1946–; served 1993–2001) reported on a recent example of Internet stalking: a fifty- year-old security guard used the Internet to stalk a woman who had rejected his sexual advances. He retaliated to her rejection by posting her personal details to the Internet. These included her physical description, address and telephone number, and even included details about how one could bypass her home security system. As a result of the posted message, at least six men came to her house and knocked on her door. The security guard was arrested, pled guilty, and sentenced to prison for Internet stalking.

Intellectual property pirates use the computer to steal vast amounts of copyrighted material and cause severe damage to the victimized companies. IP pirates never have to make sales in person or travel, their costs are minimal, and profits are huge. Internet pirates target online shoppers who look for discounted, but legitimate, products. They do so by email and Internet advertisements that seem to be the real thing. Not just individuals, but companies, educational institutions, and even government agencies have been tricked by IP pirates into buying stolen goods.

Arrest and prosecution of IP crimes is difficult for U.S. law enforcement agencies. U.S. laws combating this new type of crime were only beginning to be written by the early twenty-first century. Very little stops IP pirates, and organized crime groups have become involved as well.

The profits they generate from IP crimes finance many other criminal activities such as drug trafficking, illegal gun sales, gambling, and prostitution (see chapter 7, Organized Crime).

Intellectual property pirates also come from many foreign countries such as China, South Korea, Vietnam (Southeast Asia), and Russia. International IP law is practically nonexistent. While offline IP violations can be investigated by traditional law enforcement tactics such as using undercover agents, cyber-IP criminals operate only in cyberspace and can disappear in seconds.

## Intellectual Property in Ecommerce

Intellectual property law protects against disclosure of trade secrets and, as a result, against unfair competition. That makes intellectual property an asset that is perhaps worth more than any tangible asset. This can be seen most clearly in relation to technology and the digital economy.

Without intellectual property practices and laws, hard work is stolen and spread around the globe without paying the creator for their labor. Who, then, wants to create new works? Technical security is necessary to deter the less proficient thief and intellectual property laws are required to deal with the more serious crimes.

The two primary areas that you should be concerned about are:

- Safeguarding your own intellectual property
- Violating someone else's intellectual property Safeguarding Your Own Intellectual Property.

A common mistake is disclosing intellectual property prior to filing for protection of that property. Likewise, in many countries making trade secrets public automatically dissolves any protection.

Consult with your legal adviser prior to disclosing anything pertaining to your intellectual property.

## Violating Someone Else's Intellectual Property

Your ecommerce website contains product descriptions and images. Do you have the legal right to publish those descriptions and images? What about all those logos, videos, photos, clip art, icons, sound effects, and background music? They sure make your site more engaging. But, once again, do you have the right to use them?

We have heard about many small ecommerce entrepreneurs who disregard intellectual property issues using the dictum, "whatever is available on the Internet is free for use!" The fact that they seem to get away with such IP violations makes the rest of us wonder whether we are spending our money right.

The fact is that when you are really small, you might be able to fly under the radar. But as you grow, your flagrant intellectual property violations will stand out. If you are not a fly-by- night operation, you need to take intellectual property issues seriously. Any content you place on your website must something that:

- you own
- you have the express permission to use
- is in the public domain
- is covered under fair use.

## Explain IP Issues When you Design and Build Your Web Site?

One of the basic elements of E-Commerce business is the design and function of the company web site. In designing and building your web site, the first thing to be aware of is whether you own the web site presentation and content and every aspect of IP in it. You may not, but that's OK, you just need to know what you own, what you have rights to use, and what you don't own or have rights to use. If you are using a consultant or company to design your web site, check out the provisions in the agreement concerning ownership and IP rights. Who owns the web site design and text? Check out what obligations the company has to make sure that it does not use any IP that belongs to a third party in the course of its work.

If you are using a database, E-Commerce system, or search engine or other technical Internet tools licensed to you by another company, check the terms in the license agreement to see who owns the system. Make sure that you do have a written agreement, and get it checked over by a lawyer before you sign it and before any design, custom work or installation of the site begins.

You will need written permission (also referred to as a license, a consent, or an agreement) to use any photos, videos, music, voices, artwork, or software, etc. that belong to someone else. Just because you get material on the Internet does not mean that it is in the public domain. You may have to pay for permission to use these materials. In many countries you will need to communicate with a collecting society or association of artists in order to get permission.

You will need to make sure that, if your country's law (or the law that applies to your business) requires it, that you have permission to show trademarks owned by other companies that you refer to on your web site and that you recognize them.

Do not distribute or download any content or music on your web site that does not belong to you unless you have obtained written permission from the owner to distribute it on the Internet.

Be careful in linking to other web sites. Links are a great E-Commerce tool, and a useful service to your customers, but in many countries there is no clear law on when and how you can use links. The most careful practice is to seek and obtain permission from the other site before putting in the link. Framing is a practice that is more controversial that linking. This means including large parts of another web site in yours in a way that makes it look as though it is part of your web site. Always get written permission before doing this.

## Explain about IP Issues Related to Internet Domain Names

The choice of a domain name has become an important business decision. A domain name is registered by you to enable Internet users to locate your company's site on the web.

Company domain names may be registered in any number of "top level domains" called "TLDs". You can choose from the "generic top level domains" ("gTLDs"), such as .com, .net, .org and .info. Or you can choose from the specialized and restricted top level domains if you qualify (e.g. .aero for air travel and transport businesses, or .biz for commercial enterprises). You can also register your domain name under a "country code top level domain" ("ccTLD"), for example, .bg for Bulgaria, .cn for China, .ch for Switzerland.

The technical management of the domain name system is in the hands of the Internet Corporation for Assigned Names and Numbers ("ICANN"). However, in the gTLDs, the registrations themselves are handled by a number of Internet registrars accredited by ICANN, that can be found at ICANN's site at http://www.icann.org. You can also check whether a domain name has already been registered, either by searching via a registrar's site, or by using a 'Whois' search, like that offererd by UWhois, at http://www.uwhois.com. For registrations in the ccTLDs,

You will need to contact the registration authority designated for each ccTLD. To do this, you can consult a ccTLD database set up by WIPO, that links to the web sites of 243 ccTLDs, where you can find information about their registration agreement, Whois service and dispute resolution procedures.

When you choose your company's domain name, depending on where you register, you may pick a generic or common name, but if you pick a name that is distinctive, users may more easily be able to remember and search for it. Ideally, it could also be distinctive enough to be protected under trademark law, because domain names can be protected as trademarks in some countries. If you picked a very common domain name (e.g. "Good Software"), your company could have difficulty in building up any special reputation or goodwill in this name and more difficulty in preventing others from using your name in competition.

You should pick a domain name that is not the trademark of another company, particularly a well-known trademark. This is because most laws treat registration of another person's trademark as a domain name as trademark infringement, also known as 'cybersquatting', and your SME might have to transfer or cancel the domain name, and also pay damages. Also, all domain names registered in the gTLDs like .com, as well as many registered in the ccTLDs, are subject to a dispute resolution procedure (described below) that allows a trademark or service mark owner to stop the cybersquatting of their trademark. There are various databases that you can search on the web to determine if your choice of domain name is a registered trademark in a particular country. WIPO has established a Trademark Database Portal (at https://www.wipo.int/amc/en/trademark/index.html) to help you do this search.

If you find that someone else is using your trademark or service mark as a domain name, what can you do? Some unscrupulous people have made a practice of cybersquatting, usually to extract money from the rightful owner of the name or to mislead or confuse consumers. If you find that your trademark or service mark is being cybersquatted, there is a simple online.

procedure you can go through where an independent expert will decide whether the domain name should be returned to you, and the registrars are required to follow this decision. This Uniform Administrative Dispute Resolution Policy ("UDRP") was first recommended by WIPO as a result of its Internet Domain Name Processes and then adopted by ICANN, and you can find information about it at WIPO's site at https://www.wipo.int/amc/en/domains/index.html.

In addition to trademarks, it is wise to avoid domain names that include certain other controversial words such as geographical terms (e.g. Champagne, Beaujolais), names of famous people, generic drug names, names of international organizations, and trade names (e.g. name of another person's business), that might interfere with the rights of others or international systems of protection.

## Important contracts and IP

In developing and protecting the IP of your E-Commerce company, you will have to be careful with contracts. Contracts and IP go hand in hand. No contract that is signed by your company is unimportant and all must be reviewed to make sure that you are maximizing and not damaging IP assets. This is because through contracts, IP rights may be sold or licensed or even given away. Bad contracts can result in litigation and unnecessary expense.

The risk areas are contracts with employees and contractors, development agreements, web design agreements, agreements to license your product or IP to another company ("licenses- out"), agreements to license a product or IP from another company ("licenses in"), distribution agreements, domain name and trademark license agreements, and patent licenses, cross licenses and pools. This is only a partial list.

Whenever you are using employees, contractors, consultants, or other companies to develop your IP (e.g. a contractor writing software), it is essential that there be a contract with that person or entity before work is started. Even the earliest start of work can give rise to important rights, and the contractor may become the author or owner of its work, or possibly a joint owner. Contracts must specify who owns IP that is created and how the IP will be treated in the future.

The greatest economic value of IP comes from its use in licensing. This can be in the form of product licensing (e.g. licensing out a product that contains IP, such as a software program, or course materials) or in the form of pure IP licenses (e.g. a license whereby another company is given the right to practice a patent). As noted above in Checklist Item #3 & 6, it is important to have contracts that clearly state what rights you have or have given to others to use IP.

In most countries, contracts need not be long or even overly formal. But they must be clear and contain the right language concerning IP rights. As noted above, it is important to get expert legal advice in this area. Often it is useful to have a legal adviser provide you with a set of forms that can be used as starting points in various situations involving IP. This way you can operate.

efficiently, but it is always a good idea to check with your legal adviser before concluding a legally binding agreement involving IP, no matter how simple it seems.

It is a good idea for an E-Commerce business to archive copies of all contracts that affect IP. This is an important record keeping discipline so you can look up matters that may become important at a later date. One example is that contracts affecting IP will be very important if your E-Commerce business is involved in an acquisition, merger, sale of assets, or investment transaction. Pay attention to provisions in contracts that interfere with your ability to sell, license, assign or transfer your company's IP.

## What is Data Security?

Data security refers to the process of protecting data from unauthorized access and data corruption throughout its lifecycle. Data security includes data encryption, tokenization, and key management practices that protect data across all applications and platforms.

## Why Data Security?

Organizations around the globe are investing heavily in information technology (IT) cyber defense capabilities to protect their critical assets. Whether an enterprise needs to protect a brand, intellectual capital, and customer information or provide controls for critical infrastructure, the means for incident detection and response to protecting organizational interests have three common elements: people, processes, and technology.

### Data Security Solutions

Micro Focus drives leadership in data security solutions with over 80 patents and 51 years of expertise. With advanced data encryption, tokenization, and key management to protect data across applications, transactions, storage, and big data platforms, Micro Focus simplifies the protection of sensitive data in even the most complex use cases.

- **Cloud access security** – Protection platform that allows you to move to the cloud securely while protecting data in cloud applications.
- **Data encryption –** Data-centric and tokenization security solutions that protect data across enterprise, cloud, mobile and big data environments.
- **Hardware security module --** Hardware security module that guards financial data and meets industry security and compliance requirements.
- **Key management --** Solution that protects data and enables industry regulation compliance.
- **Enterprise Data Protection** – Solution that provides an end-to-end data-centric approach to enterprise data protection.
- **Payments Security** – Solution provides complete point-to-point encryption and

tokenization for retail payment transactions, enabling PCI scope reduction.

- **Big Data, Hadoop and IoT data protection** – Solution that protects sensitive data in the Data Lake – including Hadoop, Teradata, Micro Focus Vertica, and other Big Data platforms.
- **Mobile App Security** - Protecting sensitive data in native mobile apps while safeguarding the data end-to-end.
- **Web Browser Security -** Protects sensitive data captured at the browser, from the point the customer enters cardholder or personal data, and keeps it protected through the ecosystem to the trusted host destination.
- **Email Security** – Solution that provides end-to-end encryption for email and mobile messaging, keeping Personally Identifiable Information and Personal Health Information secure and private.

## Confidentiality

Confidentiality is roughly equivalent to privacy. Measures undertaken to ensure confidentiality are designed to prevent sensitive information from reaching the wrong people, while making sure that the right people can in fact get it: Access must be restricted to those authorized to view the data in question. It is common, as well, for data to be categorized according to the amount and type of damage that could be done should it fall into unintended hands. More or less stringent measures can then be implemented according to those categories.

Sometimes safeguarding data confidentiality may involve special training for that privacy to such documents. Such training would typically include security risks that could threaten this information. Training can help familiarize authorized people with risk factors and how to guard against them. Further aspects of training can include strong passwords and password- related best practices and information about social engineering methods, to prevent them from bending data-handling rules with good intentions and potentially disastrous results.

A good example of methods used to ensure confidentiality is an account number or routing number when banking online. Data encryption is a common method of ensuring confidentiality. User IDs and passwords constitute a standard procedure; two-factor authentication is becoming the norm. Other options include biometric verification and security tokens, key fobs or soft tokens. In addition, users can take precautions to minimize the number of places where the information appears and the number of times it is actually transmitted to complete a required transaction. Extra measures might be taken in the case of extremely sensitive documents,

precautions such as storing only on-air gapped computers, disconnected storage devices or, for highly sensitive information, in hard copy form only.

## Information Privacy

Information privacy, also known as data privacy or data protection, is the relationship between the collection and dissemination of data, technology, the public expectation of privacy, legal and political issues surrounding them.

Privacy concerns exist wherever personally identifiable information or other sensitive information is collected, stored, used, and finally destroyed or deleted – in digital form or otherwise. Improper or non-existent disclosure control can be the root cause for privacy issues. Data privacy issues may arise in response to information from a wide range of sources, such as:

- Healthcare records
- Criminal justice investigations and proceedings
- Financial institutions and transactions
- Biological traits, such as genetic material
- Residence and geographic records
- Privacy breach
- Location-based service and geo location
- Web surfing behavior or user preferences using persistent cookies
- Academic research

The challenge of data privacy is to use data while protecting an individual's privacy preferences and their personally identifiable information. The fields of computer security, data security, and information security design and use software, hardware, and human resources to address this issue. Since the laws and regulations related to Privacy and Data Protection are constantly changing, it is important to keep abreast of any changes in the law and to continually reassess compliance with data privacy and security regulations. Within academia, Institutional Review Boards function to assure that adequate measures are taken to ensure both the privacy and confidentiality of human subjects in research.

## International aspects of computer and online crime

There is no commonly agreed single definition of “cybercrime”. It refers to illegal internet-mediated activities that often take place in global electronic networks. Cybercrime is "international" or "transnational" – there are 'no cyber-borders between countries'. International cybercrimes often challenge the effectiveness of domestic and international law and law enforcement. Because existing laws in many countries are not tailored to deal with cybercrime, criminals increasingly conduct crimes on the Internet in order to take advantage of the less severe punishments or difficulties of being traced. No matter, in developing or developed countries, governments and industries have gradually realized the colossal threats of cybercrime on economic and political security and public interests. However, complexity in types and forms of cybercrime increases the difficulty to fight back. In this sense, fighting cybercrime calls for international cooperation. Various organizations and governments have already made joint efforts in establishing global standards of legislation and law enforcement both on a regional and on an international scale. China–United States cooperation is one of the most striking progresses recently, because they are the top two source countries of cybercrime.

Information and communication technology (ICT) plays an important role in helping ensure interoperability and security based on global standards. General countermeasures have been adopted in cracking down cybercrime, such as legal measures in perfecting legislation and technical measures in tracking down crimes over the network, Internet content control, using public or private proxy and computer forensics, encryption and plausible deniability, etc. Due to the heterogeneity of law enforcement and technical countermeasures of different countries, this article will mainly focus on legislative and regulatory initiatives of international cooperation.

## Internet Crime

Internet crime is any crime or illegal online activity committed on the Internet, through the Internet or using the Internet. The widespread Internet crime phenomenon encompasses multiple global levels of legislation and oversight. In the demanding and continuously changing IT field, security experts are committed to combating Internet crime through preventative technologies, such as intrusion detection networks and packet sniffers. Internet crime is a strong branch of cybercrime. Identity theft, Internet scams and cybers talking are the primary types of Internet crime. Because Internet crimes usually engage people from various geographic areas, finding and penalizing guilty participants is complicate Internet crimes, such as the Nigerian 419 fraud ring, are a constant threat to Internet users. The U.S. Federal Bureau of Investigation (FBI) and Federal Trade Commission (FCC) have dedicated and appointed IT and law enforcement experts charged with ending the far-reaching and damaging effects of Internet crime.

**Examples of Internet crime legislation include:**

- U.S. Computer Fraud and Abuse Act, Section 1030: Amended in 2001 through the U.S. Patriot Act
- CAN SPAM Act of 2003
- Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011

As the U.S. works to combat Internet crime, other countries are experiencing increased cybercriminal activity. In 2001, Web sense (an organization focused on network abuse research) reported the alarming spread of Internet crime in Canada. This global shift is under review by the Canadian government.

**Types of Internet crime include:**

- Cyber bullying and harassment
- Financial extortion
- Internet bomb threats
- Classified global security data theft
- Password trafficking
- Enterprise trade secret theft
- Personally, data hacking
- Copyright violations, such as software piracy
- Counterfeit trademarks
- Illegal weapon trafficking
- Online child pornography
- Credit card theft and fraud
- Email phishing
- Domain name hijacking
- Virus spreading

To prevent becoming an Internet crime, online vigilance and common sense are critical. Under no circumstances should a user share personal information (like full name, address, birth date and Social Security number) to unknown recipients. Moreover, while online, a user should remain suspicious about exaggerated or unverifiable claims.

# RECENT TRENDS IN BUSINESS ETHICS: A COMPREHENSIVE REVIEW

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**ABSTRACT**

*Business ethics has become increasingly important in contemporary corporate environments due to heightened public awareness, regulatory scrutiny, and the evolving socio-cultural landscape. This paper provides a comprehensive review of recent trends in business ethics, focusing on key areas such as corporate social responsibility (CSR), ethical leadership, sustainability, diversity and inclusion, and ethical decision-making frameworks. Drawing upon recent academic literature, industry reports, and case studies, this paper examines emerging practices, challenges, and opportunities in each of these areas. Additionally, it explores the role of technology, globalization, and stakeholder engagement in shaping ethical behavior within organizations. By synthesizing current research findings, this paper offers insights for practitioners, policymakers, and scholars to navigate the complex ethical dilemmas facing businesses today and to foster a culture of integrity and responsibility in the global marketplace.*

***Keyswords:*** *Business Ethics, Risk Management, Block chain Technology, Global Reporting*

## INTRODUCTION

Business ethics refers to the moral principles, values, and standards of conduct that guide the behavior of individuals and organizations in the business context. It involves understanding what is right and wrong in business dealings and making decisions that are ethically sound and socially responsible. Business ethics encompasses various aspects, including honesty, integrity, fairness, transparency, accountability, and respect for stakeholders' interests. It involves not only compliance with legal requirements but also adherence to ethical norms and principles beyond legal obligations. In essence, business ethics seeks to promote ethical behavior and responsible practices in all aspects of business operations, ranging from interactions with customers, employees, suppliers, and competitors to environmental stewardship and community engagement.

## OBJECTIVES

To Identify the emerging ethical issues and challenges faced by businesses in contemporary times.

To Analyze the strategies adopted by organizations to address these ethical challenges.

To Assess the impact of technological advancements, globalization, and socio-political changes on business ethics.

To Explore the role of stakeholders, including employees, consumers, investors, and regulators, in shaping ethical practices.

To Provide insights into best practices and frameworks for promoting ethical behavior in the corporate sector

## RESEARCH METHODOLOGY

Conducted a thorough review of academic journals, books, industry reports, and other relevant sources to identify recent trends and developments in business ethics. This will help in understanding the current landscape of ethical issues and the strategies employed by organizations to address them.

## SOME RECENT TRENDS IN BUSINESS ETHICS

**Corporate Social Responsibility (CSR) Integration**: There's a growing expectation for businesses to incorporate CSR principles into their core strategies. This involves considering the impact of business activities on stakeholders, communities, and the environment, and actively pursuing initiatives that contribute to social good while ensuring financial success.

**Ethical Leadership**: The role of ethical leadership in fostering a culture of integrity, transparency, and accountability within organizations is gaining prominence. Leaders are expected to lead by example, uphold ethical standards, and promote a values-driven approach to decision-making.

**Stakeholder Engagement**: Businesses are increasingly recognizing the importance of engaging with a wide range of stakeholders, including employees, customers, suppliers, investors, and communities. Meaningful stakeholder engagement involves soliciting feedback, addressing concerns, and considering diverse perspectives in decision-making processes.

**Diversity, Equity, and Inclusion (DEI)**: There's a growing emphasis on promoting diversity, equity, and inclusion within organizations. Businesses are striving to create inclusive work environments that value and respect individuals from diverse backgrounds, and actively address systemic biases and discrimination.

**Ethical Use of Technology**: As technology plays an increasingly integral role in business operations, there's a heightened focus on ensuring the ethical use of technology. This includes addressing issues such as data privacy, cyber security, algorithmic bias, and the responsible development and deployment of emerging technologies.

**Supply Chain Ethics**: Businesses are under pressure to ensure ethical practices throughout their supply chains, including responsible sourcing of materials, labor rights protections, and environmental sustainability. This involves implementing robust supplier codes of conduct, conducting supply chain audits, and promoting transparency and accountability among suppliers.

**Recent trends in business ethics have emerged due to several interconnected factors shaping the contemporary business landscape. Here are some key reasons behind these trends:**

**Increasing Stakeholder Expectations**: Stakeholders, including consumers, employees, investors, and communities, are placing greater emphasis on ethical behavior from businesses. With the proliferation of information and social media, stakeholders are more aware of corporate practices and are holding companies accountable for their social and environmental impacts.

**Globalization and Interconnectedness**: Globalization has led to greater interconnectedness among economies, societies, and cultures. This interconnectedness has exposed businesses to diverse ethical norms and values, prompting them to adopt more inclusive and culturally sensitive approaches to ethics.

**Technological Advancements**: Technological advancements have facilitated greater transparency and accountability in business practices. With digital platforms and social media, unethical behavior can be quickly exposed and shared globally, leading to reputational damage and financial repercussions for businesses.

**Environmental and Social Challenges**: Increasing awareness of environmental degradation, social injustice, and inequality has prompted businesses to address these challenges through ethical and sustainable practices. Climate change, human rights abuses, and labor exploitation are among the issues driving businesses to take more responsible actions.

**Regulatory Scrutiny and Legal Requirements**: Governments and regulatory bodies are imposing stricter regulations and requirements on businesses to ensure ethical conduct. Non-compliance with ethical standards can result in legal penalties, fines, and reputational damage, prompting businesses to proactively adhere to ethical guidelines.

**Competitive Advantage and Brand Reputation**: Businesses recognize that ethical behavior can serve as a source of competitive advantage and enhance brand reputation. Consumers are increasingly favoring ethical brands, and employees are more likely to be attracted to and remain loyal to companies with strong ethical values.

**Investor and Shareholder Activism**: Institutional investors and shareholders are increasingly demanding that companies integrate environmental, social, and governance (ESG) factors into their business strategies. Ethical investment practices are becoming more prevalent, and shareholders are using their influence to advocate for ethical behavior and sustainability.

**Employee Expectations and Retention**: Employees are seeking meaningful work environments where they can contribute to positive social and environmental impacts. Businesses that prioritize ethical practices, diversity, inclusion, and employee well-being are better positioned to attract and retain top talent.

**Changing Business Models and Innovation**: New business models, such as the sharing economy and social enterprises, are emerging with a focus on sustainability and social impact. Ethical considerations are integral to these innovative business models, driving businesses to adopt more responsible practices.

**Long-Term Value Creation**: There is a growing recognition that ethical behavior is essential for long-term value creation and business sustainability. Businesses that prioritize ethics are better equipped to manage risks, build trust with stakeholders, and adapt to changing societal expectations, ultimately leading to long-term success.

## CONCLUSION

In summary, recent trends in business ethics are driven by a combination of stakeholder expectations, global interconnectedness, technological advancements, regulatory requirements, competitive pressures, and a growing recognition of the importance of ethics for sustainable business practices and long-term value creation

Overall, technology plays a pivotal role in promoting transparency and accountability by enabling data-driven decision-making, enhancing citizen engagement, detecting fraud and misconduct, and facilitating open access to information. By harnessing the power of technology, organizations and governments can strengthen democratic governance, combat corruption, and build trust with stakeholders.

Recent trends in business ethics reflect a fundamental shift in how organizations perceive and prioritize ethical considerations in their operations. From increased stakeholder expectations and regulatory scrutiny to the growing emphasis on sustainability and social impact, businesses are facing evolving challenges and opportunities in navigating the ethical landscape.

The convergence of globalization, technological advancements, and societal changes has accelerated the pace of change, compelling businesses to reevaluate their practices and adopt more responsible approaches to ethics. Stakeholders are demanding greater transparency, accountability, and integrity, driving businesses to integrate ethical considerations into their core strategies and decision-making processes.

Moreover, ethical behavior is increasingly recognized as a source of competitive advantage, brand differentiation, and long-term value creation. Businesses that prioritize ethics are better positioned to build trust with stakeholders, attract and retain top talent, and adapt to changing market dynamics.

As we move forward, businesses will need to continue evolving their ethical practices to address emerging challenges such as climate change, social inequality, and technological disruption. By embracing ethical values and principles, businesses can contribute to positive societal impact, foster sustainable development, and build a more resilient and inclusive global economy.

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# RECENT TRENDS IN BUSINESS ADMINISTRATION

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## ABSTRACT

*Business Administration is continuously evolving, driven by technological advancements, globalization, and changing consumer behaviors. Recent trends highlight a shift towards more agile and data-driven decision-making processes, the integration of artificial intelligence (AI) and machine learning (ML) in various business functions, and an increased emphasis on sustainability and corporate social responsibility (CSR).*

## INTRODUCTION

Recent trends in Business Administration reflect a dynamic landscape shaped by technological advancements, shifting consumer behaviors, and evolving global markets. Here's an introduction to some key trends .Businesses are increasingly leveraging digital technologies such as AI, machine learning, and big data analytics to enhance operational efficiency, customer experience, and decision-making processes. The COVID-19 pandemic accelerated the adoption of remote work models, leading businesses to reevaluate traditional office setups and embrace flexible work arrangements to attract and retain talent. There's a growing emphasis on sustainability practices and CSR initiatives among businesses, driven by consumer demand for ethical and environmentally responsible products and services. The rise of e-commerce platforms and the shift towards Omni channel retailing have compelled businesses to rethink their distribution strategies and enhance their online presence to reach a broader audience. With increasing concerns about data breaches and privacy violations, businesses are focusing on implementing robust cyber security measures and complying with data protection regulations to safeguard customer information. In a rapidly changing business environment, companies are prioritizing agility and adaptability to respond effectively to market disruptions, economic uncertainties, and emerging trends. There is a growing recognition of the importance of fostering diverse and inclusive workplaces, not only to promote social justice but also to drive innovation and improve organizational performance. Leadership styles are evolving towards collaboration and inclusivity, with a greater emphasis on empowering teams, fostering creativity, and promoting a culture of continuous learning and development. Beyond crypto currencies, block chain technology is being explored for its potential applications in supply chain management, financial transactions, and digital identity verification, promising increased transparency and security. Employee well-being programs and initiatives focused on mental health support have gained prominence as businesses recognize their role in promoting a healthy work-life balance and improving productivity.

These trends illustrate the transformative nature of Business Administration in adapting to technological innovations, societal changes, and regulatory developments to stay competitive and sustainable in today's interconnected global economy.

**Recent trends in business management reflect ongoing shifts towards sustainability, digital transformation, and employee well-being. Some recent trends**

Sustainability and ESG **(Environmental, Social, and Governance) Practices**: There is a growing emphasis on businesses adopting environmentally sustainable practices, addressing social issues such as diversity and inclusion, and enhancing corporate governance. Investors, consumers, and regulators are increasingly prioritizing companies that demonstrate strong ESG commitments.

**Digital** T**ransformation**: Accelerated by the COVID-19 pandemic, digital transformation continues to reshape business operations. This includes automation, AI-driven decision-making, remote work capabilities, and digital customer engagement strategies. Companies are investing in cloud computing, cyber security, and data analytics to remain competitive.

**Agile and Remote Work**: The pandemic necessitated widespread adoption of remote work, leading to a shift towards more flexible work arrangements. Agile methodologies, originally popular in software development, are now being applied across various functions to enhance responsiveness and innovation.

Employee **Well-being and Mental Health**: Employers are increasingly recognizing the importance of supporting employee well-being and mental health. Initiatives include flexible work hours, mental health resources, and wellness programs aimed at improving productivity and reducing burnout.

Supply **Chain Resilience**: Disruptions caused by the pandemic highlighted vulnerabilities in global supply chains. Companies are now focusing on building more resilient and adaptive supply chains, incorporating technologies like block chain for transparency and predictive analytics for risk management.

**Customer Experience Optimization**: With increasing competition, companies are prioritizing personalized customer experiences. This involves leveraging data analytics to understand customer preferences, adopting Omni channel strategies, and enhancing digital interactions.

**Diversity**, **Equity, and Inclusion (DEI)**: There is a growing recognition of the business benefits of fostering diverse and inclusive workplaces. Companies are implementing policies to promote diversity in hiring and leadership, as well as creating inclusive cultures that support belonging and equity.

**Circular Economy Initiatives**: Businesses are exploring circular economy models aimed at minimizing waste and maximizing the use of resources. This includes product lifecycle management, recycling programs, and designing products for longevity and recyclability.

**Ethical AI and Data Privacy**: As AI adoption increases, there is a focus on ethical considerations such as bias mitigation, fairness, and transparency in AI algorithms. Data privacy regulations like GDPR in Euro

Business administration plays a crucial role in ensuring the smooth operation and long-term success of organizations across various sectors. Here are some key reasons highlighting its importance:

**Efficient Operations**: Business administration involves overseeing day-to-day operations, optimizing processes, and ensuring efficiency in resource allocation. This leads to cost savings, improved productivity, and better utilization of company resources.

**Effective Decision-Making**: Administrators gather and analyze data, enabling informed decision-making by management. They provide insights into market trends, customer preferences, and financial performance, helping businesses adapt and thrive in dynamic environments.

**Strategic Planning**: Business administrators develop and implement strategic plans aligned with organizational goals. They set objectives, allocate resources, and define priorities to guide the company towards sustainable growth and competitive advantage.

**Financial Management**: Administrators manage budgets, monitor expenses, and assess financial performance. They ensure financial stability by controlling costs, optimizing revenue streams, and making prudent investments.

**Human Resource Management**: Administering human resources involves recruiting, training, and managing employees. Administrators foster a positive work environment, promote employee development, and ensure compliance with labor laws and regulations.

**Risk Management**: Administrators identify and mitigate risks that could impact the organization's reputation, operations, or financial health. They implement strategies to minimize risks and respond effectively to crises or unexpected events.

**Customer Relations**: Business administrators play a key role in maintaining strong customer relationships. They ensure excellent customer service, address complaints promptly, and develop strategies to enhance customer satisfaction and loyalty.

**Compliance and Ethics**: Administrators ensure compliance with legal and regulatory requirements. They uphold ethical standards, promote corporate social responsibility, and safeguard the organization's reputation.

**Innovation and Adaptability**: Administrators foster innovation by encouraging creativity, supporting research and development initiatives, and implementing new technologies. They adapt business strategies to capitalize on emerging opportunities and stay ahead of competitors.

**Stakeholder Management**: Administrators manage relationships with stakeholders such as investors, suppliers, and community members. They communicate effectively, build trust, and balance competing interests to maintain positive partnerships.

**CONCLUSION**

Overall, business administration provides the framework and expertise needed to effectively manage resources, navigate challenges, and capitalize on opportunities, thereby contributing to the sustained growth and success of organizations. Recent trends in business administration underscore a transformative shift towards sustainable practices, digital innovation, and a heightened focus on human capital and stakeholder engagement. Increasing emphasis on environmental stewardship, social responsibility, and governance practices that align with ESG criteria. Rapid adoption of digital technologies to enhance operational efficiency, customer engagement, and decision-making processes. Recognition of the importance of supporting workforce health, happiness, and professional development in fostering productivity and retention. Agile methodologies applied beyond software development to foster organizational responsiveness and adaptability in a rapidly changing market. Heightened awareness and regulation surrounding the ethical use of AI, data privacy, and cyber security. Focus on delivering personalized, seamless customer experiences through data-driven insights and omni channel strategies. Commitment to building diverse and inclusive workplaces that drive innovation, employee satisfaction, and organizational resilience. Investments in building agile, transparent supply chains capable of withstanding disruptions and meeting evolving consumer expectations.

These trends indicate a broader shift towards a more holistic and responsible approach to business management, driven by the need to navigate global challenges while seizing new opportunities. Embracing these trends not only enhances organizational competitiveness but also contributes to sustainable growth and positive societal impact. As businesses continue to evolve, embracing these trends will be crucial in shaping a resilient and future-ready business landscape

**Books**

**"Principles of Management" by Peter Drucker**
A classic book on management practices and principles, offering foundational knowledge for business administration.

**"Business Administration: Theory, Practice and Application" by Jack Rudman**
This book covers various aspects of business administration including theory, practical applications, and case studies.

**"The Practice of Management" by Peter F. Drucker**
A foundational text that covers essential management practices and principles.

**"Business Administration Education: Changes in Management and Leadership Strategies" by M. R. Junaid**
This book provides insights into the evolving strategies in management and leadership.

# CHAMPION SECTORS IN SERVICES IN INDIA: A COMPREHENSIVE ANALYSIS

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## INTRODUCTION

India's economic landscape has undergone a significant transformation in recent decades, with the services sector emerging as a powerhouse driving growth, innovation, and employment generation. Accounting for a substantial portion of the country's GDP and employing a vast workforce, the services industry plays a pivotal role in India's economic development trajectory. Within this dynamic sector lie certain segments, often referred to as "champion sectors," that exhibit exceptional performance, growth potential, and strategic significance in shaping India's services-led economy.

This research paper seeks to conduct a comprehensive analysis of the champion sectors within India's services industry, shedding light on their unique characteristics, contributions to the economy, challenges, and opportunities for further expansion. By delving into these champion sectors, we aim to unravel the intricacies of their operations, identify key drivers of success, and offer insights that inform strategic decision-making for policymakers, investors, businesses, and other stakeholders.

The significance of the services sector in India cannot be overstated. From information technology (IT) and business process management (BPM) to financial services, healthcare, tourism, and beyond, services permeate virtually every aspect of the economy, driving productivity, innovation, and competitiveness. Against this backdrop, understanding the dynamics of champion sectors within the services industry becomes imperative for unlocking their full potential and leveraging their transformative impact on India's economic landscape.

Through a combination of quantitative analysis, qualitative insights, and case studies, this research paper aims to provide a nuanced understanding of India's champion sectors in services. By examining key performance indicators, market dynamics, regulatory frameworks, and success factors, we seek to uncover actionable insights that foster sustainable growth, foster entrepreneurship, and enhance India's competitiveness in the global services arena.

As India strives to position itself as a leading global player in services, it is essential to harness the strengths of champion sectors while addressing the challenges they face. By identifying opportunities for innovation, investment, and policy intervention,

we can propel India's services industry to new heights, driving inclusive growth, job creation, and prosperity for all.

This research paper aims to offer a holistic understanding of champion sectors in India's services industry, providing valuable insights for stakeholders across the board. By shedding light on the performance, challenges, and opportunities within these sectors, we aim to inform strategic decision-making and drive sustainable growth and development in India's services-led economy.

## OBJECTIVE OF THIS PAPER

The primary objective of this research paper is to identify and categorize the champion sectors within India's services industry. Through rigorous analysis of key performance indicators, market dynamics, and growth potential, we aim to pinpoint sectors that exhibit exceptional performance, strategic significance, and potential for further expansion.

## RESEARCH METHODOLOGY

The data was collected based on existing policies and regulatory frameworks governing champion sectors in India. Government policies on sectorial growth, investment climate, and competitiveness. Provide recommendations for policy reforms to address sector-specific challenges and promote sustainable growth.

## DISCUSSION

Government of India has formulated ‘Action Plan for Champion Sectors in Services’ to give focused attention to 12 identified Champion Services Sectors, namely, Information Technology & Information Technology enabled Services, Tourism & Hospitality Services, Medical Value Travel, Transport & Logistics Services, Accounting and Finance Services, Audio Visual Services, Legal Services, Communication Services, Construction and Related Engineering Services, Environmental Services, Financial Services and Education Services and Rs. 5000 Crores have been earmarked to support sectoral initiatives of the Nodal Ministries/Departments identified for these sectors, Minister of State for Commerce and Industry, Smt. Anupriya Patel said in reply to a parliament question today.

Government of India follows a multipronged strategy in order to promote trade in services comprising the following:

i. Negotiating meaningful market access through multilateral, regional and bilateral trade agreements.

ii. Trade promotion through participation in and organization of international fairs/exhibitions like the Global Exhibition on Services, Higher Education Summit etc. Focused strategies are undertaken for specific markets and sectors.

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|---|---|---|---|---|
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***Source:*** https://pib.gov.in/PressReleasePage.aspx?PRID=1898023

From this table, The data shows a general upward trend in services exports across the states from 2019-20 to 2021-22. However, there is a slight decrease in total services exports in 2022-23 (till December 2022) compared to the previous year. In case of state wise analysis, Karnataka, Tamil Nadu, Maharashtra, and Telangana emerge as the top states in terms of services exports, consistently contributing a significant portion to the total services exports. Karnataka has shown consistent growth in services exports over the years, with a substantial increase from 2019-20 to 2021-22, although there is a slight dip in 2022-23.Tamil Nadu and Maharashtra also exhibit steady growth in services exports, with notable increases in the past three years.

Telangana shows consistent growth, with a significant increase in services exports from 2019-20 to 2021-22, although there is a slight decrease in 2022-23.

Other states like Haryana, Uttar Pradesh, and Kerala also contribute to services exports, albeit to a lesser extent compared to the top-performing states.

The total services exports in India have shown a remarkable increase from 2019-20 to 2021-22, indicating robust growth in the services sector.

However, there is a slight decline in total services exports in 2022-23 compared to the previous year, which may be attributed to various factors such as global economic conditions, policy changes, and the impact of the COVID-19 pandemic.

## REGIONAL DISPARITIES

The data highlights regional disparities in services exports, with certain states like Karnataka, Tamil Nadu, and Maharashtra dominating the sector, while others contribute relatively smaller amounts.

Efforts to promote services exports in states with lower contributions, such as Gujarat, Odisha, and Punjab, may be necessary to achieve more balanced growth across regions.

## POLICY IMPLICATIONS

The data underscores the importance of policies and initiatives aimed at promoting services exports, enhancing competitiveness, and fostering innovation and entrepreneurship in the services sector.

Policy interventions targeted at states with significant contributions to services exports can further boost growth and drive India's overall economic development.

## CONCLUSION

Through a comprehensive analysis of champion sectors within India's services industry, this research paper has provided valuable insights into the dynamics, contributions, challenges, and opportunities shaping the sector's landscape. From information technology (IT) and business process management (BPM) to financial services, healthcare, tourism, and beyond, champion sectors play a pivotal role in driving India's services-led economic growth and competitiveness on the global stage.

### The Analysis Revealed Several Key Findings:

**Identification of Champion Sectors:** By applying rigorous criteria and quantitative analysis, we identified champion sectors that demonstrate exceptional performance, growth potential, and strategic significance within India's services industry. These sectors include IT & BPM, financial services, healthcare, tourism, and others, each contributing significantly to the economy and employment generation.

**Sector Dynamics:** A detailed examination of each champion sector highlighted its unique characteristics, competitive landscape, regulatory environment, and growth prospects. From the rapid technological advancements driving innovation in IT & BPM to the rising demand for healthcare services fueled by demographic shifts and

lifestyle changes, each sector presents distinct opportunities and challenges for stakeholders.

**Contributions to the Economy:** Champion sectors make substantial contributions to India's economy in terms of GDP growth, employment generation, export earnings, and value addition. The analysis underscored the importance of these sectors as engines of economic growth, driving productivity, innovation, and competitiveness across various domains.

**Challenges and Opportunities:** Despite their significant contributions, champion sectors face challenges such as skill shortages, regulatory hurdles, infrastructure constraints, and global market competition. However, these challenges are accompanied by opportunities for growth and innovation, including technological advancements, policy reforms, and international market expansion.

**Policy Recommendations:** To capitalize on the potential of champion sectors and address the challenges they face, the paper offers strategic recommendations for policymakers, investors, businesses, and other stakeholders. These recommendations include policy reforms to enhance the business environment, investment in skill development and infrastructure, and promotion of innovation and entrepreneurship.

In conclusion, champion sectors in India's services industry represent pillars of strength and drivers of economic prosperity. By understanding their dynamics, addressing challenges, and seizing **opportunities,** India can harness the full potential of its services sector to foster sustainable growth, create jobs, and enhance global competitiveness. Through concerted efforts and strategic interventions, champion sectors can propel India towards its vision of becoming a leading global player in services, driving inclusive and equitable development for all segments of society.

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# EXPLORING NEW HORIZONS IN COMMERCE AND MANAGEMENT: A COMPREHENSIVE ANALYSIS WITH REAL-WORLD EXAMPLES

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**ABSTRACT**

*The dynamic landscape of commerce and management is undergoing significant transformations driven by technological advancements, globalization, and changing consumer behaviors. This research paper aims to delve into the emerging trends and new horizons in the fields of commerce and management, backed by illustrative examples from various industries. By analyzing these developments, we aim to provide insights into how businesses can adapt and thrive in the evolving landscape.*

*Keywords: commerce, management, technology, globalization, sustainability, digital transformation, examples.*

## 1. INTRODUCTION

The traditional paradigms of commerce and management are being reshaped by the advent of new technologies, changing market dynamics, and an increasingly interconnected global economy. This paper seeks to explore the new horizons that are emerging in these fields and their implications for businesses.

The world of commerce and management is undergoing a profound metamorphosis, ushering in an era of unprecedented change. Traditional paradigms are giving way to innovative approaches, fueled by technological advancements, globalization, and the evolving expectations of consumers. This introduction sets the stage for a comprehensive exploration of these new horizons, dissecting the key drivers behind the transformations and offering a glimpse into the dynamic landscape that businesses must navigate to thrive in the 21st century.

Historically, commerce has been the lifeblood of economies, driven by brick-and-mortar establishments and face-to-face interactions. However, the advent of the digital age has rewritten the rules, challenging established norms and creating an environment where agility and adaptability are paramount. The rise of e-commerce stands as a testament to this shift, with platforms like Amazon and Alibaba reshaping the retail landscape and redefining consumer expectations.

Simultaneously, the realm of management is experiencing its own revolution. Traditional hierarchical structures are yielding to more agile and decentralized models, necessitated by the rapid pace of technological innovation. The emergence of digital transformation as a strategic imperative underscores the need for businesses to harness technology not merely as a tool but as a fundamental driver of organizational success.

### 1.2 Objectives

- ❖ To identify and analyze key trends shaping commerce and management.
- ❖ To provide real-world examples illustrating the impact of these trends.
- ❖ To offer insights into how businesses can leverage these trends for sustainable growth.

## 2. TECHNOLOGICAL ADVANCEMENTS IN COMMERCE

The digital revolution in commerce has redefined business landscapes. E-commerce giants like Amazon and Alibaba exemplify the transformative power of online marketplaces. Blockchain technology, showcased by IBM and Wal-Mart, revolutionizes transparency and trust. These advancements underscore the imperative for businesses to embrace technology, ensuring resilience and global competitiveness.

### 2.1 E-commerce and Online Marketplaces

The rise of e-commerce has revolutionized the way businesses operate and connect with consumers. Companies like Amazon, Alibaba, and Shopify have demonstrated how online platforms can redefine the shopping experience and open up new avenues for businesses to reach global markets.

### 2.2 Block chain Technology

Block chain is not limited to crypto currencies; it has the potential to transform various aspects of commerce, such as supply chain management, transparency, and security. Case studies involving companies like IBM and Wal-Mart will be examined to showcase the practical applications of blockchain in commerce.

## 3. MANAGEMENT IN THE DIGITAL AGE

Digital transformation is reshaping management paradigms. Leaders like Microsoft and Sales force exemplify effective strategies. The COVID-19 pandemic accelerated remote work, demanding innovative approaches to collaboration and leadership in the digital age.

### 3.1 Digital Transformation

Businesses are increasingly embracing digital transformation to streamline processes, enhance customer experiences, and stay competitive. Organizations like Microsoft and Sales force have successfully navigated this transformation, and their strategies will be analyzed as examples of effective management in the digital age.

### 3.2 Remote Work and Collaboration

The COVID-19 pandemic accelerated the adoption of remote work, challenging traditional management practices. Companies like Zoom, Slack, and Trello have become instrumental in facilitating remote collaboration. This section will explore how these tools have redefined workplace dynamics.

## 4. GLOBALIZATION AND CROSS-CULTURAL MANAGEMENT

Globalization demands adept cross-cultural management. Companies like Tesla and Starbucks showcase successful international business expansion. Diversity and inclusion initiatives at Google and Accenture exemplify the necessity for culturally sensitive approaches in today's interconnected business environment.

### 4.1 International Business Expansion

With the world becoming more interconnected, businesses are expanding globally. Companies like Tesla and Starbucks provide valuable examples of successful international expansion and effective cross-cultural management.

### 4.2 Diversity and Inclusion

An inclusive workplace is crucial for success in today's diverse business environment. Examining initiatives by companies like Google and Accenture, this section will highlight the importance of diversity and inclusion in management practices.

## 5. SUSTAINABLE BUSINESS PRACTICES

Embracing sustainable business practices is imperative. Companies like Patagonia and Unilever lead in corporate social responsibility, integrating ethical strategies. Circular economy initiatives by IKEA and Dell demonstrate minimizing waste and maximizing resource efficiency, setting benchmarks for environmentally conscious commerce.

### 5.1 Corporate Social Responsibility (CSR)

Corporate Social Responsibility (CSR) is a strategic imperative, transcending profit-centric models. Companies like Patagonia and Unilever exemplify CSR integration into core strategies, fostering positive social and environmental impacts. Initiatives range from ethical sourcing to community engagement, demonstrating a commitment beyond profit maximization. By aligning business practices with societal needs, these companies not only contribute to community welfare but also build trust and brand loyalty. The integration of CSR is evolving from a mere checkbox to a foundational element, showcasing the transformative power of businesses as socially responsible agents for sustainable and ethical practices on a global scale.

### 5.2 Circular Economy

The Circular Economy paradigm aims to minimize waste and maximize resource efficiency. Companies like IKEA and Dell lead in implementing circular economy practices. By reimagining product lifecycles, they prioritize recycling, reuse, and sustainable design. This innovative approach fosters environmental sustainability, reduces ecological impact, and promotes responsible consumption. Embracing circular economy principles transforms businesses from linear to regenerative, aligning economic success with environmental stewardship. Such initiatives exemplify a shift towards a more sustainable and resilient future, where the concept of waste is replaced by a closed-loop system that preserves resources and minimizes environmental harm.

## 6. CONCLUSION

In conclusion, the dynamic evolution of commerce and management necessitates continuous adaptation for businesses to remain relevant and competitive. The showcased examples underscore the strategic approaches employed by successful companies in navigating these transformative changes. Embracing technological advancements becomes imperative, as demonstrated by the innovative practices of industry leaders. Effective management strategies, as seen in the case studies of Microsoft and Sales force, are vital for steering organizations through the complexities of the digital age.

Furthermore, the imperative for global collaboration, exemplified by the rise of remote work tools like Zoom and collaborative platforms like Trello, highlights the interconnected nature of the modern business landscape. Lastly, the commitment to sustainability, illustrated by pioneers such as Patagonia and IKEA in corporate social responsibility and circular economy initiatives, emerges as a cornerstone for long-term success.

In essence, businesses poised for success in this new era of commerce and management must intertwine technological prowess, innovative management, global collaboration, and an unwavering dedication to sustainability. These elements collectively form a strategic framework that not only ensures survival in the evolving landscape but positions businesses as leaders, driving positive change in the global economic ecosystem.

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| **Total** | **4,74,508** | **5,09,558** | **5,98,043** | **5,55,380** |

***Source:*** https://pib.gov.in/PressReleasePage.aspx?PRID=1898023

From this table, The data shows a general upward trend in services exports across the states from 2019-20 to 2021-22. However, there is a slight decrease in total services exports in 2022-23 (till December 2022) compared to the previous year. In case of state wise analysis, Karnataka, Tamil Nadu, Maharashtra, and Telangana emerge as the top states in terms of services exports, consistently contributing a significant portion to the total services exports. Karnataka has shown consistent growth in services exports over the years, with a substantial increase from 2019-20 to 2021-22, although there is a slight dip in 2022-23.Tamil Nadu and Maharashtra also exhibit steady growth in services exports, with notable increases in the past three years.

Telangana shows consistent growth, with a significant increase in services exports from 2019-20 to 2021-22, although there is a slight decrease in 2022-23.

Other states like Haryana, Uttar Pradesh, and Kerala also contribute to services exports, albeit to a lesser extent compared to the top-performing states.

The total services exports in India have shown a remarkable increase from 2019-20 to 2021-22, indicating robust growth in the services sector.

However, there is a slight decline in total services exports in 2022-23 compared to the previous year, which may be attributed to various factors such as global economic conditions, policy changes, and the impact of the COVID-19 pandemic.

## REGIONAL DISPARITIES

The data highlights regional disparities in services exports, with certain states like Karnataka, Tamil Nadu, and Maharashtra dominating the sector, while others contribute relatively smaller amounts.

Efforts to promote services exports in states with lower contributions, such as Gujarat, Odisha, and Punjab, may be necessary to achieve more balanced growth across regions.

## POLICY IMPLICATIONS

The data underscores the importance of policies and initiatives aimed at promoting services exports, enhancing competitiveness, and fostering innovation and entrepreneurship in the services sector.

Policy interventions targeted at states with significant contributions to services exports can further boost growth and drive India's overall economic development.

## CONCLUSION

Through a comprehensive analysis of champion sectors within India's services industry, this research paper has provided valuable insights into the dynamics, contributions, challenges, and opportunities shaping the sector's landscape. From information technology (IT) and business process management (BPM) to financial services, healthcare, tourism, and beyond, champion sectors play a pivotal role in driving India's services-led economic growth and competitiveness on the global stage.

### The Analysis Revealed Several Key Findings:

**Identification of Champion Sectors:** By applying rigorous criteria and quantitative analysis, we identified champion sectors that demonstrate exceptional performance, growth potential, and strategic significance within India's services industry. These sectors include IT & BPM, financial services, healthcare, tourism, and others, each contributing significantly to the economy and employment generation.

**Sector Dynamics:** A detailed examination of each champion sector highlighted its unique characteristics, competitive landscape, regulatory environment, and growth prospects. From the rapid technological advancements driving innovation in IT & BPM to the rising demand for healthcare services fueled by demographic shifts and

lifestyle changes, each sector presents distinct opportunities and challenges for stakeholders.

**Contributions to the Economy:** Champion sectors make substantial contributions to India's economy in terms of GDP growth, employment generation, export earnings, and value addition. The analysis underscored the importance of these sectors as engines of economic growth, driving productivity, innovation, and competitiveness across various domains.

**Challenges and Opportunities:** Despite their significant contributions, champion sectors face challenges such as skill shortages, regulatory hurdles, infrastructure constraints, and global market competition. However, these challenges are accompanied by opportunities for growth and innovation, including technological advancements, policy reforms, and international market expansion.

**Policy Recommendations:** To capitalize on the potential of champion sectors and address the challenges they face, the paper offers strategic recommendations for policymakers, investors, businesses, and other stakeholders. These recommendations include policy reforms to enhance the business environment, investment in skill development and infrastructure, and promotion of innovation and entrepreneurship.

In conclusion, champion sectors in India's services industry represent pillars of strength and drivers of economic prosperity. By understanding their dynamics, addressing challenges, and seizing **opportunities,** India can harness the full potential of its services sector to foster sustainable growth, create jobs, and enhance global competitiveness. Through concerted efforts and strategic interventions, champion sectors can propel India towards its vision of becoming a leading global player in services, driving inclusive and equitable development for all segments of society.

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# EXPLORING THE INFLUENCE OF FACEBOOK USAGE ON THE WELL-BEING AND SOCIAL BEHAVIOUR OF POSTGRADUATE STUDENTS

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**ABSTRACT**

*In this era of internet, face book, a social media networking platform is reaching to its saturation. Many recent studies says about the stress which users started feeling during its usage. But if we see the young generation of students, they still have fantasy to share their activities and achievement on Facebook. So now we have contradictory outcomes here where people wants to de-tox from social media and at a same time the new users are keep on increasing. In this paper the researcher wants to find out the happiness of post graduate students using Facebook and the demographic factors like gender, Income, academic performance, behaviour, (introverts and extroverts) students best subject and average sleeping hours influencing the happiness*

*Keywords: Facebook, students, happiness*

**Statement of Problems and Need for Study**

If we analysis the data of increase in number of active Facebook users it has increasing from 1591 million in 2015 end to 2449 million in the third quarter of 2019 (source Statista 2020). On the other hand we could found out the Facebook users addictions and resulting in psychological disorders leading to unhappiness. In these two contradictory outcomes of research we may try to find out the human features influences the happiness of Facebook users or the level of saturation to the certain type of students. By finding out the causing factor we may categorize and recommend to people using Facebook whether to spend more time or not etc.

**Purpose/Objective:**

- To study the relationship between demographic profile (gender, Income, academic performance, behaviour) of students with their happiness while socialising on face book.
- To find out the relationship between students best subject and average sleeping hours with their usage duration of while socialising on Facebook
- To find out the relationship between students gender and passing grade with their agreement on Facebook acting as an stress buster during work pressure

**Hypotheses**

**Ho1** There is no significant relationship between students' Family Income and their Happiness while socialising on Facebook.

**Ho2** There is no significant relationship between students' Behaviour Type and their Happiness while socialising on Facebook.

**Ho3** There is no significant relationship between students' Average Sleeping Hours and their Usage Duration of Facebook

**Ho4** There is no significant relationship between students' Best Subject and their Usage Duration of Facebook

**Ho5** There is no significant relationship between students' Gender and their Happiness while socialising on Facebook

**Ho6** There is no significant relationship between students' Gender and their Agreement on Facebook acting as a Stress Buster during work pressure

**Ho7** There is no significant relationship between students' Passing Grades and their Agreement on Facebook acting as a Stress Buster during work pressure

## RESEARCH METHODOLOGY

Source of data collection would be primary data. The study is carried out in southern part of Pune City randomly through a survey involving 250 post graduate students' respondents. The elements of usage of Facebook is measured in terms hours and elements of happiness is measured in terms of high and low on five point likert scale along with demographic profile like students respondents' gender, Income, academic performance, behaviour, (introverts and extroverts) students best subject and average sleeping hours. Analysis would be done by using appropriate statistical tools on SPSS software like Pearson's Chi-Square and One-Way ANOVA to prove the statistical significance amongst the variables as per hypothesis.

## TYPE OF RESEARCH

Descriptive type primary research with Simple Random Sampling method involving 250 respondents as sample size

## REVIEW OF LITERATURE

Hunt Allcott, Luca Braghieri, Sarah Eichmeyer, and Matthew Gentzkow (2019) The Welfare Effects of Social Media, Standford University in their research outcome the results left little doubt that Facebook provides large benefits for its users. Even after a four week "detox," their participants spent substantial time on Facebook every day and needed to be paid large amounts of money to give up Facebook. The results on news consumption and knowledge suggest that Facebook is an important source of news and information. Participants' answers in free response questions and follow-up interviews make clear the diverse ways in which Facebook can improve people's lives, whether as a source of entertainment, a means to organize a charity or an activist group, or a vital social lifeline for those who are otherwise isolated.

Aida Abdulahi, Behrang Samadi, Behrooz Gharleghi in their Research paper. The purpose of this study is to identify the negative effects of social network sites such as Facebook among Asia Pacific University scholars. The researcher, distributed 152 surveys to students of the chosen university to examine and study the negative effects. Electronic communication is emotionally gratifying but how do such technological distraction impact on academic performance? Because of social media platform's

widespread adoption by university students, there is an interest in how Facebook is related to academic performance. This paper measure frequency of use, participation in activities and time spent preparing for class, in order to know if Facebook affects the performance of students. Moreover, the impact of social network site on academic performance also raised another major concern which is health

Result from the study shows that social network sites such as Facebook affects the scholars of Asia Pacific University. Firstly, the outcome of the study aligns perfectly with other studies mentioned above in the literature review of academic performance. For instance Reynol Junco, 2012 found that time spent on Facebook and checking Facebook was negatively related to the overall GPA. Time spent on social network sites is shown to negatively impact academic performance. As time spent on social networking sites increases, the academic performance of the students is seen to deteriorate.

Dr Sam Thomas, 2011 discovered that SNS addiction is seen by internet addiction and chatting, which Facebook provides and allows people to have instant messaging even though they are in different continents. In addition, Balakrishnan and Shamim 2013, found in their result, that some the students exhibit some addictive symptoms. Moreover, according to the results of the study of Mekinc, Smailbegovic, Kokic in 2013, said that using Facebook increases the likelihood of addiction to the internet. However, the outcome of this research does not completely align with the result mentioned above. In this paper, this particular independent variable was the highest contributor in regression analysis and also showed a positive relationship with the dependent variable. This study also shows that people do not know how their personal data can be shared.( *Vol. 5, No. 10; September 2014)*

Sulaiman Ainin, M. Muzamil Naqshbandi, Sedigheh Moghavvemi, Noor Ismawati Jaafarin their Research paper This paper examines the impact of Facebook usage on students' academic performance. In addition, it also analyses whether Socialization influences Facebook usage. Empirical data was collected from 1165Malaysian university students using a questionnaire survey.

The study examined the relationship between Socialization, Facebook Usage intensity and Academic Performance of Malaysian university students. It was found that only one Socialization variable i.e. Social Acceptance significantly predicted Facebook Usage Intensity while Acculturation was not found to be significant.

This study found that Socialization particularly Social Acceptance does influence Facebook usage while Acculturation does not. As with any research, this study has its limitations. It uses a cross-sectional data and the Academic Performance is measured using an Indirect measure. Future research should consider collecting longitudinal data and use actual GPA. (Computers&Education83 (2015)64e73)

Rooma Roshnee Ramsaran-Fowdar ,Sooraj Fowdar in their Research paper With the explosive popularity of Facebook as a social media, there has not been much research that examines Facebook marketing and its implications for businesses. This paper

represents an exploratory effort into this direction and analyzes existing Facebook marketing practices and tools, their benefits, and concerns associated with this type of social media marketing. Practical implications are suggested for organizations using Facebook as a social marketing tool and areas for future research are identified Organizations are interested in exchanging and spreading information, trading products or services, staying close to current and potential customers, acquiring a better understanding of their customers and other benefits generated by Facebook. The increase of communication flow of information among customers together with the increased availability of assorted communication channels is creating a new level of complexity in the design and implementation of new marketing strategies. (Contemporary Management Research Pages 73-84, Vol. 9, No. 1, March 2013 doi:10.7903/cmr.9710)

Sana Rouis, Moez Limayem, Esmail Salehi-Sangari This paper provides a preliminary analysis of the effects of Facebook usage by undergraduate students at Luleå University of Technology in Sweden. The proposed research model tests the perceived effect of personality traits, self-regulation, and trust on students' achievements.

Tarsem Singh Cooner, Liz Beddoe, Harry Ferguson & Eileen JoyThis article draws from a 15-month participant observation study of social work and child protection practices in England to illustrate how social workers used Facebook to gain another view of service-users' lives. Social media use was not an intended focus for the study, its presence emerged during our data analysis. While some research has shown that such practices occur, our long-term ethnographic approach provides new insights into how Facebook was actually used in ongoing casework with families and why it was used. Our findings show that Facebook use took multiple forms. Some social workers actively searched service users' Facebook pages and some opposed any such usage. We further advance the literature by introducing a third group who were unwillingly drawn into" acting on Facebook information presented to them by others such as their managers. Our research insights suggest that social work must pause to consider the implications of these complex emerging practices. Much greater clarity and guidance is needed for social work leaders, managers and practitioners to help them navigate their way through this digital mine field. As we discovered, there is uncertainty even in the legal profession in England about what is permissible use of Facebook within the law (Reed, 2019). This is particularly pertinent at a time when challenging debates are taking place exploring how social media surveillance is being used at a societal level to monitor, predict and shape the political (Gleib's, 2015) and consumer behaviors (Zuboff, 2019) of users without their explicit consent or awareness. To avoid social work going down a similar morally indefensible road, or more accurately to remove it from the road it is already on, the profession needs to protect service users from unthinking, unethical, and potentially illegal social media use, while opening up discussion around the use of social media as a possible resource in child protection.

**DATA ANALYSIS**

**Ho1:** There is no significant relationship between students' Family Income and their Happiness while socialising on Facebook.

| **Table 1.1** | **Mean Square** | **F** | **Sig.** |
|---|---|---|---|
| Between Groups | 2.772 | 2.557 | .059 |
| Within Groups | 1.084 | | |
| **Total** | | | |

**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.059 as shown in table 1.1, If Sig. p value is greater than 0.05 → it implies that there is no that students' family income are not significantly related to their happiness while socialising on Facebook .Null hypotheses is Accepted.

**Ho2:** There is no significant relationship between students' Behaviour Type and their Happiness while socialising on Facebook.

| Table 2.1 **Chi-Square Tests** | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 6.111[a] | 4 | 0.191 |
| Likelihood Ratio | 7.653 | 4 | 0.105 |
| Linear-by-Linear Association | 0.004 | 1 | 0.950 |
| N of Valid Cases | 250 | | |
| a. 2 cells (20.0%) have expected count less than 5. The minimum expected count is 1.88. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.191 as shown in table 2.1, it implies that students' behaviour type are notsignificantly relatedto their happiness while socialising on Facebook . Null hypotheses is Accepted

**Ho3:** There is no significant relationship between students' Average Sleeping Hours and their Usage Duration of Facebook

| **Table 3.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 23.184[a] | 9 | 0.006 |
| Likelihood Ratio | 19.981 | 9 | 0.018 |
| Linear-by-Linear Association | 0.006 | 1 | 0.937 |
| N of Valid Cases | 250 | | |
| a. 9 cells (56.3%) have expected count less than 5. The minimum expected count is .57. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is less than 0.05 i.e. 0.006 as shown in table 3.1, it implies that students average sleeping hours are significantly related with theirusage duration of Facebook. Null hypotheses is Rejected

**Ho4**: There is no significant relationship between students' Best Subject and their Usage Duration of Facebook

| **Table 4.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 10.372[a] | 12 | 0.583 |
| Likelihood Ratio | 12.418 | 12 | 0.413 |
| Linear-by-Linear Association | 0.290 | 1 | 0.590 |
| N of Valid Cases | 250 | | |
| a. 13 cells (65.0%) have expected count less than 5. The minimum expected count is .05. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.583 as shown in table 4.1, it implies that students' Best subject is not significantly related with their usage duration of Facebook. Null hypotheses is Accepted

**Ho5**: There is no significant relationship between students' Gender and their Happiness while socialising on Facebook

| **Table 5.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 3.020[a] | 4 | 0.554 |
| Likelihood Ratio | 2.962 | 4 | 0.564 |
| Linear-by-Linear Association | 1.369 | 1 | 0.242 |
| N of Valid Cases | 250 | | |
| a. 3 cells (30.0%) have expected count less than 5. The minimum expected count is 1.11. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.583 as shown in table 5.1, it implies that students' gender is not significantly related Best subject is not significantly related with their Happiness while socialising on Facebook . Null hypotheses is Accepted

**Ho6:** There is no significant relationship between students' Gender and their Agreement on Facebook acting as a Stress Buster during work pressure

| **Table 6.1** | **Mean Square** | **F** | **Sig.** |
|---|---|---|---|
| Between Groups | 3.102 | 3.631 | 0.015 |
| Within Groups | 0.854 | | |
| **Total** | | | |

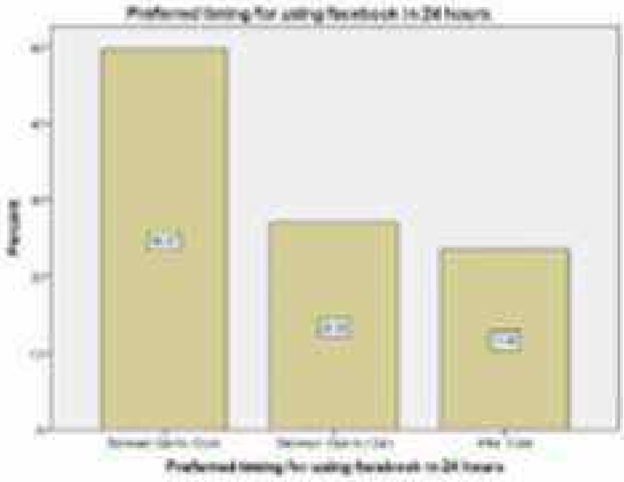
**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.015 as shown in table 6.1, If Sig. p value is less than 0.05 → it implies that students' gender and significantly related their agreement on Facebook acting as a stress buster during work pressure.Null hypotheses is Rejected

**Ho7:** There is no significant relationship between students' Passing Grades and their Agreement on Facebook acting as a Stress Buster during work pressure

| **Table 7.1** | **Mean Square** | **F** | **Sig.** |
|---|---|---|---|
| Between Groups | 0.083 | 0.090 | 0.914 |
| Within Groups | 0.928 | | |
| **Total** | | | |

**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.915 as shown in table 6.1, If Sig. p value is greater than 0.05 → it implies thatstudents' passing grades are not significantly related and their agreement on Facebook acting as an stress buster during work pressure. Null hypotheses is Accepted

**OTHER OBSERVATIONS**



The above graph shows that around 50 % of the students respondents use Facebook between 7 pm to 10 pm compares to 27 % after 10.00 pm and 23 % after 12

**DISCUSSIONS**

The above outcome of the study shows that family income of student is not influencing his happiness while using Facebook. Also their behavioural aspects like introvert and extrovert are making no change in the desire of students' happiness while using Facebook. Also the students' best subject doesn't show any effect on their happiness on Facebook.

On the other side it was observes that students habit of less sleeping number of hours are effecting their happiness while using Facebook. We may say that students having less sleeping requirement are happy to socialise on Facebook or we may also say that students using Facebook sacrifice their sleeping hours due to their happiness during usage of Facebook. Gender of the students also influence that group of students agreement on Facebook usage acting as a stress buster during work

## CONCLUSIONS

The findings of this research shows that students happiness on socialising on Facebook having a significant relationship with sleeping hours of students. We may conclude that students, tendency to sleep less is due to Facebook or additional satisfaction by using Facebook. We may conclude that the happiness feeling is too high to sacrifice his sleep or vice versa. There may also a possibility that students spends more time on Facebook are unable to sleep due to blue light. We also conclude that we have different feeling amongst gender in experiencing Facebook acting as a stress buster during work.

## LIMITATIONS

The study is carried out in the city of south Pune particularly with post graduate student only. The results may vary if students from higher secondary or under graduate levels are considered.It will also show different results when students sample from all the location is taken. There is a scope for further detailed study in this area of research by taking more variables and increase in number of sample size.

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# "EXPLORING THE IMPACT OF SOCIAL ENTERPRISE ON MOTIVATION AND INNOVATION IN INDIAN ENTREPRENEURSHIP: A CRITICAL REVIEW"


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## ABSTRACT

*This study explores how entrepreneurship in contemporary India is shifting towards social enterprise, where businesses prioritize addressing social and environmental challenges alongside financial goals. This paradigm shift challenges the traditional profit-centric model, emphasizing the multifaceted impact of social enterprises on motivation, innovation, and sustainability. By integrating social and environmental objectives into their business models, these ventures reshape entrepreneurial motivations and foster innovative approaches to societal needs. The rapid ascent of social enterprise suggests its potential to redefine entrepreneurship in India, offering a vision aligned with broader social and environmental imperatives.*



*Keywords: Social Entrepreneurship, India, Motivation, Innovation, Impact*


## INTRODUCTION

Entrepreneurs are commonly understood as individuals who initiate or organize commercial ventures, often involving financial risks. In the context of a capitalist society, entrepreneurship has long been recognized for its vital economic role. Adam Smith's concept of laissez-faire economics and the invisible hand principle provide a framework for entrepreneurs to pursue their self-interests within an unregulated market system. Traditional entrepreneurship, characterized by both egoistic self-interest and utilitarian motivations aimed at the common good, shares several key features. Firstly, it drives innovation and economic progress through what Schumpeter termed as 'creative destruction', often observed in fiercely competitive industries such as telecommunications. Secondly, it focuses on the balance of supply and demand dynamics. Thirdly, it prioritizes the development of new knowledge to enhance the effectiveness of products and services. Lastly, it underscores the importance of intellectual property rights and the protection thereof. However, traditional entrepreneurship, primarily driven by profit maximization and external opportunities, is increasingly perceived as unsustainable in modern society. The rise of social entrepreneurship, which places a greater emphasis on addressing societal needs, signifies a shifting paradigm. This paper aims to explore the transition from traditional to social entrepreneurship within the Indian context, considering its implications for motivation, innovation, and sustainability in the contemporary economy. Additionally, it examines the potential repercussions when entrepreneurs deviate from their corporate social responsibility obligations.

**Exploring Entrepreneurship: From Individual Traits to Social Impact- a review**

**Entrepreneurial Traits and Achievement:**

Studies have extensively examined the correlation between entrepreneurial traits, such as need for achievement, and success.

Kaufmann and Dant (2008) suggest that entrepreneurs capitalize on external opportunities presented within the market system.

However, Borland (1974) and Hull et al. (1980) argue that the need for achievement must be complemented by conducive business environments for entrepreneurial success.

Venkataraman (1997) characterizes entrepreneurs as individuals who identify and exploit opportunities arising from changing business conditions

Research by Hornaday & Bunker (1970) and DeCarlo & Lyons (1979) suggests a positive relationship between the need for achievement and entrepreneurial success.

Market Opportunities and Entrepreneurial Behavior: Contemporary perspectives on entrepreneurship emphasize the role of market opportunities in shaping entrepreneurial behavior.

**External Influences on Entrepreneurship:**

External factors, such as economic conditions and population dynamics, significantly impact entrepreneurial activities.

Tellegen (2011) highlights how population growth and economic changes create new opportunities for entrepreneurship, leading to the emergence of innovative business ventures.

Frese and De Kruif (2010) argue that challenging economic conditions in developing countries drive an increase in entrepreneurial activities.

**Social Entrepreneurship and Ethical Considerations:**

The concept of social entrepreneurship has gained prominence, with a focus on businesses that prioritize social impact alongside financial goals.

Scholars like Ana & Mclean (2015) and Dees (1998) highlight the rise of ethical entrepreneurship, where goodwill and ethical considerations drive entrepreneurial endeavors.

Social entrepreneurship places emphasis on fulfilling human values and meeting stakeholders' demands while pursuing business objectives, as articulated by Mort et al. (2003).

**OBJECTIVE OF THE STUDY**

1. To study the scenario of present entrepreneurship in India.
2. To know the impact of Impact of Social Enterprise on Motivation and Innovation in Indian Entrepreneurship

## RESEARCH METHODOLOGY

The research paper is based on secondary data the data was collected from Internet, reference books, articles and research papers. Analysis and findings are based on reviews of various articles and papers discussed in this paper.

**Impact of Social Entrepreneurship:**

In India, the emergence of social entrepreneurship represents a significant departure from the traditional focus solely on profit-making. One notable example is the Grameen Bank, founded by Muhammad Yunus, which exemplifies how social entrepreneurs creatively address pressing societal challenges. These ventures prioritize social impact alongside financial success, reflecting a broader revaluation of corporate social responsibility (CSR) within the Indian business landscape. Today, entrepreneurs are increasingly expected to contribute positively to society while pursuing their business objectives, reflecting a growing recognition of the interconnectedness between business success and societal welfare.

**Influence of Social Entrepreneurship on Entrepreneurial Motivation:**

Social entrepreneurship plays a pivotal role in shaping the motivations driving entrepreneurial endeavours, particularly in the Indian context. Traditionally, entrepreneurial motivation has been deeply intertwined with commercial imperatives, primarily focused on profit maximization and competitive advantage. However, the emergence of social entrepreneurship introduces a paradigm shift, emphasizing ethical considerations and societal impact alongside financial goals. This shift alters the trajectory of entrepreneurial motivations, compelling businesses to operate within moral boundaries and address pressing societal needs. When entrepreneurs breach ethical norms, they face significant backlash from society and legal repercussions, prompting a fundamental revaluation of their motivations. There are many cases such as BP's Deepwater Horizon oil spill in the Gulf of Mexico, the Volkswagen emissions scandal involving the use of illegal software to manipulate emissions tests, Nike's use of sweatshops and child labor in its manufacturing facilities, the Enron accounting scandal, which led to one of the largest corporate bankruptcies in history, the Wells Fargo fake accounts scandal, where employees opened millions of unauthorized accounts to meet sales targets etc. These incidents highlight the repercussions of unethical behavior and the subsequent impact on the companies' reputations, financial stability, and stakeholder trust, which triggered a profound transformation in the company's entrepreneurial mindset, leading to a renewed focus on environmental protection. Indian entrepreneurs can glean valuable insights from these cases, recognizing the importance of aligning business practices with ethical and societal considerations to navigate the evolving entrepreneurial landscape effectively. Embracing social entrepreneurship not only mitigates risks associated with ethical breaches but also fosters long-term sustainability and positive societal impact, making it a compelling imperative for entrepreneurs in India.

## Influence of Social Entrepreneurship on Enterprise Innovation in India

Entrepreneurs, known for their drive for innovation and creativity, often face questions regarding the boundaries of their creativity and the moral values they should adhere to. Social enterprises set a moral barometer for innovative endeavours, requiring firms to innovate within the confines of societal values and benefit the social construct. In essence, companies cannot freely innovate but must align their innovations with the moral requirements of society. There is a growing body of literature emphasizing the importance of benchmarking innovation against social values to prevent unethical practices. Organizations like UNESCO advocate for actions against innovations that undermine human values. While innovation is essential for societal progress, unchecked "permissionless innovation" can lead to products and services that detract from moral values. Take, for instance, the introduction of smartphones, which have been criticized for impeding cognitive development among children. Ambitious entrepreneurs, like Steve Jobs, champion disruptive innovations that revolutionize industries. However, there is a need to inject social expectations into innovation processes to ensure they align with the principles of social enterprise. Recent examples, like the introduction of the iPhone 8 amidst concerns of minimal improvements over previous models, underscore the importance of considering societal implications in innovation. Ultimately, social moral values serve as inherent limitations on the extent of innovation within firms, guiding entrepreneurs to innovate responsibly and ethically within the country.

## Impact of Social Entrepreneurship on Sustainable Business Practices in India

Typically, entrepreneurs aim to enhance competitive advantage and add value to products to outperform competitors. However, social entrepreneurship transforms how entrepreneurs sustain their ventures. It compels them to integrate Corporate Social Responsibility (CSR) into business practices to fulfil societal obligations. This aligns with Porter and Kramer's shared value model, advocating for a symbiotic relationship between corporations and society. For instance, Starbucks' ethical practices in supporting coffee farmers exemplify integrating ethics into business defence strategies. Porter's model not only benefits firms but also fosters community development, exemplifying social entrepreneurship's reciprocal benefits. Various reports highlight the efficacy of social entrepreneurship in sustainable business, such as increasing alliances between corporations and society in Lebanon and Romania. Overall, social entrepreneurship reshapes entrepreneurial motivations, innovation processes, and sustainability strategies, emphasizing moral considerations and long-term synergistic impacts within the Indian business landscape.

## Balancing Profit and Purpose: The Complex Landscape of Social Entrepreneurship in India

The concept of social entrepreneurship has often been at odds with traditional business practices, which prioritize profit-making over social welfare. Figures like Friedman argued that corporations have no moral obligation to society beyond maximizing shareholder profits. However, despite its evolution, social entrepreneurship is sometimes seen as superficial and lacking true transformative

value in organizations. Many CSR and social entrepreneurship initiatives appear to be merely surface-level efforts, serving as window dressing rather than genuine ethical commitments. This approach often focuses on profitable areas for the firm, neglecting marginalized stakeholders. Additionally, the increasing government intervention in regulating responsible innovation poses challenges, potentially stifling entrepreneurial creativity. This dilemma between the need for social entrepreneurship and competition-driven innovation is likely to persist. While models like Porter's CSR framework may lack a purely ethical approach, regulatory measures risk constraining entrepreneurial freedom. Nonetheless, cases like Shell and Volkswagen demonstrate that breaching social enterprise values can lead to severe consequences, altering the course of entrepreneurial motivation, innovation, and sustainability. In the India, where social issues are increasingly significant, navigating this balance between profit and social responsibility is crucial for the future of entrepreneurship.

## CONCLUSION

The rise of social entrepreneurship in India marks a significant departure from traditional profit-centric models, ushering in a transformative era where businesses integrate social and environmental objectives alongside financial goals. This paradigm shift reshapes entrepreneurial motivations, emphasizing ethical considerations and societal impact. By setting a moral barometer for innovation and fostering long-term alliances through Corporate Social Responsibility (CSR), social enterprises redefine the trajectory of entrepreneurship. Despite challenges, the embrace of social entrepreneurship is crucial for navigating the evolving landscape effectively and ensuring sustainable and inclusive growth in India.

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# EXPLORING THE INFLUENCE OF FACEBOOK USAGE ON THE WELL-BEING AND SOCIAL BEHAVIOUR OF POSTGRADUATE STUDENTS

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## ABSTRACT

*In this era of internet, face book, a social media networking platform is reaching to its saturation. Many recent studies says about the stress which users started feeling during its usage. But if we see the young generation of students, they still have fantasy to share their activities and achievement on Facebook. So now we have contradictory outcomes here where people wants to de-tox from social media and at a same time the new users are keep on increasing. In this paper the researcher wants to find out the happiness of post graduate students using Facebook and the demographic factors like gender, Income, academic performance, behaviour, (introverts and extroverts) students best subject and average sleeping hours influencing the happiness*

*Keywords: Facebook, students, happiness*

### Statement of Problems and Need for Study

If we analysis the data of increase in number of active Facebook users it has increasing from 1591 million in 2015 end to 2449 million in the third quarter of 2019 (source Statista 2020). On the other hand we could found out the Facebook users addictions and resulting in psychological disorders leading to unhappiness. In these two contradictory outcomes of research we may try to find out the human features influences the happiness of Facebook users or the level of saturation to the certain type of students. By finding out the causing factor we may categorize and recommend to people using Facebook whether to spend more time or not etc.

### Purpose/Objective:

- To study the relationship between demographic profile (gender, Income, academic performance, behaviour) of students with their happiness while socialising on face book.
- To find out the relationship between students best subject and average sleeping hours with their usage duration of while socialising on Facebook
- To find out the relationship between students gender and passing grade with their agreement on Facebook acting as an stress buster during work pressure

### Hypotheses

**Ho1** There is no significant relationship between students' Family Income and their Happiness while socialising on Facebook.

**Ho2** There is no significant relationship between students' Behaviour Type and their Happiness while socialising on Facebook.

**Ho3** There is no significant relationship between students' Average Sleeping Hours and their Usage Duration of Facebook

**Ho4** There is no significant relationship between students' Best Subject and their Usage Duration of Facebook

**Ho5** There is no significant relationship between students' Gender and their Happiness while socialising on Facebook

**Ho6** There is no significant relationship between students' Gender and their Agreement on Facebook acting as a Stress Buster during work pressure

**Ho7** There is no significant relationship between students' Passing Grades and their Agreement on Facebook acting as a Stress Buster during work pressure

## RESEARCH METHODOLOGY

Source of data collection would be primary data. The study is carried out in southern part of Pune City randomly through a survey involving 250 post graduate students' respondents. The elements of usage of Facebook is measured in terms hours and elements of happiness is measured in terms of high and low on five point likert scale along with demographic profile like students respondents' gender, Income, academic performance, behaviour, (introverts and extroverts) students best subject and average sleeping hours. Analysis would be done by using appropriate statistical tools on SPSS software like Pearson's Chi-Square and One-Way ANOVA to prove the statistical significance amongst the variables as per hypothesis.

## TYPE OF RESEARCH

Descriptive type primary research with Simple Random Sampling method involving 250 respondents as sample size

## REVIEW OF LITERATURE

Hunt Allcott, Luca Braghieri, Sarah Eichmeyer, and Matthew Gentzkow (2019) The Welfare Effects of Social Media, Standford University in their research outcome the results left little doubt that Facebook provides large benefits for its users. Even after a four week "detox," their participants spent substantial time on Facebook every day and needed to be paid large amounts of money to give up Facebook. The results on news consumption and knowledge suggest that Facebook is an important source of news and information. Participants' answers in free response questions and follow-up interviews make clear the diverse ways in which Facebook can improve people's lives, whether as a source of entertainment, a means to organize a charity or an activist group, or a vital social lifeline for those who are otherwise isolated.

Aida Abdulahi, Behrang Samadi, Behrooz Gharleghi in their Research paper. The purpose of this study is to identify the negative effects of social network sites such as Facebook among Asia Pacific University scholars. The researcher, distributed 152 surveys to students of the chosen university to examine and study the negative effects. Electronic communication is emotionally gratifying but how do such technological distraction impact on academic performance? Because of social media platform's

widespread adoption by university students, there is an interest in how Facebook is related to academic performance. This paper measure frequency of use, participation in activities and time spent preparing for class, in order to know if Facebook affects the performance of students. Moreover, the impact of social network site on academic performance also raised another major concern which is health

Result from the study shows that social network sites such as Facebook affects the scholars of Asia Pacific University. Firstly, the outcome of the study aligns perfectly with other studies mentioned above in the literature review of academic performance. For instance Reynol Junco, 2012 found that time spent on Facebook and checking Facebook was negatively related to the overall GPA. Time spent on social network sites is shown to negatively impact academic performance. As time spent on social networking sites increases, the academic performance of the students is seen to deteriorate.

Dr Sam Thomas, 2011 discovered that SNS addiction is seen by internet addiction and chatting, which Facebook provides and allows people to have instant messaging even though they are in different continents. In addition, Balakrishnan and Shamim 2013, found in their result, that some the students exhibit some addictive symptoms. Moreover, according to the results of the study of Mekinc, Smailbegovic, Kokic in 2013, said that using Facebook increases the likelihood of addiction to the internet. However, the outcome of this research does not completely align with the result mentioned above. In this paper, this particular independent variable was the highest contributor in regression analysis and also showed a positive relationship with the dependent variable. This study also shows that people do not know how their personal data can be shared.( *Vol. 5, No. 10; September 2014)*

Sulaiman Ainin, M. Muzamil Naqshbandi, Sedigheh Moghavvemi, Noor Ismawati Jaafarin their Research paper This paper examines the impact of Facebook usage on students' academic performance. In addition, it also analyses whether Socialization influences Facebook usage. Empirical data was collected from 1165Malaysian university students using a questionnaire survey.

The study examined the relationship between Socialization, Facebook Usage intensity and Academic Performance of Malaysian university students. It was found that only one Socialization variable i.e. Social Acceptance significantly predicted Facebook Usage Intensity while Acculturation was not found to be significant.

This study found that Socialization particularly Social Acceptance does influence Facebook usage while Acculturation does not. As with any research, this study has its limitations. It uses a cross-sectional data and the Academic Performance is measured using an Indirect measure. Future research should consider collecting longitudinal data and use actual GPA. (Computers&Education83 (2015)64e73)

Rooma Roshnee Ramsaran-Fowdar ,Sooraj Fowdar  in their Research paper With the explosive popularity of Facebook as a social media, there has not been much research that examines Facebook marketing and its implications for businesses. This paper

represents an exploratory effort into this direction and analyzes existing Facebook marketing practices and tools, their benefits, and concerns associated with this type of social media marketing. Practical implications are suggested for organizations using Facebook as a social marketing tool and areas for future research are identified Organizations are interested in exchanging and spreading information, trading products or services, staying close to current and potential customers, acquiring a better understanding of their customers and other benefits generated by Facebook. The increase of communication flow of information among customers together with the increased availability of assorted communication channels is creating a new level of complexity in the design and implementation of new marketing strategies. (Contemporary Management Research Pages 73-84, Vol. 9, No. 1, March 2013 doi:10.7903/cmr.9710)

Sana Rouis, Moez Limayem, Esmail Salehi-Sangari This paper provides a preliminary analysis of the effects of Facebook usage by undergraduate students at Luleå University of Technology in Sweden. The proposed research model tests the perceived effect of personality traits, self-regulation, and trust on students' achievements.

Tarsem Singh Cooner, Liz Beddoe, Harry Ferguson & Eileen JoyThis article draws from a 15-month participant observation study of social work and child protection practices in England to illustrate how social workers used Facebook to gain another view of service-users' lives. Social media use was not an intended focus for the study, its presence emerged during our data analysis. While some research has shown that such practices occur, our long-term ethnographic approach provides new insights into how Facebook was actually used in ongoing casework with families and why it was used. Our findings show that Facebook use took multiple forms. Some social workers actively searched service users' Facebook pages and some opposed any such usage. We further advance the literature by introducing a third group who were unwillingly drawn into" acting on Facebook information presented to them by others such as their managers. Our research insights suggest that social work must pause to consider the implications of these complex emerging practices. Much greater clarity and guidance is needed for social work leaders, managers and practitioners to help them navigate their way through this digital mine field. As we discovered, there is uncertainty even in the legal profession in England about what is permissible use of Facebook within the law (Reed, 2019). This is particularly pertinent at a time when challenging debates are taking place exploring how social media surveillance is being used at a societal level to monitor, predict and shape the political (Gleib's, 2015) and consumer behaviors (Zuboff, 2019) of users without their explicit consent or awareness. To avoid social work going down a similar morally indefensible road, or more accurately to remove it from the road it is already on, the profession needs to protect service users from unthinking, unethical, and potentially illegal social media use, while opening up discussion around the use of social media as a possible resource in child protection.

**DATA ANALYSIS**

**Ho1:** There is no significant relationship between students' Family Income and their Happiness while socialising on Facebook.

| Table 1.1 | Mean Square | F | Sig. |
|---|---|---|---|
| Between Groups | 2.772 | 2.557 | .059 |
| Within Groups | 1.084 | | |
| **Total** | | | |

**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.059 as shown in table 1.1, If Sig. p value is greater than 0.05 → it implies that there is no that students' family income are not significantly related to their happiness while socialising on Facebook .Null hypotheses is Accepted.

**Ho2:** There is no significant relationship between students' Behaviour Type and their Happiness while socialising on Facebook.

| Table 2.1 **Chi-Square Tests** | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 6.111[a] | 4 | 0.191 |
| Likelihood Ratio | 7.653 | 4 | 0.105 |
| Linear-by-Linear Association | 0.004 | 1 | 0.950 |
| N of Valid Cases | 250 | | |
| a. 2 cells (20.0%) have expected count less than 5. The minimum expected count is 1.88. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.191 as shown in table 2.1, it implies that students' behaviour type are notsignificantly relatedto their happiness while socialising on Facebook . Null hypotheses is Accepted

**Ho3:** There is no significant relationship between students' Average Sleeping Hours and their Usage Duration of Facebook

| **Table 3.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 23.184[a] | 9 | 0.006 |
| Likelihood Ratio | 19.981 | 9 | 0.018 |
| Linear-by-Linear Association | 0.006 | 1 | 0.937 |
| N of Valid Cases | 250 | | |
| a. 9 cells (56.3%) have expected count less than 5. The minimum expected count is .57. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is less than 0.05 i.e. 0.006 as shown in table 3.1, it implies that students average sleeping hours are significantly related with theirusage duration of Facebook. Null hypotheses is Rejected

**Ho4**: There is no significant relationship between students' Best Subject and their Usage Duration of Facebook

| **Table 4.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 10.372[a] | 12 | 0.583 |
| Likelihood Ratio | 12.418 | 12 | 0.413 |
| Linear-by-Linear Association | 0.290 | 1 | 0.590 |
| N of Valid Cases | 250 | | |
| a. 13 cells (65.0%) have expected count less than 5. The minimum expected count is .05. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.583 as shown in table 4.1, it implies that students' Best subject is not significantly related with their usage duration of Facebook. Null hypotheses is Accepted

**Ho5**: There is no significant relationship between students' Gender and their Happiness while socialising on Facebook

| **Table 5.1** Chi-Square Tests | | | |
|---|---|---|---|
| | **Value** | **df** | **Asymp. Sig. (2-sided)** |
| Pearson Chi-Square | 3.020[a] | 4 | 0.554 |
| Likelihood Ratio | 2.962 | 4 | 0.564 |
| Linear-by-Linear Association | 1.369 | 1 | 0.242 |
| N of Valid Cases | 250 | | |
| a. 3 cells (30.0%) have expected count less than 5. The minimum expected count is 1.11. | | | |

**Interpretations:** As the Sig. (2 Sided value) of Pearson Chi Square the *p* value is greater than 0.05 i.e. 0.583 as shown in table 5.1, it implies that students' gender is not significantly related Best subject is not significantly related with their Happiness while socialising on Facebook . Null hypotheses is Accepted

**Ho6:** There is no significant relationship between students' Gender and their Agreement on Facebook acting as a Stress Buster during work pressure

| **Table 6.1** | **Mean Square** | **F** | **Sig.** |
|---|---|---|---|
| Between Groups | 3.102 | 3.631 | 0.015 |
| Within Groups | 0.854 | | |
| **Total** | | | |

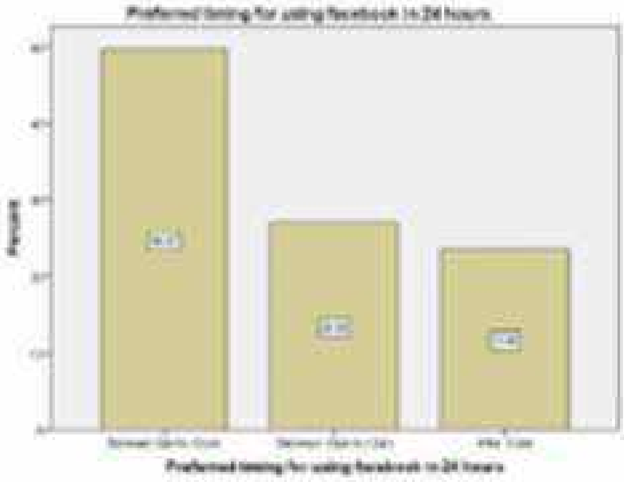
**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.015 as shown in table 6.1, If Sig. p value is less than 0.05 → it implies that students' gender and significantly related their agreement on Facebook acting as a stress buster during work pressure.Null hypotheses is Rejected

**Ho7:** There is no significant relationship between students' Passing Grades and their Agreement on Facebook acting as a Stress Buster during work pressure

| Table 7.1 | Mean Square | F | Sig. |
|---|---|---|---|
| Between Groups | 0.083 | 0.090 | 0.914 |
| Within Groups | 0.928 | | |
| **Total** | | | |

**Interpretations:** As per the One Way ANOVA the F statistics significance p value is 0.915 as shown in table 6.1, If Sig. p value is greater than 0.05 → it implies thatstudents' passing grades are not significantly related and their agreement on Facebook acting as an stress buster during work pressure. Null hypotheses is Accepted

**OTHER OBSERVATIONS**



The above graph shows that around 50 % of the students respondents use Facebook between 7 pm to 10 pm compares to 27 % after 10.00 pm and 23 % after 12

**DISCUSSIONS**

The above outcome of the study shows that family income of student is not influencing his happiness while using Facebook. Also their behavioural aspects like introvert and extrovert are making no change in the desire of students' happiness while using Facebook. Also the students' best subject doesn't show any effect on their happiness on Facebook.

On the other side it was observes that students habit of less sleeping number of hours are effecting their happiness while using Facebook. We may say that students having less sleeping requirement are happy to socialise on Facebook or we may also say that students using Facebook sacrifice their sleeping hours due to their happiness during usage of Facebook. Gender of the students also influence that group of students agreement on Facebook usage acting as a stress buster during work

## CONCLUSIONS

The findings of this research shows that students happiness on socialising on Facebook having a significant relationship with sleeping hours of students. We may conclude that students, tendency to sleep less is due to Facebook or additional satisfaction by using Facebook. We may conclude that the happiness feeling is too high to sacrifice his sleep or vice versa. There may also a possibility that students spends more time on Facebook are unable to sleep due to blue light. We also conclude that we have different feeling amongst gender in experiencing Facebook acting as a stress buster during work.

## LIMITATIONS

The study is carried out in the city of south Pune particularly with post graduate student only. The results may vary if students from higher secondary or under graduate levels are considered.It will also show different results when students sample from all the location is taken. There is a scope for further detailed study in this area of research by taking more variables and increase in number of sample size.

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# "EXPLORING THE IMPACT OF SOCIAL ENTERPRISE ON MOTIVATION AND INNOVATION IN INDIAN ENTREPRENEURSHIP: A CRITICAL REVIEW"


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## ABSTRACT

*This study explores how entrepreneurship in contemporary India is shifting towards social enterprise, where businesses prioritize addressing social and environmental challenges alongside financial goals. This paradigm shift challenges the traditional profit-centric model, emphasizing the multifaceted impact of social enterprises on motivation, innovation, and sustainability. By integrating social and environmental objectives into their business models, these ventures reshape entrepreneurial motivations and foster innovative approaches to societal needs. The rapid ascent of social enterprise suggests its potential to redefine entrepreneurship in India, offering a vision aligned with broader social and environmental imperatives.*



*Keywords: Social Entrepreneurship, India, Motivation, Innovation, Impact*


## INTRODUCTION

Entrepreneurs are commonly understood as individuals who initiate or organize commercial ventures, often involving financial risks. In the context of a capitalist society, entrepreneurship has long been recognized for its vital economic role. Adam Smith's concept of laissez-faire economics and the invisible hand principle provide a framework for entrepreneurs to pursue their self-interests within an unregulated market system. Traditional entrepreneurship, characterized by both egoistic self-interest and utilitarian motivations aimed at the common good, shares several key features. Firstly, it drives innovation and economic progress through what Schumpeter termed as 'creative destruction', often observed in fiercely competitive industries such as telecommunications. Secondly, it focuses on the balance of supply and demand dynamics. Thirdly, it prioritizes the development of new knowledge to enhance the effectiveness of products and services. Lastly, it underscores the importance of intellectual property rights and the protection thereof. However, traditional entrepreneurship, primarily driven by profit maximization and external opportunities, is increasingly perceived as unsustainable in modern society. The rise of social entrepreneurship, which places a greater emphasis on addressing societal needs, signifies a shifting paradigm. This paper aims to explore the transition from traditional to social entrepreneurship within the Indian context, considering its implications for motivation, innovation, and sustainability in the contemporary economy. Additionally, it examines the potential repercussions when entrepreneurs deviate from their corporate social responsibility obligations.

**Exploring Entrepreneurship: From Individual Traits to Social Impact- a review**

**Entrepreneurial Traits and Achievement:**

Studies have extensively examined the correlation between entrepreneurial traits, such as need for achievement, and success.

Kaufmann and Dant (2008) suggest that entrepreneurs capitalize on external opportunities presented within the market system.

However, Borland (1974) and Hull et al. (1980) argue that the need for achievement must be complemented by conducive business environments for entrepreneurial success.

Venkataraman (1997) characterizes entrepreneurs as individuals who identify and exploit opportunities arising from changing business conditions

Research by Hornaday & Bunker (1970) and DeCarlo & Lyons (1979) suggests a positive relationship between the need for achievement and entrepreneurial success.

Market Opportunities and Entrepreneurial Behavior: Contemporary perspectives on entrepreneurship emphasize the role of market opportunities in shaping entrepreneurial behavior.

**External Influences on Entrepreneurship:**

External factors, such as economic conditions and population dynamics, significantly impact entrepreneurial activities.

Tellegen (2011) highlights how population growth and economic changes create new opportunities for entrepreneurship, leading to the emergence of innovative business ventures.

Frese and De Kruif (2010) argue that challenging economic conditions in developing countries drive an increase in entrepreneurial activities.

**Social Entrepreneurship and Ethical Considerations:**

The concept of social entrepreneurship has gained prominence, with a focus on businesses that prioritize social impact alongside financial goals.

Scholars like Ana & Mclean (2015) and Dees (1998) highlight the rise of ethical entrepreneurship, where goodwill and ethical considerations drive entrepreneurial endeavors.

Social entrepreneurship places emphasis on fulfilling human values and meeting stakeholders' demands while pursuing business objectives, as articulated by Mort et al. (2003).

**OBJECTIVE OF THE STUDY**

1. To study the scenario of present entrepreneurship in India.
2. To know the impact of Impact of Social Enterprise on Motivation and Innovation in Indian Entrepreneurship

## RESEARCH METHODOLOGY

The research paper is based on secondary data the data was collected from Internet, reference books, articles and research papers. Analysis and findings are based on reviews of various articles and papers discussed in this paper.

**Impact of Social Entrepreneurship:**

In India, the emergence of social entrepreneurship represents a significant departure from the traditional focus solely on profit-making. One notable example is the Grameen Bank, founded by Muhammad Yunus, which exemplifies how social entrepreneurs creatively address pressing societal challenges. These ventures prioritize social impact alongside financial success, reflecting a broader revaluation of corporate social responsibility (CSR) within the Indian business landscape. Today, entrepreneurs are increasingly expected to contribute positively to society while pursuing their business objectives, reflecting a growing recognition of the interconnectedness between business success and societal welfare.

**Influence of Social Entrepreneurship on Entrepreneurial Motivation:**

Social entrepreneurship plays a pivotal role in shaping the motivations driving entrepreneurial endeavours, particularly in the Indian context. Traditionally, entrepreneurial motivation has been deeply intertwined with commercial imperatives, primarily focused on profit maximization and competitive advantage. However, the emergence of social entrepreneurship introduces a paradigm shift, emphasizing ethical considerations and societal impact alongside financial goals. This shift alters the trajectory of entrepreneurial motivations, compelling businesses to operate within moral boundaries and address pressing societal needs. When entrepreneurs breach ethical norms, they face significant backlash from society and legal repercussions, prompting a fundamental revaluation of their motivations. There are many cases such as BP's Deepwater Horizon oil spill in the Gulf of Mexico, the Volkswagen emissions scandal involving the use of illegal software to manipulate emissions tests, Nike's use of sweatshops and child labor in its manufacturing facilities, the Enron accounting scandal, which led to one of the largest corporate bankruptcies in history, the Wells Fargo fake accounts scandal, where employees opened millions of unauthorized accounts to meet sales targets etc. These incidents highlight the repercussions of unethical behavior and the subsequent impact on the companies' reputations, financial stability, and stakeholder trust, which triggered a profound transformation in the company's entrepreneurial mindset, leading to a renewed focus on environmental protection. Indian entrepreneurs can glean valuable insights from these cases, recognizing the importance of aligning business practices with ethical and societal considerations to navigate the evolving entrepreneurial landscape effectively. Embracing social entrepreneurship not only mitigates risks associated with ethical breaches but also fosters long-term sustainability and positive societal impact, making it a compelling imperative for entrepreneurs in India.

**Influence of Social Entrepreneurship on Enterprise Innovation in India**

Entrepreneurs, known for their drive for innovation and creativity, often face questions regarding the boundaries of their creativity and the moral values they should adhere to. Social enterprises set a moral barometer for innovative endeavours, requiring firms to innovate within the confines of societal values and benefit the social construct. In essence, companies cannot freely innovate but must align their innovations with the moral requirements of society. There is a growing body of literature emphasizing the importance of benchmarking innovation against social values to prevent unethical practices. Organizations like UNESCO advocate for actions against innovations that undermine human values. While innovation is essential for societal progress, unchecked "permissionless innovation" can lead to products and services that detract from moral values. Take, for instance, the introduction of smartphones, which have been criticized for impeding cognitive development among children. Ambitious entrepreneurs, like Steve Jobs, champion disruptive innovations that revolutionize industries. However, there is a need to inject social expectations into innovation processes to ensure they align with the principles of social enterprise. Recent examples, like the introduction of the iPhone 8 amidst concerns of minimal improvements over previous models, underscore the importance of considering societal implications in innovation. Ultimately, social moral values serve as inherent limitations on the extent of innovation within firms, guiding entrepreneurs to innovate responsibly and ethically within the country.

**Impact of Social Entrepreneurship on Sustainable Business Practices in India**

Typically, entrepreneurs aim to enhance competitive advantage and add value to products to outperform competitors. However, social entrepreneurship transforms how entrepreneurs sustain their ventures. It compels them to integrate Corporate Social Responsibility (CSR) into business practices to fulfil societal obligations. This aligns with Porter and Kramer's shared value model, advocating for a symbiotic relationship between corporations and society. For instance, Starbucks' ethical practices in supporting coffee farmers exemplify integrating ethics into business defence strategies. Porter's model not only benefits firms but also fosters community development, exemplifying social entrepreneurship's reciprocal benefits. Various reports highlight the efficacy of social entrepreneurship in sustainable business, such as increasing alliances between corporations and society in Lebanon and Romania. Overall, social entrepreneurship reshapes entrepreneurial motivations, innovation processes, and sustainability strategies, emphasizing moral considerations and long-term synergistic impacts within the Indian business landscape.

**Balancing Profit and Purpose: The Complex Landscape of Social Entrepreneurship in India**

The concept of social entrepreneurship has often been at odds with traditional business practices, which prioritize profit-making over social welfare. Figures like Friedman argued that corporations have no moral obligation to society beyond maximizing shareholder profits. However, despite its evolution, social entrepreneurship is sometimes seen as superficial and lacking true transformative

value in organizations. Many CSR and social entrepreneurship initiatives appear to be merely surface-level efforts, serving as window dressing rather than genuine ethical commitments. This approach often focuses on profitable areas for the firm, neglecting marginalized stakeholders. Additionally, the increasing government intervention in regulating responsible innovation poses challenges, potentially stifling entrepreneurial creativity. This dilemma between the need for social entrepreneurship and competition-driven innovation is likely to persist. While models like Porter's CSR framework may lack a purely ethical approach, regulatory measures risk constraining entrepreneurial freedom. Nonetheless, cases like Shell and Volkswagen demonstrate that breaching social enterprise values can lead to severe consequences, altering the course of entrepreneurial motivation, innovation, and sustainability. In the India, where social issues are increasingly significant, navigating this balance between profit and social responsibility is crucial for the future of entrepreneurship.

## CONCLUSION

The rise of social entrepreneurship in India marks a significant departure from traditional profit-centric models, ushering in a transformative era where businesses integrate social and environmental objectives alongside financial goals. This paradigm shift reshapes entrepreneurial motivations, emphasizing ethical considerations and societal impact. By setting a moral barometer for innovation and fostering long-term alliances through Corporate Social Responsibility (CSR), social enterprises redefine the trajectory of entrepreneurship. Despite challenges, the embrace of social entrepreneurship is crucial for navigating the evolving landscape effectively and ensuring sustainable and inclusive growth in India.

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# "EXPLORING THE IMPACT OF SOCIAL ENTERPRISE ON MOTIVATION AND INNOVATION IN INDIAN ENTREPRENEURSHIP: A CRITICAL REVIEW"


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## ABSTRACT

*This study explores how entrepreneurship in contemporary India is shifting towards social enterprise, where businesses prioritize addressing social and environmental challenges alongside financial goals. This paradigm shift challenges the traditional profit-centric model, emphasizing the multifaceted impact of social enterprises on motivation, innovation, and sustainability. By integrating social and environmental objectives into their business models, these ventures reshape entrepreneurial motivations and foster innovative approaches to societal needs. The rapid ascent of social enterprise suggests its potential to redefine entrepreneurship in India, offering a vision aligned with broader social and environmental imperatives.*



*Keywords: Social Entrepreneurship, India, Motivation, Innovation, Impact*


## INTRODUCTION

Entrepreneurs are commonly understood as individuals who initiate or organize commercial ventures, often involving financial risks. In the context of a capitalist society, entrepreneurship has long been recognized for its vital economic role. Adam Smith's concept of laissez-faire economics and the invisible hand principle provide a framework for entrepreneurs to pursue their self-interests within an unregulated market system. Traditional entrepreneurship, characterized by both egoistic self-interest and utilitarian motivations aimed at the common good, shares several key features. Firstly, it drives innovation and economic progress through what Schumpeter termed as 'creative destruction', often observed in fiercely competitive industries such as telecommunications. Secondly, it focuses on the balance of supply and demand dynamics. Thirdly, it prioritizes the development of new knowledge to enhance the effectiveness of products and services. Lastly, it underscores the importance of intellectual property rights and the protection thereof. However, traditional entrepreneurship, primarily driven by profit maximization and external opportunities, is increasingly perceived as unsustainable in modern society. The rise of social entrepreneurship, which places a greater emphasis on addressing societal needs, signifies a shifting paradigm. This paper aims to explore the transition from traditional to social entrepreneurship within the Indian context, considering its implications for motivation, innovation, and sustainability in the contemporary economy. Additionally, it examines the potential repercussions when entrepreneurs deviate from their corporate social responsibility obligations.

**Exploring Entrepreneurship: From Individual Traits to Social Impact- a review**

**Entrepreneurial Traits and Achievement:**

Studies have extensively examined the correlation between entrepreneurial traits, such as need for achievement, and success.

Kaufmann and Dant (2008) suggest that entrepreneurs capitalize on external opportunities presented within the market system.

However, Borland (1974) and Hull et al. (1980) argue that the need for achievement must be complemented by conducive business environments for entrepreneurial success.

Venkataraman (1997) characterizes entrepreneurs as individuals who identify and exploit opportunities arising from changing business conditions

Research by Hornaday & Bunker (1970) and DeCarlo & Lyons (1979) suggests a positive relationship between the need for achievement and entrepreneurial success.

Market Opportunities and Entrepreneurial Behavior: Contemporary perspectives on entrepreneurship emphasize the role of market opportunities in shaping entrepreneurial behavior.

**External Influences on Entrepreneurship:**

External factors, such as economic conditions and population dynamics, significantly impact entrepreneurial activities.

Tellegen (2011) highlights how population growth and economic changes create new opportunities for entrepreneurship, leading to the emergence of innovative business ventures.

Frese and De Kruif (2010) argue that challenging economic conditions in developing countries drive an increase in entrepreneurial activities.

**Social Entrepreneurship and Ethical Considerations:**

The concept of social entrepreneurship has gained prominence, with a focus on businesses that prioritize social impact alongside financial goals.

Scholars like Ana & Mclean (2015) and Dees (1998) highlight the rise of ethical entrepreneurship, where goodwill and ethical considerations drive entrepreneurial endeavors.

Social entrepreneurship places emphasis on fulfilling human values and meeting stakeholders' demands while pursuing business objectives, as articulated by Mort et al. (2003).

**OBJECTIVE OF THE STUDY**

1. To study the scenario of present entrepreneurship in India.
2. To know the impact of Impact of Social Enterprise on Motivation and Innovation in Indian Entrepreneurship

## RESEARCH METHODOLOGY

The research paper is based on secondary data the data was collected from Internet, reference books, articles and research papers. Analysis and findings are based on reviews of various articles and papers discussed in this paper.

**Impact of Social Entrepreneurship:**

In India, the emergence of social entrepreneurship represents a significant departure from the traditional focus solely on profit-making. One notable example is the Grameen Bank, founded by Muhammad Yunus, which exemplifies how social entrepreneurs creatively address pressing societal challenges. These ventures prioritize social impact alongside financial success, reflecting a broader revaluation of corporate social responsibility (CSR) within the Indian business landscape. Today, entrepreneurs are increasingly expected to contribute positively to society while pursuing their business objectives, reflecting a growing recognition of the interconnectedness between business success and societal welfare.

**Influence of Social Entrepreneurship on Entrepreneurial Motivation:**

Social entrepreneurship plays a pivotal role in shaping the motivations driving entrepreneurial endeavours, particularly in the Indian context. Traditionally, entrepreneurial motivation has been deeply intertwined with commercial imperatives, primarily focused on profit maximization and competitive advantage. However, the emergence of social entrepreneurship introduces a paradigm shift, emphasizing ethical considerations and societal impact alongside financial goals. This shift alters the trajectory of entrepreneurial motivations, compelling businesses to operate within moral boundaries and address pressing societal needs. When entrepreneurs breach ethical norms, they face significant backlash from society and legal repercussions, prompting a fundamental revaluation of their motivations. There are many cases such as BP's Deepwater Horizon oil spill in the Gulf of Mexico, the Volkswagen emissions scandal involving the use of illegal software to manipulate emissions tests, Nike's use of sweatshops and child labor in its manufacturing facilities, the Enron accounting scandal, which led to one of the largest corporate bankruptcies in history, the Wells Fargo fake accounts scandal, where employees opened millions of unauthorized accounts to meet sales targets etc. These incidents highlight the repercussions of unethical behavior and the subsequent impact on the companies' reputations, financial stability, and stakeholder trust, which triggered a profound transformation in the company's entrepreneurial mindset, leading to a renewed focus on environmental protection. Indian entrepreneurs can glean valuable insights from these cases, recognizing the importance of aligning business practices with ethical and societal considerations to navigate the evolving entrepreneurial landscape effectively. Embracing social entrepreneurship not only mitigates risks associated with ethical breaches but also fosters long-term sustainability and positive societal impact, making it a compelling imperative for entrepreneurs in India.

**Influence of Social Entrepreneurship on Enterprise Innovation in India**

Entrepreneurs, known for their drive for innovation and creativity, often face questions regarding the boundaries of their creativity and the moral values they should adhere to. Social enterprises set a moral barometer for innovative endeavours, requiring firms to innovate within the confines of societal values and benefit the social construct. In essence, companies cannot freely innovate but must align their innovations with the moral requirements of society. There is a growing body of literature emphasizing the importance of benchmarking innovation against social values to prevent unethical practices. Organizations like UNESCO advocate for actions against innovations that undermine human values. While innovation is essential for societal progress, unchecked "permissionless innovation" can lead to products and services that detract from moral values. Take, for instance, the introduction of smartphones, which have been criticized for impeding cognitive development among children. Ambitious entrepreneurs, like Steve Jobs, champion disruptive innovations that revolutionize industries. However, there is a need to inject social expectations into innovation processes to ensure they align with the principles of social enterprise. Recent examples, like the introduction of the iPhone 8 amidst concerns of minimal improvements over previous models, underscore the importance of considering societal implications in innovation. Ultimately, social moral values serve as inherent limitations on the extent of innovation within firms, guiding entrepreneurs to innovate responsibly and ethically within the country.

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## CONCLUSION

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# CHAMPION SECTORS IN SERVICES IN INDIA: A COMPREHENSIVE ANALYSIS

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## INTRODUCTION

India's economic landscape has undergone a significant transformation in recent decades, with the services sector emerging as a powerhouse driving growth, innovation, and employment generation. Accounting for a substantial portion of the country's GDP and employing a vast workforce, the services industry plays a pivotal role in India's economic development trajectory. Within this dynamic sector lie certain segments, often referred to as "champion sectors," that exhibit exceptional performance, growth potential, and strategic significance in shaping India's services-led economy.

This research paper seeks to conduct a comprehensive analysis of the champion sectors within India's services industry, shedding light on their unique characteristics, contributions to the economy, challenges, and opportunities for further expansion. By delving into these champion sectors, we aim to unravel the intricacies of their operations, identify key drivers of success, and offer insights that inform strategic decision-making for policymakers, investors, businesses, and other stakeholders.

The significance of the services sector in India cannot be overstated. From information technology (IT) and business process management (BPM) to financial services, healthcare, tourism, and beyond, services permeate virtually every aspect of the economy, driving productivity, innovation, and competitiveness. Against this backdrop, understanding the dynamics of champion sectors within the services industry becomes imperative for unlocking their full potential and leveraging their transformative impact on India's economic landscape.

Through a combination of quantitative analysis, qualitative insights, and case studies, this research paper aims to provide a nuanced understanding of India's champion sectors in services. By examining key performance indicators, market dynamics, regulatory frameworks, and success factors, we seek to uncover actionable insights that foster sustainable growth, foster entrepreneurship, and enhance India's competitiveness in the global services arena.

As India strives to position itself as a leading global player in services, it is essential to harness the strengths of champion sectors while addressing the challenges they face. By identifying opportunities for innovation, investment, and policy intervention,

we can propel India's services industry to new heights, driving inclusive growth, job creation, and prosperity for all.

This research paper aims to offer a holistic understanding of champion sectors in India's services industry, providing valuable insights for stakeholders across the board. By shedding light on the performance, challenges, and opportunities within these sectors, we aim to inform strategic decision-making and drive sustainable growth and development in India's services-led economy.

## OBJECTIVE OF THIS PAPER

The primary objective of this research paper is to identify and categorize the champion sectors within India's services industry. Through rigorous analysis of key performance indicators, market dynamics, and growth potential, we aim to pinpoint sectors that exhibit exceptional performance, strategic significance, and potential for further expansion.

## RESEARCH METHODOLOGY

The data was collected based on existing policies and regulatory frameworks governing champion sectors in India. Government policies on sectorial growth, investment climate, and competitiveness. Provide recommendations for policy reforms to address sector-specific challenges and promote sustainable growth.

## DISCUSSION

Government of India has formulated 'Action Plan for Champion Sectors in Services' to give focused attention to 12 identified Champion Services Sectors, namely, Information Technology & Information Technology enabled Services, Tourism & Hospitality Services, Medical Value Travel, Transport & Logistics Services, Accounting and Finance Services, Audio Visual Services, Legal Services, Communication Services, Construction and Related Engineering Services, Environmental Services, Financial Services and Education Services and Rs. 5000 Crores have been earmarked to support sectoral initiatives of the Nodal Ministries/Departments identified for these sectors, Minister of State for Commerce and Industry, Smt. Anupriya Patel said in reply to a parliament question today.

Government of India follows a multipronged strategy in order to promote trade in services comprising the following:

i. Negotiating meaningful market access through multilateral, regional and bilateral trade agreements.

ii. Trade promotion through participation in and organization of international fairs/exhibitions like the Global Exhibition on Services, Higher Education Summit etc. Focused strategies are undertaken for specific markets and sectors.

iii. Addressing domestic sectoral challenges and difficulties which are identified through periodic consultations with the stakeholders. Moreover, efforts are made to engage with the concerned Ministries/Departments to pursue a domestic reform agenda to make the services sector competitive globally.

iv. Bureau of Indian Standards (BIS) has set up a dedicated Services Sector Division Council (SSDC) to formulate Indian Standards in various Services Sectors, especially Champion Services Sectors. Wherever possible, the Indian Standards are harmonized with international standards for ensuring that quality of services match global expectations. BIS has already published 143 standards on services till Jan.' 2023

v. Districts as Export Hubs Initiative highlights the need to channelize the potential and diverse identity in each District of the country to make them export hubs. Under this initiative, the Department of Commerce through Directorate General of Foreign Trade (DGFT) works with the States/UTs and the districts directly to create institutional mechanisms to facilitate exports of identified products/services from the districts. Products and services with export potential have been identified in all districts of the country in consultation with all the stakeholders including the States/UTs

| **Services Exports (in Rs. Cr)** | | | | |
|---|---|---|---|---|
| **State** | **2019-20** | **2020-21** | **2021-22** | **2022-23 (till Dec22)** |
| **Karnataka** | 1,20,969 | 1,30,742 | 1,60,576 | 1,46,465 |
| **Tamil Nadu** | 93,740 | 1,02,344 | 1,15,975 | 1,10,166 |
| **Maharashtra** | 99,343 | 1,07,090 | 1,19,833 | 1,08,517 |
| **Telangana** | 71,022 | 78,111 | 97,180 | 94,920 |
| **Haryana** | 25,958 | 25,057 | 25,514 | 24,153 |
| **Uttar Pradesh** | 21,653 | 22,384 | 27,068 | 23,919 |
| **West Bengal** | 16,586 | 16,838 | 18,473 | 14,999 |
| **Kerala** | 12,059 | 12,992 | 16,392 | 14,706 |
| **Gujarat** | 5,507 | 5,099 | 6,454 | 6,542 |
| **Odisha** | 1,718 | 2,164 | 2,630 | 2,486 |
| **Chandigarh** | 2,597 | 2,572 | 2,605 | 2,279 |
| **Madhya Pradesh** | 722 | 969 | 1,592 | 2,055 |
| **Punjab** | 1,029 | 1,295 | 1,715 | 1,515 |
| **Andhra Pradesh** | 426 | 595 | 623 | 1,438 |
| **Rajasthan** | 1,179 | 1,306 | 1,411 | 1,220 |
| **Total** | **4,74,508** | **5,09,558** | **5,98,043** | **5,55,380** |

***Source:*** https://pib.gov.in/PressReleasePage.aspx?PRID=1898023

From this table, The data shows a general upward trend in services exports across the states from 2019-20 to 2021-22. However, there is a slight decrease in total services exports in 2022-23 (till December 2022) compared to the previous year. In case of state wise analysis, Karnataka, Tamil Nadu, Maharashtra, and Telangana emerge as the top states in terms of services exports, consistently contributing a significant portion to the total services exports. Karnataka has shown consistent growth in services exports over the years, with a substantial increase from 2019-20 to 2021-22, although there is a slight dip in 2022-23.Tamil Nadu and Maharashtra also exhibit steady growth in services exports, with notable increases in the past three years.

Telangana shows consistent growth, with a significant increase in services exports from 2019-20 to 2021-22, although there is a slight decrease in 2022-23.

Other states like Haryana, Uttar Pradesh, and Kerala also contribute to services exports, albeit to a lesser extent compared to the top-performing states.

The total services exports in India have shown a remarkable increase from 2019-20 to 2021-22, indicating robust growth in the services sector.

However, there is a slight decline in total services exports in 2022-23 compared to the previous year, which may be attributed to various factors such as global economic conditions, policy changes, and the impact of the COVID-19 pandemic.

## REGIONAL DISPARITIES

The data highlights regional disparities in services exports, with certain states like Karnataka, Tamil Nadu, and Maharashtra dominating the sector, while others contribute relatively smaller amounts.

Efforts to promote services exports in states with lower contributions, such as Gujarat, Odisha, and Punjab, may be necessary to achieve more balanced growth across regions.

## POLICY IMPLICATIONS

The data underscores the importance of policies and initiatives aimed at promoting services exports, enhancing competitiveness, and fostering innovation and entrepreneurship in the services sector.

Policy interventions targeted at states with significant contributions to services exports can further boost growth and drive India's overall economic development.

## CONCLUSION

Through a comprehensive analysis of champion sectors within India's services industry, this research paper has provided valuable insights into the dynamics, contributions, challenges, and opportunities shaping the sector's landscape. From information technology (IT) and business process management (BPM) to financial services, healthcare, tourism, and beyond, champion sectors play a pivotal role in driving India's services-led economic growth and competitiveness on the global stage.

### The Analysis Revealed Several Key Findings:

**Identification of Champion Sectors:** By applying rigorous criteria and quantitative analysis, we identified champion sectors that demonstrate exceptional performance, growth potential, and strategic significance within India's services industry. These sectors include IT & BPM, financial services, healthcare, tourism, and others, each contributing significantly to the economy and employment generation.

**Sector Dynamics:** A detailed examination of each champion sector highlighted its unique characteristics, competitive landscape, regulatory environment, and growth prospects. From the rapid technological advancements driving innovation in IT & BPM to the rising demand for healthcare services fueled by demographic shifts and

lifestyle changes, each sector presents distinct opportunities and challenges for stakeholders.

**Contributions to the Economy:** Champion sectors make substantial contributions to India's economy in terms of GDP growth, employment generation, export earnings, and value addition. The analysis underscored the importance of these sectors as engines of economic growth, driving productivity, innovation, and competitiveness across various domains.

**Challenges and Opportunities:** Despite their significant contributions, champion sectors face challenges such as skill shortages, regulatory hurdles, infrastructure constraints, and global market competition. However, these challenges are accompanied by opportunities for growth and innovation, including technological advancements, policy reforms, and international market expansion.

**Policy Recommendations:** To capitalize on the potential of champion sectors and address the challenges they face, the paper offers strategic recommendations for policymakers, investors, businesses, and other stakeholders. These recommendations include policy reforms to enhance the business environment, investment in skill development and infrastructure, and promotion of innovation and entrepreneurship.

In conclusion, champion sectors in India's services industry represent pillars of strength and drivers of economic prosperity. By understanding their dynamics, addressing challenges, and seizing **opportunities,** India can harness the full potential of its services sector to foster sustainable growth, create jobs, and enhance global competitiveness. Through concerted efforts and strategic interventions, champion sectors can propel India towards its vision of becoming a leading global player in services, driving inclusive and equitable development for all segments of society.

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# A STUDY OF FISH SEEDS PRODUCTION PROGRAMME

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## Background:

Majority of the people in the State are non-vegetarians, non-vegetarian food contains high percentage of proteins. Besides, pulses production is not sufficient to meet requirement of the State, therefore, as alternative to pulses fish production is important.State has 720 Km long coast line from it about 3.45 lakh tonnes of fish production is available every year. There are some limitations to provide fresh fish to the people who stay away from the sea shore. Therefore, people staying in internal part of the State have to use inland fish as alternative, in this sense inland water fish production is important.

## Implementing Programme:

In the State inland fish seeds were obtained from induced Breeding method. Fish seeds were imported from Calcutta and distributed among the fisherman's societies. In order to become self-sufficient in production of fish seeds, the State Govt. decided to build Hatcheries in the State to increase fish seed production and completely stopped import from the Calcutta in 1991-92.

## Objectives of the Evaluation Study:

With the intention to know the progress of the Inland fish seed project from inception to the year 1993-94. The evaluaåon study was undertaken by D.E.S, Govt of Maharashtra in 1995. Following are the objects of the evaluation study.

a) To study the working of the scheme and to find out discrepancies, if any and make recommendations to study financial and physical target and achievements.

b) To study as to whether fish seeds produced in the State are sufficient to make the State self sufficient and up to what extent objects are achieved.

c) To achieve targets of the scheme, whether scheme is implemented technically and correctly.

d) Whether sufficient water is available for the centres to function properly. If water is available whether arrangements to supply the same to the centres has been made and to study independently the functioning of the centre regarding the fish seed production , fish rearing and even though water is available find out the reasons for arrangements not made to supply it to the centres and feasibility of arrangement.

e) Whether water spread areas of the centres are useful for fish farming, if not what are the difficulties.

f) Whether centre's income is sufficient to meet its incurring expenditure (including wages& salaries) and after construction of circular hatcheries, whether there is a favourable change in the situation.

**Sample Selection:**
Fish seed centres and districts has been selected for evaluation study as follows.

**Selection of the Districts:**
12 districts were selected on basis of seed production during the year 1993-94 by probability proportional to size (production) using linear systematic sampling method considering seed production of the 1993-94. Selected districts were 1) Thane 2) Ahmednagar 3) Satara 4)Parbhani 5) Nanded 6) Beed 7) Amravati 8)Akola 9)Buldhana 10)Yavatmal 11) Bhandara 12) Chandrapur.

**Selection of fish seed Production Centres:**
One fish seed production centre producing maximum fish seeds in the year 199394 was selected from each selected district. Selected centres were 1) Dapchari 2)

Mulanager 3) Dhom 4) Sidhshaver 5) Karadkhed 6) Manjra 7)Balasapur 8) Katepurna 9) Koradi 10) Saikheda 11) Idiadoh 12) Amalnala

**Selection of Beneficiaries Societies:**
From each selected fish seed centre 5 fishing societies, 3 other societies and 2 private institutes were selected by Random method from those who has purchased fish seeds from the centres in 1993-94. If selection of required number of co-operative societies and private institutes was not possible additional fishing societies were selected to fulfill required quota.

**Selection of Zilla Parishad and Municipalities:**
Two Z.P. and Municipalities who has purchased seed from centres in the year 1993-94 were selected by Random Method from each selected centres. If selection, required number of Z.P.and municipalities from the centres was not possible the gap was filled in by selecting additional Z.P./Muncipalities. As mentioned above, 14 beneficiary institutes were selected according to type of institutes for evaluation study.

**Period of field work:**
Fieldwork of this evaluation study was completed during the period from March 1995 to April 1995.

**FINDINGS:**
It is observed that out of total area available for Inland fish farming in the State for the year 1993-94, actually 85 per cent of area was used for fish production.Out of 31 districts in the State, the project is being implemented in 28 districts. Out of total 12,902 ponds used for inland fish, there were 428 (3.3 per cent) ponds having waterspread area more than 60 hectares and 12,474 (96.7 per cent) ponds having

waterspread area less than 60 hectares. Ponds having waterspread area more than 60 hectares had total waterspread area 2,29,112 H. (70.6 per cent) and ponds had waterspread area less than 60 hectares, has 95,297 H (29.4 per cent) total waterspread area. This indicate that ponds having less waterspread area were more in numbers than the number of ponds having more waterspread area. While big ponds are less in number but their total waterspread area more. According to ownership type Zilla Parishad has more ponds (tanks) (76.2 per cent) with 16.98 per cent waterspread area. Small Irrigation Department has 12.5 per cent ponds (lake) with 68.8 per cent waterspread area. Ponds/ lakes whose waterspread area was less than 60 hectares. Z.P. owned 9,802 (78.6 per cent) ponds with 53.8 per cent waterspread area. Ponds whose waterspread area was more than 60 hectare, S.I. Deptt. owned 87.2 per cent ponds with 81.2 per cent waterspread area. It means that Z.P. and Small Irrigation Department has more participation in fish production activities and in that Z.P.'s share was higher. Even though optimum fish seed stocking capacity of ponds used for fish production was 6012.23 lakh seeds annually actually 53.6 per cent fish seeds were stocked. According to division wise analysis except Nagpur division fish seeds were not stocked upto storing capacity in any other divisions. The three divisions namely Aurangabad, Pune and Nashik 24.9, 31.9 and 25.8 per cent seeds actually stored respectively. In the State 5870.55, 6569.65 and 8680.00 lakh spawns were produced in the year 1991-92, 1992-93 and 1993-94 respectively. Considering spawn production of the year 1991-92 as base in the year 1992-93 and 1993-94 spawn production has increased by 11.9 and 47.9 per cent respectively. In 1991-92 production of cyprincus was 20.4 per cent in 1992-93, it was 5.1 per cent and in 1993-94 it was 5.1 per cent it means that cyprincus spawn production was decreasing while that of major crop spawn production was increasing.

**Capacity of Hatcheries and spawn production:**

It is expected that in a year one hatchery should produce 500 lakh spawns. Considering this norm in 1993-94, 12,500 lakh spawn could have been produced by 25 working hatcheries but actually 8,680 lakh (69 per cent) spawns was produced. It is observed that hatcheries in Pune Division has produced spawn as per expected capacity but in the remaining divisions, hatcheries were not able to produce spawns as expected. Rearing of spawn and seed yield: Out of total spawns produced by centres, 35 per cent spawns were sold and remaining 65 per cent spawn were used for nursery in the centres to obtain fish seeds. It is seen that 1622.58 lakh fish seeds were produced from nursery of 7092.45 lakh spawns. Only 23 per cent of fish seed was obtained from nursery of spawns. It means that in the period from spawns nursery to fish seed production 77 per cent spawns died. This ratio was highest in the Pune and Nashik Division. In total seed production share of cyprincus seeds was very low while that of major carp was higher. It can be concluded that centres prefer to produce seeds of major carp than cyprincus seeds. Fish seed production in 1991-92 was 1314.99 lakhs. In 1992-93 it was 1414.83 lakhs and in 1993-94 it was 1632.58 lakhs. In comparison with seed production in 199192, production in 1992-93 and in 1993-94 increased by 7.6 per cent and 24.1 per cent respectively. In 1993-94 target of 55,000 lakh seed production was given but only 29.7 per cent seeds were produced.

**Provision and Expenditure:**
From observation of Provision and Expenditure for three years (1991-92 to 1993-94)) it was seen that expenditure was more than provision but in 1992-93 expenditure was less than provision. In 1991-92 expenditure was 116.6 per cent of provision and in 1992-93 it was 92.4 per cent and in 1993-94 it was 105.2 per cent.

**Income of Centres:**
Considering income of the centres from sale of spawns semi fingerlings, fingerling, in the years 1991-92, 1992-93 and 1993-94 the State received income of Rs.94.97 lakh, Rs.96.51 lakh and Rs.126.96 lakh respectively. The income received by the State from the sale of centre's product was increasing, considering income and expenditure of the centres. The State received net income of Rs.6.06 lakh in 1991-92 , in 1992-93 Rs.10.81 lakh and in 1993-94 Rs.28.59 lakh. It can be said positively that the State Governments seed producing centres are becoming more efficient day-by-day.

**Import of seed before 1991-92:**
Before 1991-92 domestic fish seed production was not enough to meet the needs of the State. Therefore, fish seeds were imported from Calcutta.Total 6351 lakh seeds were imported from 1986-87 to 1990-91 in a period of 5 years. In this period every year import of seed increased by 10 per cent but in 1991-92 due to State Governments decision to stop import of seeds and to build hatcheries in the State, domestic production of seeds increased substantially and the State Government was also receiving net revenue from it.

**Results of the survey of fish producing centres:**
For inspection of working capability of Government fish seed producing centres, 12 seed producing centres were selected from total working fish seed centres in the State.Out of 12 selected seed centres, 10 centres has hatcheries and remaining two have only fish rearing and nursery facilities The eight hatcheries were working properly and one hatchery was having technical fault in construction and other was in incomplete stage of construction.

**Incubation tanks/ponds:**
The four tanks are necessary to produce spawns by incubating hatchlings. It was observed that out of 10 selected hatcheries, five hatcheries were not having prescribed number of incubation tanks.

**Spawns obtained:**
It was expected that one hatchery should produce 500 lakh spawns in a year. Out of 10 hatcheries selected it was observed that only 4 (40 per cent) were producing expected number of spawns.

**Stocking tanks:**
Out of 42 stocking ponds/tanks of 10 selected hatcheries in 1993-94 only 88 per cent tanks were in use and out of the total 13.13 hectare water spread area, 92 per cent water spread area was used. Of the stocking capacity of the stocking ponds/ tanks in use, up to 134 per cent of capacity reproducing fish were stocked.

**Ratio of dead spawns:**
It was expected that 12,208 lakh eggs could have been obtained from 12,208 female fish kept in the stocking ponds/tanks. From these eggs 4780.50 lakh spawns were produced in 1993-94. It means that rate of spawns obtained from eggs was 38.64 per cent only.

**Nursing Ponds (tanks):**
The selected 12 seed centres has 490 nursery tanks with 11.32 hectares of water spread area and of these tanks 82 per cent ponds/tanks with their 81 per cent water spread area were actually in use. Even then nursing capacity of 404 nursery ponds/ tanks was 684.15 lakh spawns in 1993-94 actually about five times of nursing capacity spawns were nursered.

**Rearing Ponds/tanks:**
Out of 12 selected seed producing centres, 10 centres had 159 tanks with 11.59 hectare waterspread area. Remaining two centres had no rearing ponds/tanks because of lack of waterspread area. Of 159 rearing tanks 9 per cent rearing tanks, 9.66 per cent waterspread area was not used for rearing fish.

**Water supply :** Water supply for all the 12 months of the year was available to the10 centres but for two centres supply for all the 12 months was not available as during summer water level of the source goes down.Out of 12 selected centres 58 per cent centres had regular water supply for all the 12 months. 42 per cent centres did not have regular water supply. Out of the 12 selected centres, well water supply facility was available to 25 per cent centres.

**Filter Tank:** Out of 12 selected centres 11 centres' filter tank were functioning and filter tank of one centre was out of order.

**Lab:** Out of 12 selected centres 58 per cent of the centres had laboratory and of these only 25 per cent centres had appointed staff to run the laboratory.

**Fieldmen:** Out of total 58 posts of Fieldman sanctioned for selected for the 12 seed producing centres, 6 posts were vacant.

**Spawns/Seeds Production:** Comparisons of spawn/seed production before hatcheries were constructed and after construction of hatcheries shows that in 1993-94 production of spawns increased by 426 per cent and that of seed production increased by 609 per cent. Before construction of hatcheries cyprincus spawns and seed productions ratio was 25.3, 16.8 per cent respectively. In 1993-94 this ratio came down to 3.8, 4.2 per cent. It means that after construction of hatcheries selected centres prefer to produce major carp spawns instead of cyprincus spawns production.In comparison with spawns production of 1991-92, in 1992-93 spawns production has increased by 37.8 per cent and in 1993-94 88.7 per cent. Fish seed production also increased by 16.7 and 64.6 per cent respectively for the same years.

**Harvest of Fish Seeds**: In 1993-94 two centres harvested fish seed only once and seven centres harvested twice and three centres harvested thrice. In 1993-94 only 26 per cent of seeds was obtained from rearing of 3469.40 lakhs spawns. It means that in the period of nursery spawns 74 per cent spawns died.

**Provision & Expenditure:** Out of Provisions made for the centre for the years 1991-92, 1992-93 and 1993-94 expenditure of the centres was 104, 117 and 109 per cent respectively. In 1991-92 out of 12 centres 92 per cent centres were in loss. In 1992-93 number of centres in loss reduced to 50 per cent and in 1993-94 only 33 per cent centres had suffered loss. It means after 1991-92 number of centres in loss is reducing.

**Results of Survey of Fishing Societies:**
All the selected institutes had 503 ponds with their total waterspread area of 32740.56 hectares. Its optimum seed stocking capacity of fish stocking ponds was 1308.13 lakh seeds and only 53 per cent of this capacity seed was purchased by them.According to yearwise classification of rented tanks, percentage of ponds rented for 5 years was 64.4, which was highest, the percentage of Small Irrigation Department and Z.P's ponds was higher.In the duration from 1991-92 to 1993-94, 1.2 per cent cyprincus seeds and 98.8 per cent of major carp seeds were purchased by fishermen's Societies. Out of total seeds purchased, 70.9 per cent were in spawn form, 28.0 per cent were in seed form, 0.3 per cent and 0.7 per cent were in fingerling form and half-fingerling forms.

**Cost of Fish Production:**
Out of total expenditure for fish production the Fishermen's Societies highest expenditure was on seed purchased 46.8 per cent and on rent of lakes/ponds 23.5 per cent. Expenditure on Packing, Transport, other expenses and on employees salary was 3.4 per cent, 7.4 per cent, 11.6 per cent and 7.5 per cent respectively.

**Fish Production:**
In 1993-94, 5,68,439 kg. fish production was obtained from all the ponds of the institutes. By the sale of fish production institutes had received 10,872 thousand Rupees.

**Profits of the Institutes:**
Out of selected institutes 20 per cent institutes were in loss and 80 per cent institutes were in profit. From the point of view of loss and profit according to management of ponds, 66 per cent ponds of Nagar Parishad, 27 per cent ponds of Z.P., 17 per cent ponds of Small Irrigation Department and 10 per cent other ponds were in loss.

**Summary:**
Domestic fish seed production has increased appreciably after decision has been taken by the State in 1991-92 to build modern hatcheries in the State. Considering the capacity of waterspread area used for fish production, domestic seed production is not sufficient. The fish seed centres in the State have seed producing capacity to produce fish seeds requirement of the State but ratio of spawns obtained from hatchlings is very low. Production of fish seeds as per capacity is not possible. Following are the recommendations to improve the situation.

# ARTIFICIAL INTELLIGENCE IN THE ACCOUNTING PROFESSION

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## ABSTRACT

*Over the years accounting has changed significantly by replacing the work of paper and pencil with computers, but more importantly with programmes able to decrease time spend on repetitive work that reduce the amount of errors. Artificial intelligence has great impact in every spheres of economy. The increasing role of artificial intelligence in the field of accounting has raised the question about the future of the profession. Artificial Intelligence is changing the reality of the accounting field, on a rapid way, due to the benefit of improving and reshaping the actual way of performing activities on this domain. The interest on Artificial Intelligence solutions in this domain is not new but on the last year's researchers become more focused on it. Despite the material progress there seems to be not enough data to support companies' willingness to embed Artificial Intelligence solutions into their accounting activities. Also, an important aspect of this reality is the capability of experts to adapt faster to the new status quo and to acquire the necessary skills to be able to work with Artificial Intelligence solutions and to overcome the fear of losing their jobs. This paper is focusing on understanding the impact of Artificial Intelligence solution in accounting by conducting a qualitative research. In this paper will discuss how the introduction of Artificial intelligence (AI) into accounting practices will have a significant impact on the future of accounting. Accountants should be prepared for significant changes in the industry with the introduction and adoption of AI.*

*Keywords: Artificial intelligence, Automation, Accounting, Digitalization.*

## INTRODUCTION

The main theme of artificial intelligence in accounting is to reduce repetitive work and handling big data. In Modern era AI has been implemented and going to implement in every sphere of activities. AI makes it possible for machines to learn from experience, adjust to new inputs and perform human like tasks. In business field also there are many activities where AI can be implemented. Using modern technology computers can be trained to accomplish specific task by processing large amounts of data and recognizing patterns in the data. It helps to improve in speed, rate of accuracy and better decision making. Financial reports and records can be accessed easily and stored safely. The use of Cloud based Technology, Machine Learning (ML), Block Chain enable user to have immediate access and frequent updatability, automate tedious tasks, saving accountants' hours, access fine records. Since the fourth Industrial Revolution is upon us, it will transform the industry and also the mode of accounting and reporting. Accounting process have to be modernized by using latest technology. Introduction of AI will transform the process of accounting and made evolutionary change which did not happen before. The growth of industry 4.0 shows exponential trends of machine generated information and its ability to process that information at lightning speed to improve the quality of accounting information. Artificial Intelligence is considered as the ability of a machine to imitate human actions like communication, decision taken. Some benefits of implanting Artificial Intelligence solutions, such as the possibility of obtaining more accurate results and time saving while processing a large amount of data are already known in different fields of activity. AI is still in its very early stages of adoption for broad society changing use. This partially caused by the cost related to the adoption of the needed technologies and also lack of technical know-how within companies. However, the huge potential rewards of using AI and RPA technologies make it all worth it for the companies.

## STATEMENT OF THE PROBLEM

In recent years, the rapid advancement of artificial intelligence technology has attracted worldwide attention and displayed great success. As a consequence, to this, you will find that artificial intelligence has made its impact on almost every aspect of life, ranging from the replacement of human labour to gradually becoming part of people's daily life. In the accounting industry, the evolution of the software used for accounting and the more recent inclusion of artificial intelligence has led to a complete transformation of the accounting systems. The use of the traditional accounting system has greatly faded and with the automation of the accounting process, it has led to a lot of changes but are these changes beneficial to the accounting Profession/ industry and how do accountants fit into this.

## OBJECTIVE OF THE STUDY

To discuss the impact of artificial intelligence on the accounting operations.

To evaluate the automation process of the accounting system in the industry

## RESEARCH QUESTIONS

What are the negative impacts of Artificial Intelligence (AI) on the accounting industry?

Does the automation of accounting process improve the accounting industry?

## LITERATURE REVIEW

Artificial intelligence is mostly aimed at making intelligent machines that can respond in ways similar to humans. Artificial intelligence can be divided into four different aspects which include; intelligence, business, research, and programming dimensions (Carol and O'Leary, 2013). John McCarthy coined the name "Artificial Intelligence". (Yadav, Gupta, Sahu, and Shrimal, 2017). Artificial intelligence (AI) is the academic field of study that deals with the technical know-how on creating computers and computer software that are capable of intelligent behaviour or the study of programming computers do things better and more accurately than humans (Elaine, 2000). In another perspective, artificial intelligence can be seen as the capability of a programmable device to perform activities that can be expected of the human brain.

These activities include; knowledge and the capability to acquire it, the ability to judge, produce original thoughts, and understand relationships. Artificial intelligence: It entails constructing machines to behave as humans are expected to. Business and research dimensions: are a powerful tool used in solving human and business problems better than human solutions. Lastly, programming dimension: covers symbolic programming. Expert system software can be developed for any kind of problem that involves a selection from a group of choices especially if the decision is based on logical steps. Hence any area where a person or group of persons has special expertise needed by others is a potential area for creating an expert system.

## METHODOLOGY

The study is descriptive in nature and conducted through study of various literature and published secondary data. Thus the study purely adopts secondary data source through internet and academic database like literature reviews, empirical studies, website, books, journal, reports etc.

## POSSIBLE BENEFITS OF AI IMPLEMENTATION

- AI will remove the repetitive time consuming tasks performed by traditional system of accounting.
- It will reduce the possibility of financial fraud.
- AI can perform bookkeeping, maintain register, and produce financial statement through analysing the data so there exist much more accuracy and relevance.
- Through AI based software company can improve the quality of accounting information. Accounting personnel in traditional accounting take ample manpower and financial resources to check various vouchers, accounting books, statements etc.
- Implementing AI in various fields, industry can improve productivity and facilitate higher Customer services.

## ARTIFICIAL INTELLIGENCE AND ITS APPLICATIONS

Artificial intelligence is the simulation of human intelligence processes by machines especially computer systems. Specific applications of artificial intelligence include expert system, Natural Language Processing, speech recognition and machine vision. Artificial intelligence requires combination of specialized hardware and software for writing and training machine learning algorithm. Artificial intelligence works by analysing large amount of data find the correlation and patterns and using this patterns to make predictions about future States. AI programming focuses on cognitive skills that include learning, reasoning, self-correction, creativity. In today's world we observe artificial intelligence Technology everywhere. In commercial and business field AI Technology will be implemented extensively. In marketing media ecommerce and entertainment AI is used to analyse customers' choices and behaviours following the pattern. Various companies like Netflix, Amazon facilitate greater customer relations. In investment field also AI system makes trading decisions through data analysing and algorithmic pattern at greater magnitude and speed than human capabilities. The implementation of AI in the field of accounting, auditing, and finance have great impact in business environment. Especially in India there is a threat of loss of jobs and abolition of small business which cannot afford AI based Technology. The main purpose of accounting is to provide information in the most appropriate and adapted form to the appropriate user for making economics decisions internally and externally. Artificial intelligence is a Revolutionary development that could put forward the accounting profession to execute and make strategic decisions more effectively than before.

## EFFECTS OF IMPLEMENTATION OF AI IN ACCOUNTING

From the above discussion it is clear that every organization should accept AI undoubtedly. The emergences of such disruptive technology always bring some problems. There are various ways to overcome these problems. There are some ethical concerns for implementation of AI. Abolition of traditional system cannot be accepted by all professionals. There are so many questions for cyber security laws. There may arise new techniques of committing frauds. So formulation of new cyber security law, Data protection laws, Artificial Intelligence law are essential and their implementation also. Policy formulation at both National and information level will be required to standardize use of cognitive technologies. Fear of unemployment is associated with the implementation of AI. In future there may exist some sorts of professional hybrids, no one will be associated with a permanent job; freelancer's opinions will be hired. So compliance towards organization and responsibilities for human resource will be neglected. The World Economic Forum (WEF) has issued numerous reports forecasting how AI will impact jobs worldwide. Automation through implementation of AI will result in an increase of 58 million jobs, two third of which will be highly skilled. In the field of accounting various types of automation has been introduced day by day. Computerized accounting system replaced the traditional paper works. Introduction of EDI Technology and various accounting software have made many dramatically shift in the work process. Initially there was a fear of loss of jobs but it will ultimately provide scope for new employment. Virtual accounting services including AI bookkeeping represent not just a threat but an opportunity. In fact most modern finance and accounting farms already use form of AI accounting software like Quickbook, Oracle, Freshbook, Zohobook and many others. Many accounting firms like Ernst & Young, Pricewaterhouse Coopers, Deloitte Touché Tohmatsu Limited has made application of AI technology.

## CONCLUSION

Emergence of AI in accounting is an opportunity not a challenge for the accountant and accounting industry. Accountant should welcome AI Technology, they should improve their knowledge about it and should produce maximum output. Educationalist should improve and modernize their syllabus for students to learn the new technology. Sufficient training and skill development techniques to be implemented by the organization so that these can go with the existing work force. New rules, regulation and policies to be made by the government to provide cyber security. Thus there should be the clear path for development with the help of modern technology.

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# Papers and Proceedings of NATIONAL CONFERENCE ON EMERGING GLOBAL PRACTICES IN FINANCE AND MANAGEMENT

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11th March 2023

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# CONTENTS

01

# A Comparative Study of Marketing Strategies and Consumer Satisfaction of Ayurvedic Medicinal Products with Allopathic Medicinal Products in Pune

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## Abstract

*Ayurveda is the ancient existing health care system. Ayurveda's growth graph in the past decade has been impressive. The Indian government, with an eye on nationalistic legitimacy, is also promoting Ayurveda. The commercial production and sale of Ayurvedic products as a modern industry is around 100 years old, and India's annual production of Ayurveda medicines is estimated to be approximately US $ 1 billion.*

*In today's competitive world everyone is trying to sustain in the market. The same case with the Ayurvedic medicines, because of the cut through competition with different medicines like allopathic, homeopathic, acupressure, and other medicinal techniques. Ayurvedic medicines are trying to sustain in the market with different marketing practices. What are the demands from the market? What is the response of customers to such medicines? What is customer perception about these products etc? Ayurveda is ancient science and strongly supported by the various techniques for well-being of the patient, not just the ailment, under the primary tenet that health is not merely the absence of disease but the overall state of physical, mental, social and spiritual well-being. Most of the consumers consume Ayurvedic medicine for treatment of common/prevalent diseases like common cold, cough, constipation, allergy etc. This concludes that Ayurvedic medicine was mostly consumed by consumers for prevalent diseases. Ayurveda is not just a treatment, rather a lifestyle; a lifestyle which has ascertain ways of eating habits, meditative practices and herbal medications when fallen sick. Consumers taking Ayurvedic medicine for the treatment of major diseases like diabetes, arthritis, bronchial asthma, tuberculosis, migraine, depression etc. consumers refused to take Ayurvedic medicine because, they don't know about the diseases and the effect of Ayurvedic medicine on these diseases. This comparative study will be useful to do analysis of marketing strategies used for Ayurvedic, allopathic and other*

*medicinal products. It's important to understand the emerging Industrial dynamics in the sector.*

**Keywords:** *Ayurvedic Products, Marketing Strategies, consumer satisfaction, allopathic*

## INTRODUCTION

Ayurveda is the ancient existing health care system. Ayurveda's growth graph in the last decade has been impressive. Middle and upper class people who had shifted their allegiance completely to allopathy, are again trying out ayurveda and other therapies, after bad experiences and side effects with allopathic medicines. The Indian government, with an eye on nationalistic legitimacy, is also promoting ayurveda. The commercial production and sale of Ayurvedic products as a modern industry is around 100 years old, and India's annual production of Ayurvedic medicines is estimated to be approximately US $ 1 billion.

In Europe and America, new ayurveda hospitals are now focusing almost exclusively on *Panchkarma* and allied treatments, perhaps because getting medicines ratified by drug authorities is a time-consuming and expensive process.

Presently, India contributes less than 1% to the global herbal market; however, it is emerging as a key supplier of medicinal plants across the globe (more than 70 %). Ayurveda has a 70 per cent share in the formal medicine market in the country. There are around 6,000 licensed units and an equal number of unlicensed units manufacturing Ayurvedic drugs. The origin of most of these companies can be traced back to a vaidya (a practicing *Ayurvedic* expert) who used to prepare some formulations for dispensing.

The manufacture and marketing of Ayurvedic medicine has been commercially successful for several pharmaceutical companies, including Arya Vaidya Sala and IMIS Pharmaceuticals, which have patented their own formulas. Ayurvedic medicine production in India is dominated by three companies that produce about 85% of the Indian domestic market: Dabur, Baidyanath and Zandu. However, there are around 30 other companies that produce US$1 million or more of Ayurvedic products each year, including small pharmacies and family-owned enterprises that compound their own ingredients and guard their remedy recipes closely. Also there are some strong local players in this ayurvedic medicines like Dr. Vinayak khadiwale, Pune, Dr. B. Tambe, Medicines from Baba Ramdev etc.

Keeping in mind all these factors and the position of Ayurvedic medicines in India, this research is trying to find out the different marketing strategies used by the various manufacturers to sustain in the market with the competition of allopathy medicines. This is a comparative analysis of the marketing strategies of ayurvedic medicinal product with other.

## NEED AND SIGNIFICANCE FOR THE STUDY

In today's competitive world everyone is trying to sustain in the market. The same case with the Ayurvedic medicines, because of the cut through competition with different medicines like allopathic, homeopathic, acupressure, and other medicinal techniques, Ayurvedic medicines are trying to sustain in the market with different marketing practices.

This comparative study will be useful to do analysis of marketing strategies used for ayurvedic, allopathic and other medicinal products. It's important to understand the emerging Industrial dynamics in this sector. What are the demands from the market? What is the response of customers to such medicines? What is customer perception about these products etc?

We observe most of the peoples prefer Ayurvedic, Homeopathic treatments rather than allopathic, especially in beauty treatments, joint pains, cough and cold.

Ayurveda is ancient science and strongly supported by the various techniques for well-being of the patient, not just the ailment, under the primary tenet that health is not merely the absence of disease but the overall state of physical, mental, social and spiritual well-being.

### Significance to Industry

1. It will be clear the current market conditions for the ayurvedic medicines.
2. With the comparative study of marketing strategies one can easily recognize where one is lacking or leading in the market.
3. Consumer awareness about the ayurvedic medicines can be recognize.
4. It will be easy to find out Customer satisfaction level with the current products.
5. Loyal customers percentage can be recognize.

## STATEMENT OF THE PROBLEM

To find out the current situation of the marketing strategies with comparative analysis of the Ayurvedic medicines with the other medicinal products like allopathic, homeopathic etc. and what is the impact of these strategies on the consumers. What are the perceptions of the consumer and are they aware about such medicinal products or not. Are customers satisfied with the products and how many of them are loyal customers for the Ayurvedic medicines.

## OBJECTIVES

- To take an overview of Ayurvedic industry in India, especially in relation with awareness of the Ayurvedic medicines.
- To study the customer awareness (Brand awareness).
- To study customer perception for the Ayurvedic medicines and also allopathy medicines.

## RESEARCH DESIGN

**Descriptive research** method is used in this research as it is well structured, **cross sectional** studies will be applied for the research as it is concerns with a sample of elements given population, data on a number of characteristics from the sample elements are collected and analyzed. It includes **field studies and surveys** for detail information.

## UNIVERSE AND SAMPLE SIZE

This research is comparative study of the marketing strategies of ayurvedic and products and other, also to find out the brand perception and awareness of the ayurvedic medicines. So data will be collected from customers and distributors, dealers and medical representatives.

### Sample Size

Dealers and medical Representatives: 10 for each

Customers: 106

## JUSTIFICATION OF SAMPLING METHOD

Convenience sampling method is used for the research.

## SOURCES OF DATA COLLECTION

Data was collected by two main sources, i.e., Primary data and Secondary data.

1. **Secondary data**

   Secondary data was collected from internet, magazines, journals, medical journals, books etc.

2. **Primary data**

   Data observed or collected directly from first-hand experience. Primary data was collected by questionnaire method.

   Primary data was collected from customers and distributors, dealers and medical representatives with the help of questionnaire.

**Interviews were conducted of 20% of total sample size.**

## METHOD OF DATA COLLECTION

Data is collected from **questionnaire** for the customers and questionnaire to the distributors etc. As questionnaire is well organized and pre-arranged order so it is called structured questionnaire and the object of enquiry is ...

disguised. So **Questionnaire is structured non disguised format**. Questions are of both the types close ended and open ended. To supplement the questionnaire, interviews of 20% of the respondents were conducted

## ANALYSIS OF THE DATA

The data analysis is done in two parts. First set of questions and analysis is related with Demographic characteristics of the respondents and second part includes the question related with consumer buying behavior and perception about the different products of allopathy and Ayurveda products.

Data analysis is done by percentile method as sample size is limited and small and restricted to Pune city area.

### Demographic Information

| Gender | | |
|---|---|---|
| | **Frequency** | **Percentage** |
| Male | 46 | 43 |
| Female | 60 | 57 |
| **Total** | **106** | **100** |

Sample size was 120 but after filtering the data only 106 samples are considered for further analysis. Gender wise tried to get data from equal percentage of male and female.

| Age | | |
|---|---|---|
| | **Frequency** | **Percentage** |
| Below 25 Years | 20 | 18 |
| 25-35 Years | 25 | 24 |
| 35-45 Years | 23 | 23 |
| 45-55 Years | 20 | 18 |
| Above 55 | 18 | 17 |
| **Total** | **106** | **100** |

Age criteria is to check buying behaviour of the consumers from every age group. How they are preferring the medicinal products.

| Marital Status | | |
|---|---|---|
| | Frequency | Percentage |
| Married | 37 | 35 |
| Unmarried | 69 | 65 |
| **Total** | **106** | **100** |

| Educational Status | | |
|---|---|---|
| | Frequency | Percentage |
| School | 20 | 18 |
| Degree | 51 | 48 |
| Post Degree | 27 | 26 |
| Others | 8 | 8 |
| **Total** | **106** | **100** |

| Occupational Status | | |
|---|---|---|
| | Frequency | Percentage |
| Business | 28 | 27 |
| Employed | 17 | 16 |
| Housewife | 21 | 19 |
| Professional | 25 | 24 |
| Other | 15 | 14 |
| **Total** | **106** | **100** |

Demographic profile indicates the sample selected for the study is from all age ... equally distributed over the occupational and educational backgrounds.

Second Set of analysis is for the Customer awareness and perception of the ... ayurvedic products.

Most of the customers are getting aware about ayurvedic products by ... Newspaper and references.

| II. Source of awareness of the product | | |
|---|---|---|
| | **Frequency** | **Percentage** |
| Reference | 20 | 19 |
| Advertisement | 18 | 17 |
| Magazine | 15 | 14 |
| Newspaper | 14 | 13 |
| Internet | 20 | 19 |
| Family members | 11 | 10 |
| Own interest | 8 | 8 |
| **Total** | **106** | **100** |

lost of the consumers consume Ayurvedic medicine for treatment of common/prevalent es like common cold, cough, constipation, allergy etc. This concludes that Ayurvedic ine was mostly consumed by consumers for prevalent diseases. Ayurveda is not just a ent, rather a lifestyle; a lifestyle which has ascertain ways of eating habits, meditative ces and herbal medications when fallen sick.

onsumers taking Ayurvedic medicine for the treatment of major diseases like diabetes, is, bronchial asthma, tuberculosis, migraine, depression etc. consumers refused to take edic medicine because, they don't know about the diseases and the effect of Ayurvedic ine on these diseases.

- Most of the consumer perceptions about Ayurvedic products are mentioned below.
- Ayurvedic Products are herbal and completely safe
- Eliminates the cause of the disease
- It gives emphasis in preventive medicine
- It is the most effective natural treatment to detoxify the body
- Highly perfected rejuvenation treatments
- Herbal cure for the diseases
- Preventive as well as curative treatments
- Diseases are caused due to improper eating and life style ignoring one's especial body type, age, and environment.
- By establishing a perfect balance between inner and outer world mind, body, and spirit will be in perfect health.

## FINDINGS AND CONCLUSION

1. Most of the customers are aware about the Ayurveda as well as for allopathy medi... products and treatments.
2. Consumers are preferring ayurvedic treatments because of their perception that they are herbal and eliminates the route cause for the disease.
3. For disease like diabetes, arthritis, bronchial asthma, tuberculosis, migraine, depre... people are preferring ayurvedic treatments.
4. After taking an overview of Ayurvedic industry in India, especially in relation awareness of the Ayurvedic medicines peoples are preferring different brand and all houseold products for these brands like Dabur, Patanjali, Himalaya, Bidyanath e...
5. Most of the customers are satisfied for the results getting by ayurvedic medicine most of them complaint about the duration it was taking to cure disease.
6. Most of the consumers are using some Ayurvedic health/food supplement Rejuvenating Ayurvedic medicines.
7. Overall peoples are satisfied with ayurvedic medicinal products in terms of perform... price, availability, results etc.

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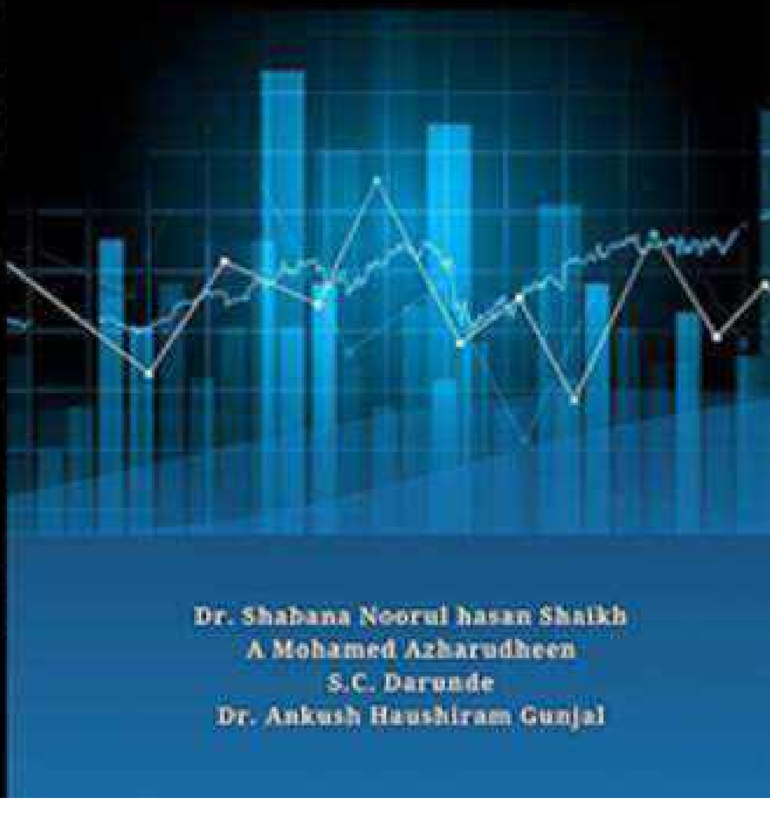


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# IDENTITY CRISIS IN UPAMANYU CHHATTERJEE'S ENGLISH AUGUST

**Dr. Ashwini Manik Purude**

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## IDENTITY CRISIS IN UPAMANYU CHHATTERJEE'S ENGLISH AUGUST

English, August (1988) is an account of urban India's encounter with the provincial Bharat. The novel describes the experiences, beliefs and attitudes of Agastya Sen, a trainee bureaucrat. The novel opens with an informal conversation between Agastya, who is to leave for Madna for his probationary period as an IAS officer and Dhruvo, Agastya's friend who is back from Yale University after his higher studies. Agastya considers himself as one "with no special attitude for anything"[1]and thinks, "I should have been a photographer or a maker of ad films something like that, shallow and urban."[2]He considers himself a misfit, anchorless and misplaced and does not seem to enjoy the role of an IAS officer. Used to metro life, he finds happiness in nothing and thinks he is misbegotten in a world which he does not seem to fit in.

He finds it difficult to get used to his job and Madna. His life in Madna consists of idling in his room watching lizards racing across the room, day – dreaming, thinking of the past, extracting an invitation for meal either from his seniors, friends or subordinates to escape the awful meals prepared by the guesthouse cook, Vasant. He visits various government offices to learn the intricacies of the functioning of bureaucracy. He is not happy in his personal life and he does not enjoy his role of an IAS trainee which he is privileged to. There is no way out of his uneasiness and suffocation. He wants to run away from this situation and even thinks of leaving the present job to join his relative in publishing business in Delhi. "I don't want challenges or responsibility or anything; all I want is to be happy," he observes.[3] His uncle is right when he says, "You are interested in nothing and you think that is a virtue."[4]His father, too, tried to persuade him by pointing endless possibilities of experience and knowledge of the new world. He writes in one of his letters:

"Your job will provide an immense variety and will give you glimpse of other situations and existences which might initially prove startling. Your dissatisfaction now seems to wear me out... But Ogu, remember that Madna is not an alien place. You must give in time. I think you will like your job eventually. But if you don't, think concretely of what you want to do instead and change."[5]

Agastya considers himself to be "a dot in this hinterland"[6]and the letters do not make any positive impact on his mind, which is clear from the response letter written to his father. It reads:

"I'm sorry but what you read into my last letter was true. I just can't get used to the job and the place. I'm wasting my time here and not enjoying the wasting. This can be a sickening feeling."[7]

Agastya does not relish working in Madna, as Srivastava, Kumar and other bureaucrats do. His uneasiness is increased by his close observation of the Indian bureaucracy and thinks he is incapable of attaining desired goals. He could not bring about any positive change in the bureaucratic culture. He tries to bridge to a considerable extent between the agents of the administration and the tribals of the drought – hit area of Chipanthi village through his visit as a BDO. He could not find any solution to the problems that confront him in spite of many powers conferred on him as a bureaucrat by the Constitution.

Agastya's action and behavior stand in contrast with his mythological counterpart, the sage, Agastya. He is neither of the forest, nor finds a Ram to give him a bow and an arrow. He loves

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city life. He enters the dark forests of the Vindhyas of corrupt bureaucracy but is incapable of stopping them from growing. He is not able to push the mountain of inefficiency, corruption and snobbery even by an inch. He pines for Delhi. No one, except his father tries to understand what lies behind his 'unheroic' action.[8]

Though Agastya appears to be a gloomy personality, he is skilled at fabricating stories in way that almost no room is left between truths and lies. At times, he gets into embarrassing situations by cooking up different versions of the same story to the same person. He cooks stories even about his parents, education and his marital status. On the very first day when questioned in the Collectorate Office about his (non – existent) wife, he says: "She's in England. She's English, anyway, but she's gone there for a cancer operation. She has cancer of the breast." He told the District Inspector of Land Records that "his wife was a Norwegian Muslim."[39] He made another story about his parents who were said to have a Ph.D. in Oceanography from the Sorbonne.[40] He tells Menon that he had been at Cambridge for education. When Mr. Kumar asks him, "When are you getting married, Sen?" He replies, "Not for a while." The immediate remarks of the narrator are noteworthy: "He had forgotten which story he had fabricated for Kumar."[41] Agastya formulates stories to avoid communicating on certain issues or to stop people from nagging him. He never regrets for speaking lies. The reason for this is psychological sinceAgastya is disillusioned by the expectations he carries from his job. He becomes aware of himself, his physical needs, his confused mind and even things like food and sleep which he had taken for granted earlier now acquire significance in Madna.

"Food became very important in Madna and he was soon to encourage and concentrate on his stomach pangs. For hunger was evidence of one's good health and thinking about eating each gave him something to do … A very few days in the district and he was sick, even scared, of abstract thought – the problem of food gave him something concrete for cogitation."[42]

"In Madna he could never take sleep for granted. He would repeat the activities of the afternoon, thinking that for more than twenty years he had always slept well, except for one or two nights when excitement kept him awake … But in Madna he seemed to have appalled sleep."[43]

He seeks in physical actions an answer to his rootlessness. Exercise provides a relief from the absurdity of his daily routine. The writer says in his interview about Agastya:

"Running felt splendid, clockwork movement, the crisscross of arm and leg, rhythm and balance, the steady, healthy panting, the illusion that his (Agastya's) body was being used well. The mind wandered pleasantly, yet not into chaos because the physical strain provided the leash."[44]

Agastya senses dislocation and displacement. Rootlessness shatters his dreams completely. His alienation is sociological and psychological. He is out of touch with his inner self because he is not involved in professional life. He is fragmented emotionally and culturally. Agastya's problem has to be examined in the context of the changed postcolonial, social and psychological realities of modern India. Rapid urbanization and modern education caused a dislocation in the psyche of the young generation leading to the feeling of rootlessness. Madna was 1400 km away from Delhi and more than 1000 kms away from Calcutta. It caused cultural estrangement. All this has finally resulted in identity crisis of Agastya.

At Madna, Agastya leads three lives, the official, the unofficial and the secret life in his room. He realizes that the feelings of dislocation, rootlessness and alienation are not his problem alone but of the whole generation since they realize that the gap between reality and idealism is wide. For example, Dhrubo, Agastya's friend, lives unreal life with his girlfriend in Delhi.

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Two possible methods of coping with Agastya's problems and discontent are: the rational method of Marcus Aurelius and the Karmic acceptance advocated by the Bhagavad Gita. Agastya reads both the books. Initially, he relates his situation to that of Marcus:

"In those months he grew to like immensely this wise sad Roman. Marcus immediately made him feel better because Marcus seemed to have more problems than anyone else – not the soul - squashing problems of being poor but the exhilarating abstract problems of one immersed wholly in his self."[17]

Agastya even starts maintaining a diary in which like Marcus, he records his meditations. The Gita, on the other hand, Agastya had always associated it with old age when the afterlife gains importance. Ultimately neither Marcus nor the Gita matters because while human reason seemed "so inadequate" and ill – equipped "to answer the overwhelming questions."[18]

There is parody used in the name of Agastya. "Parody," says Linda Hutcheson "is a typical post - modern paradoxical form because it uses and abuses the text and conventions of the tradition. It also contests both the authority of the tradition and the claims of art to originality."[19] Parody is seen in the categorization of certain characters. For example, the sage, Agastya was born in an "unnatural" manner and Agastya also is born "unnatural," for he was born of a Goanese mother and a Bengali father.

The novel displays a contrast to the irresponsible attitude of the bureaucrats with that of the selfless service to humanity by Baba Ramanna. Agastya visits Baba Ramanna's Home meant for lepers. He was stunned to see the devoted service offered to the outcastes like lepers. He is surprised to know that the Home didn't accept any government aid but worked independently and efficiently. He realizes the value of serving mankind. He returns from the Home peaceful, firm and with a conviction to carry out his duties sincerely. The visit imbibes positive values in Agastya and somewhat clears his disillusionment for his job.

Agastya joins as BDO of Jompanna, a terribly drought – prone block. In his third week in Jompanna, a tribal woman from Chipuralli complained that the only well in their area had dried up and needed cleaning. No officer had paid heeds to her complaint. When Agastya visited Chipuralli, he was full of pity for the people there. He saw women tying children to ropes and letting them into the well. The tribals were risking the life of their young children for the sake of half – buckets of mud. The ropes were bringing up buckets. Agastya gave orders to clean up the well and brought water – tanker for the tribals.

"Uh – a few days, I think. One tanker is out of order, it's being repaired at Tilan, another tanker is leaking very badly, by the time it gets here, there'll be no water in it. And the third one is at Choppa." Agastya looked at him with distaste. "Choppa is the Sabhapati's village, isn't it? It's probably as wet as - No, let's do it my way." He smiled wickedly at Chaudhri. "It's good that you brought your jeep. You go back in that jeep, take everybody with you. You'll reach Jompanna by about two thirty, I think. Arrange for one tanker and your - "he stopped, what they were called "- gang that cleans up wells to come here. I'll wait here for them, to sort of ensure that you - you do some work about this when you reach your office."

When Agastya next met an impressed Bajaj, he explained, "I thought it was the only way to get them to work, sir. If I'd gone back that afternoon to *Jompanna*, I would've been distracted from this business by the usual office *routine* and those *Junior Engineers* would've turned up one by one, to explain what was wrong with the tankers and why the well couldn't be desilted until a month later or something like that, their usual arguments – you know, sir, their laziness hidden by jargon – and I'd have agreed, because sitting in the Block Office at *Jompanna*, Chipuralli and its problems would've seemed remote and everything would've been postponed."[20]

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First Impression: June 2023

**New Horizons in Language & Literature**

**ISBN : 978-93-93810-75-5**

**Rs. 1000/- ( $80 )**



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# ETHICAL IMAGINATION, IMAGINING ETHICS:AN UNDERTAKING-BASED LITERATURE TEACHING APPROACH

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## INTRODUCTION

The term 'Ethical Criticism' unfortunately does not refer to any school or critical approach but is understood in reference to the upsurge of interest in the relationship between ethics and aesthetics, besides the claims made at innumerable occasions about how ethics and aesthetics are inseparable and how a divorce between the two can destroy both – the experience of literary works and their relevance to the world-realities. In the light of the premise, George's following cautionary observation deserves serious (re)consideration:

If literature is not about life and if texts have no point of reference outside themselves, then discussion about the role of art within a civilized society is just so much nonsense.

Nevertheless, ethical values themselves are seldom spoken about in class and in the context of teaching Literature.

### Review of Related Literature:

The classical literary criticism described the double function of Literature: instruct and delight. Horace considered that the poet should combine "sweet and the useful, charming the reader and warning him equally well" (Horace, 1998, p. 75). At some point, critics and Literature teachers started to put emphasis on delight at the centre of learning. Highlighting one function and side-lining other can be considered as less service or disservice to Literature. The confusion whether to read/teach Literature for pleasure or for moral development can ruin the whole idea of what Literature is, if Literature is believed to be a body of writing which deals with universal truths or anguishes. Focussing mechanically on art and design of Literature can prevent great works from penetrating into hearts and minds of students, if getting emotional at reading them is considered a key function of literary experience.

The 'Ethical Criticism' once enjoyed the position as the point of reference in the analysis of literary works, but due to the emergence of other approaches like New Criticism, Post-structuralism, and Deconstruction, ethical criticism became irrelevant, obsolete, and a passing fad to such an extent that it is least considered as a contribution in, and mostly as contrary to, literary criticism. While commenting on the mentality of Literature-teachers regarding inclusion of ethical awakening,

Our temptations as educators in an increasingly pluralistic society is to remain hands-off and assume a non-interference policy when it comes to the topic of moral choices and commitments. We are sometimes inclined to leave older students free to discover for themselves what is best and right and to avoid "indoctrinating" young people with certain moral values. Indoctrination is precisely what many educators fear falling into.

Whether call it 'indoctrination' or 'simply not my job', the "non-interference policy" leaves students vulnerable to many appealing amoral ideas about how to enjoy 'experience'.

### Objectives of the Study

The study of Literature without giving due consideration to the ethical content or structure of a work of art will lead one to adopt a hedonistic or nihilistic mindset, developing into an anti-social (a separatist) or apathetic personality (an isolationist). For example, a smiling picture of an abandoned child in a war-affected zone can never be interpreted only as a 'beautiful and

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pleasurable experience in itself' by being indifferent or inattentive to the 'crisis' the context and structure of that artwork invoke. We are living in a multicultural landscape where crisis has become the content of memes, as well as slogan of power-hungry people. In a country like India, crisis is 'Other' or 'because of 'Other'. Even at this juncture, if literary engagements revolve round 'beautiful writing' only, then no discourse, however powerful it might be, can forfend Literature students, against the feeling of being disconnected from their social reality. If imparting the skill of 'critical thinking' to students is one of the objectives behind teaching Literature in schools, colleges, and universities, then 'thinking' ought to go beyond the obsession of 'gaining aesthetic pleasure alone' (pure emotionalism) so to retain the adjectival modifier 'critical'.

A focussed approach to ethical inquiry in the literature classroom is the need of the hour so to awaken and educate students' moral imaginations to cope with the real-time crises. This will not be a "spoon-feeding" or "indoctrination" but an invitation to think rigorously about the content, criteria, and constraints of the narrative as well as the conflicts and choices faced by the characters.

Fictional characters' struggles are of interest to students as they set a course for their own life journey, make their own choices, and in doing so, give consideration to the kind of person they would like to become. (Bohlin)

"Why Katappa killed Bahubali?" had become a national question over the anxiety that how a morally upright man could be killed by another morally upright man without any black and white reason.

**Argument**

The latest explosion of interest in ethical readings of literary texts has destabilized the dominant assumption that literature has no effect on a reader's ethics. In his Défense of Poetry, P. B. Shelley writes:

A man, to be greatly good, must imagine intensely and comprehensively; he must put himself into the place of another and many others; the pains and pleasures of his species must become his own. The great instrument of moral good is the imagination. (Bohlin)

The phrases (italicized by me) highlight the kind and degree of an ability required for moral imagination and the moral imagination is the place where "reason and heart desire, envision, evaluate and choose a worthy telos." (Bohlin p. 29).Consequently, the following myths do not enhance but rather somewhat impoverish the richness of literary experience:

**Myth 1 – Literature is value-free?**

A literary work is considered best in terms of aesthetic experience it gives to its readers. According to very popular approaches like Formalism and New Criticism, aesthetic experience of a work of art solely revolves round the appreciation of the formal aspects of literary work. The language of teacher thus becomes clichéd one when he/she holds a classroom-discussion on Robert Burns' poem A Red, Red Rose. The students are fed with list of figures of speech used in the poem and one- or two sentence-summary revealing how the poem is a Ballad revolving around the poet's never-ending love for his beloved. This information (along with beauty in it, if any) is explained in detail by reading and repeating the poetic lines going forward and backward, with an aim to introduce to students (or induce in students love for) 'aesthetic value' to students under the agenda of imparting them 'thinking skills'!

The claim that that the students will feel 'connected' with the 'content' of 'form-teaching'can hardly be defended. As a consequence of invalidating or ignoring ethical cues present in the given text, the students feel "disconnected from the real world" (S. S. Choo p. XIII) due to engagement "fixated on the aesthetic appreciation of texts rather than on its relevance to the

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contextual environment and implications for today's societal situation." (S. S. Choo p. XIII). The form of the poem – the aesthetic expression – overtakes the content and character-portrayal – the things expressed – to such an extent that "the death of author" along with critic (as anyone's interpretation is as valid as any other's) turned the nature and future of literature into an inauthentic and unreal phenomenon contributing less or nothing in the context of global crises.

**Myth 1 – Is Learning is a Solitary Experience?**

The second myth more dominant and dangerous is an assumption regarding the teaching-learning experience as something which is solitary. People who read books for pleasure during journey or in private moments are different than the learners sitting in the Literature classroom as far as the reading/learning experience is concerned. The reading and learning that happens in the classroom can never be a solitary experience, for the simple fact that learners come from various social class and cultural backgrounds. Besides this, how teaching romance (or romantic love) can fit in the aims and objectives of Literature classroom needs re-consideration, which can hardly happen if literature is for individual and, for pleasures.

What if while exacting aesthetic pleasure from a literary work, the work does not fail also in affecting the reader's ethics? Robert Burns' poem 'A Red, Red Rose' celebrates romantic relationship, if the focus is shifted away from its form. No prescribed textbook which provides author's brief biography in the beginning of the lesson has a paragraph on Robert Burns as a sex addict...a serial womanizer...known for falling in love at the drop of a hat". The fact that Robert Burns' escapades with various women and the historical fact that "Jean Armour, Burn's wife, bore him nine children in 10 years, the last born on the day of the poet's funeral" has little blemished the worldwide popularity of the poet as "a sex pest", "a fornicator…the riotous" and a 'Scottish Casanova' stands tall sometime, when viewed in the context of idealisation of romantic love. These biographical details do not matter to literary scholars or literature teachers in order to keep literary world and real world divorced. But the students who are trained to think critically will end up either suspending rigorous and sustained interest in Literature study or surrendering reality to the lure of 'romantic' venture, forgetting (due to the communicative power of Literature) that the 'rose' on page lasts longer than the 'rose' in hand.

It is only the ethical approach which can facilitate all level students the all-round discursion of literary work by incorporating a creative-critical-social-and-political understanding of the literary world in the context of the real world without sacrificing aesthetic outlook. Such a deliberation will expose the literary scene to the learners to a greater (and higher level of) imagination, making them think critically together.

## CONCLUSION

Both literary imagination and ethical imagination are uniquely human activities and to suspend either is like suspending mankind into exile. If one thinks that Literature needs to be invested in and counted on, then it ought to provide informed evidence in tackling the global risks such as psychological crisis (isolationism), sociological crisis (separatism), and ecological crisis (materialism). And for this, the age-old view of Literature as associated with study elitist appreciation of beautiful writing should today be problematized. If not, then the Literature-teaching will risk becoming obsolete and marginalised in an age when global risks are increasingly becoming part and parcel of everyday life. In such a scenario, there is no greater invalidation to a global risk – person's raw and real sufferings in pre-writing and post-reading literary works – than using literary jargon as the first response, being dismissive of ethical stance towards literary lives.

The default path of meaning – religious or secular – seems no longer serviceable, so the saviour-perspective can only be an ethical perspective. Ethical perspective does not exclude aesthetic or

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political outlook by incorporates both. So, the 'shift' may feel overwhelming if we focus on what we give up instead of what we would gain. A quote attributed to Martin Luther King Jr. is quite a clarion call: "Our lives begin to end the day we become silent about the things that matter".

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(MIT SDBEDC - Special Issue)

MAEER's MIT

# SAINT DNYANESHWAR B.ED. COLLEGE, ALANDI, PUNE

## INTERNATIONAL CONFERENCE

on

# वसुधैव कुटुम्बकम्

## ONE WORLD | ONE FAMILY

**In Collaboration with**

Under Erasmus + CBHE Project AURORA
Dept. of International Centre, SPPU Pune

INDIA 2023

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**Venue** : Seminar Hall, MITACSC, Alandi Devachi, Pune

SKNCOET EDUCATIONAL RESEARCH & REVIEW (SERR)

ISSN 2455-6173

International Conference

on

# "Vasudhaiva Kutumbkam"

(One World One Family)

(04th February,2023)

In Collaboration with

Under Erasmus + CBHE Project AURORA
Department of International Centre, Pune

EDITOR
*Prof. Swati Karad Chate*

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# DEPICTION OF THE DARK SIDE OF 'VASUDHAIVA KUTUMBAKAM' IN KIRAN DESAI'S *THE INHERITANCE OF LOSS*

**Dr. Ashwini Manik Pisrude**

AKI's Poona College of Arts, Science and Commerce, Camp, Pune

**Abstract:**

*The Inheritance of Loss* is a story of the four individuals being turned into pawns due to political [illegible] Gyan, Biju and the Cook, Pannalal. Through the character of Biju, son of the Cook, Kiran Desai illustrates [illegible] the major themes of the novel that is how globalization has brought in new immigrant culture. The [illegible] analyses how in the post-colonial era, people from colonized countries face terrible hardships in America [illegible] is a land of liberty. To fulfill the desire of his father, Biju, using fake documents and false recommendations, [illegible] to America for a better livelihood. He works in various restaurants such as Gandhi Cafe, the Stars and [illegible] Diner, the Baby Bistro, Le Colonial, the Queen of Tarts, and Freddy's Wok etc. Though he works for long [illegible] he is given only a meager salary and has to bear with terrible insults and ill-treatment. In almost all the restaurants where he works as a Cook, Biju finds to his shock that workers from third-world countries [illegible] especially from the East are given only the lowest positions. As a rootless person and illegal intruder, he has [illegible] move from one restaurant to another in search of a better job and better salary. Kiran Desai also analyses in the novel how the problems of the legal immigrants are different from those of the illegal immigrants. The illegal immigrants have to live an underground life and are constantly on the run from the police. In fact there is a lot of corruption and indiscipline involved in the process of procuring visa. This leads to the problem of illegal immigrants. While remaining rooted to his father's love and cultural traditions, Biju now realizes that the dream of America is quite different from the places where he has worked and stayed.

**Keywords:**

Globalization, Biju, immigration, US, cultural alienation

**Introduction:**

*The Inheritance of Loss* is the second novel by Kiran Desai published in 2006. It won a number of awards including the Man Booker Prize for that year and the National Book Critics Circle Fiction Award in 2007. It is a literary masterpiece in its description, characterization and depiction of human emotions. It is a story of the four individuals being turned into pawns due to political turmoil, Sai, Gyan, Biju and the Cook, Pannalal. The novel has two strands of narratives: the one dealing with the sociopolitical problems of the people of Kalimpong and the other depicting the painful and alienated existence of the Indian diaspora in New York. Through the character of Biju, son of the Cook, Kiran Desai illustrates one of the major themes of the novel that is how globalization has brought in new immigrant culture.

**Review of Literature:**

Though Indian culture believes in the concept of 'Vasudhaiva Kutumbakam,' it is hardly followed in the western countries where people are commercial minded. We also believe in 'Athithi Devo Bhava' which imbibes the values of being a good host and respect our guests from the bottom of our hearts. These values are missing in the so called progressive first world countries. This aspect is hardly explored in research in literature of Indian English Writings. This paper highlights the farce of 'Vasudhaiva Kutumbakam,' in their culture.

**Objectives of the Study**

1. To show how the all-inclusive concept of 'Vasudhaiva Kutumbakam' is missing in the western world with special reference to US.

Though it is highlighted that globalization is the other name of [illegible] to be found in one's behavioural patterns.

[illegible] analyses how in the post-colonial era, people from colonized countries face similar hardships in [illegible] which is a land of liberty. While discussing Desai's treatment of the theme of immigration in the novel, [illegible] points out: "Desai portrays migration as a universal, multifaceted experience, occurring in [illegible] length and breadth. Almost fifty years after the judge went to England, Biju the cook's son, [illegible] existence as an illegal immigrant in New York."

[illegible] Desai depicts Biju's struggles and pathetic survival as an illegal immigrant in New York – "a city without [illegible]" and with "buildings going up like jungle creepers starved for light." To fulfil the desire of his father, [illegible] using fake documents and false recommendations, goes to America for a better livelihood. He works in [illegible] restaurants such as Gandhi Cafe, the Stars and Stripes Diner, the Baby Bistro, Le Colonial, the Queen of [illegible] and Freddy's Wok etc. Though he works for long hours, he is given only a meager salary and has to bear [illegible] insults and ill-treatment. Like the judge, who has suffered a lot at the hands of the Whites in England, Biju is humiliated and marginalized due to racial prejudice. The owner's wife at Pinocchio's Italian restaurant complains to her husband that Biju is smelly. She tells him that she prefers Europeans to Indians or [illegible]. The narrator observes: "She had hoped for men from the poorer parts of Europe—Bulgarians perhaps, Czechoslovakians. At least they might have something in common with them like religion or skin colour ..." [illegible] the resentment of the owner, Biju has to quit the place and go in search of jobs in other places. [illegible] all the restaurants where he works as a Cook, Biju finds to his shock that workers from third-world [illegible] and especially from the East are given only the lowest positions. As a rootless person and illegal [illegible], he has to move from one restaurant to another in search of a better job and better salary. He finds that [illegible] legal immigrants who have come to America without proper documents have to suffer from alienation.

[illegible] Desai also analyzes in the novel how the problems of the legal immigrants are different from those of the illegal immigrants. The illegal immigrants have to live an underground life and are constantly on the run from [illegible] police. Infact there is a lot of corruption and indiscipline involved in the process of procuring visa. This leads [illegible] the problem of illegal immigrants. Knowing the precarious conditions of these immigrants, the owners of [illegible] restaurants extract a lot of work from them and give them very low wages because they know that the workers [illegible] no legal rights to claim a better salary.

Biju and his fellow illegal immigrants have to change their jobs often because of the exploitative nature of the employers and the unhygienic conditions in the places. While remaining rooted to his father's love and cultural traditions, Biju now realizes that his dream of America is quite different from the places where he has worked and stayed. In the restaurants after his hard work, he has to sleep in unhygienic basements during night time. The workers are allotted space to sleep in the restaurants according to their racial origins. At Baby Bistro Restaurant, the French are asked to sleep above the restaurant "but below in the kitchen it was Mexican and Indian. And when a Pakistani was hired, it was Mexican, Indian, Pakistani." Biju undergoes a true colonial experience at Le Colonial Restaurant: "On the top rich colonial, and down below, poor native, Colombian, Tunisian, Ecuadorian, Gambian." At the Stars and Stripes Dinner Restaurant "All American flag on top, all Guatemalan flag below. Plus one Indian flag when Biju arrived."

Though he finds his job disgusting and humiliating, he has the hope of getting a Green Card. He knows to live in America permanently one should possess a Green Card. Even to leave America one must have one. "He watched the legalized foreigners with envy as they shopped at discount baggage stores for the miraculous, expandable third - world vascular ... Then, of course, there were those who lived and died illegal in America [illegible] their families, not for ten years, twenty, thirty, never again." Not knowing the conditions [illegible] leading his miserable life in America, his father writes to him:

"Stay there as long as you can. Stay there. Make money. Don't come back here."

**Findings:**

Social and cultural alienation, rootlessness, frustration and his longing for his father finally [illegible] America for India. Through the story of Biju, Kiran Desai provides the reader with the dark side [illegible] globalization when she describes the customer - receiving areas of an up-market restaurant flying an [illegible] authentic French flag, while in the kitchen the flags are Indian and Honduran. Though Biju lives in New Y[illegible] hasn't the time to see the country, lives in poverty where he has to sleep in shifts, or on the floor of the [illegible] works and even has to serve beef which he detests. When people come to US for the first time and are [illegible] to make a living, like Biju they are willing to undergo any torment to make ends meet. The novel truly [illegible] their sad lives. Biju is a pawn as an *illegal* immigrant and also a pawn at the hands of Gorkha National Li[illegible] Front in India who loot him when he returns to India and he suffers as a common man. He is unhappy with [illegible] opportunities in India and escapes in search of better prospects.

**Conclusion:**

Thus, all the characters are suffering from the inheritance of the loss as goes the title of the novel. [illegible] Rushdie's appreciation of this masterpiece of Kiran Desai is no exaggeration: "Welcome proof that [illegible] encounter with the English language continues to give birth to new children, endowed with lavish gi[illegible] Though the advanced version of 'Vasudhaiva Kutumbakam,' alias 'globalization' claims to have brough[illegible] world together, it underlines the non-existent ideal of love, brotherhood and compassion for the world [illegible] It is more of a Utopian concept with reference to the western world. Man was always and will be selfish. [illegible] George Bernard Shaw rightly calls patriotism as 'Extended Selfishness.' The western world finds the concep[illegible] 'Vasudhaiva Kutumbakam,' meaningless and a misfit to their culture. It is easy to say that we follow and beli[illegible] in 'Vasudhaiva Kutumbakam,' but difficult to implement when it comes to foreign nationality. This is pro[illegible] through the example of Biju and his hard struggle for survival in the US.

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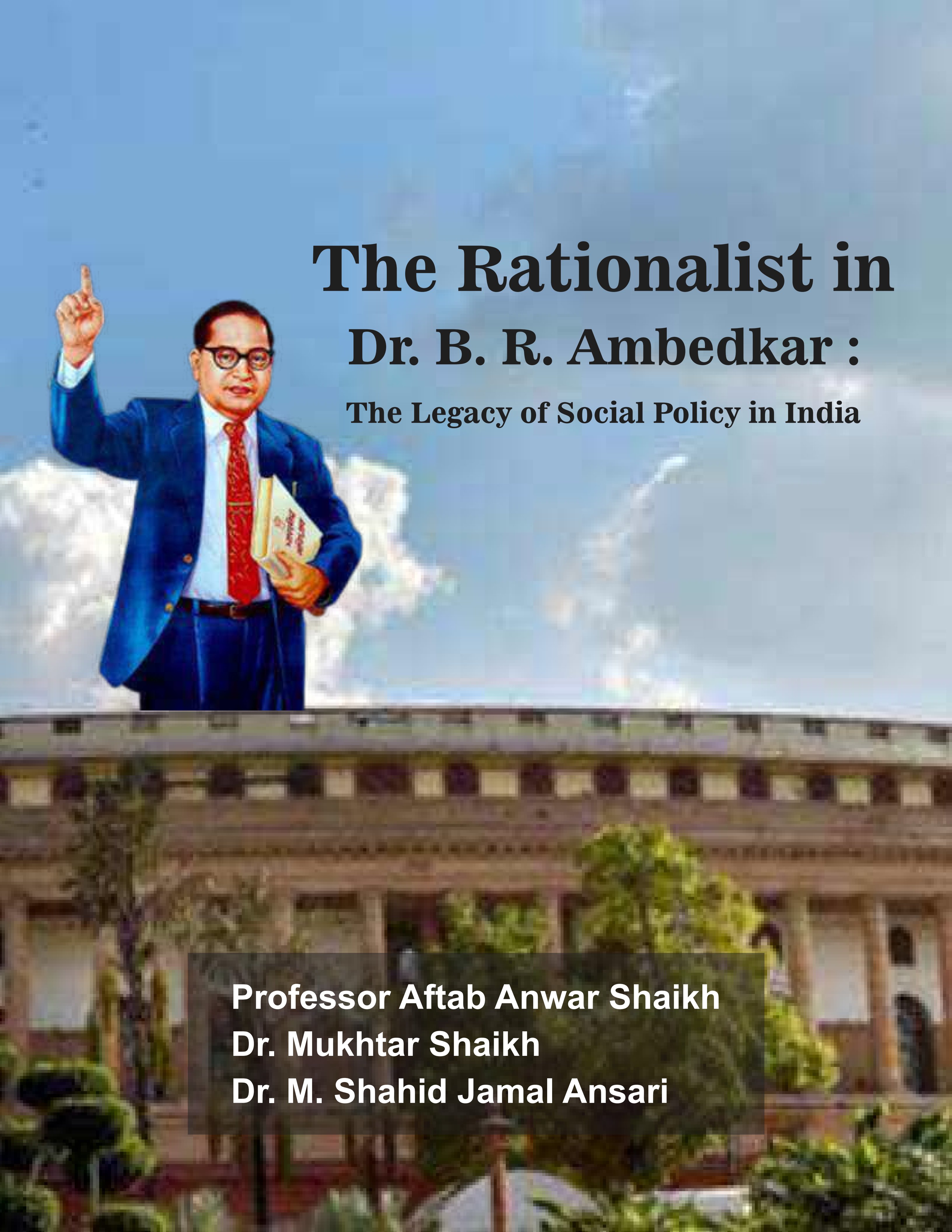

# The Rationalist in Dr. B. R. Ambedkar :

## The Legacy of Social Policy in India


Professor Aftab Anwar Shaikh
Dr. Mukhtar Shaikh
Dr. M. Shahid Jamal Ansari

# The Rationalist in Dr. B. R. Ambedkar:
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# The Rationalist in Dr. B. R. Ambedkar:
## The Legacy of Social Policy in India

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First Impression: November 2023

**The Rationalist in Dr. B. R. Ambedkar: The Legacy of Social Policy in India**

**ISBN: 978-81-19585-79-3**

**Rs. 1000/- ($80)**



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Published by:
Parab Publications

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 ISBN: 978-81-19585-79-3

# DR BHIMRAO AMBEDKAR- A VISIONARY FEMINIST

**Dr. Ashwini Surendra Daware**
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## INTRODUCTION

"We shall see better days soon and our progress will be greatly accelerated if male education is persuaded side by side with female education." – Dr. B.R. Ambedkar[1]

Empowerment refers to increasing the spiritual, political, social or economic strength of individuals and communities. Empowerment and autonomy of women and the improvement of their political, social, economic and health status is both a highly important end in itself and necessary for the achievement of sustainable human development. The role played by Dr. Babasaheb Ambedkar, as Chairperson of the Drafting Committee of the Constitution, has left an imprint on the social tapestry of the country after independence, and shaped the socio-political fabric of India today. It would have been a different India in a probability, a much more inequitable and unjust one without him. Dr. Ambedkar has a versatile genius as he was also a serious scholar, good teacher, efficient lawyer, devoted leader, committed writer, distinguished educationist, social rebel, powerful debater. He was an authoritative constitutionalist, an able administrator, liberal emancipator, master statesman, daring liberator of the downtrodden masses and a fearless fighter for human rights.

### Meaning of Feminism

'Feminism' is a wide range of political movements, ideologies and social movements that share a common goal to define, establish, and achieve political, economic, personal and social equality of sexes. The underline premise of feminism is to seek women's equality and justice in every sphere of life and create opportunities for women to have the same access to the resources that are otherwise freely available to men.

### Dr. Ambedkar – As a feminist

It is easy to imagine why people identified Dr Ambedkar as Baba, a father figure rather than as a political personality. He discussed several problems of Indian women and sought for their solutions in Bombay Legislative Council, in the Viceroy's Assembly as the Chairman of the Drafting Committee and also in the Parliament as the first Law Minister of Independent India.

### The Hindu Code Bill

The Hindu Code Bill revolutionized the Hindu domestic sphere by offering women the right to marry by choice and across caste boundaries, give them the right to divorce, and the right to inherit property. The Bill became the law in a piecemeal, diluted avatar, in the form of the Hindu Marriage Act, Hindu Succession Act etc. He resigned when the Bill was stalled by the upper caste orthodoxy. His influence also led to the passage of various other pro-women acts like The Equal Remuneration Act, 1976 and The Dowry Prohibition Act of 1961, legally entitling women to equal wages and criminalizing dowry, respectively.[2]

Apart from reforming property rights, he also introduced two ground-breaking clauses — namely, the restitution of conjugal rights, and judicial separation. These allowed women the personal choice and freedom to file for legal divorce.

**The bill was divided into four independent acts:**

a. the Hindu Marriage Act, 1955, which gave women the right to divorce, and maintenance in some cases

b. the Hindu Succession Act, 1956, which gave them the legal right to inherit family property

 **ISBN: 978-81-19585-79-3**

c. the Hindu Adoption and Maintenance Act, 1956, which allowed women to legally adopt a child

d. The Hindu Minority and Guardianship Act, 1956 which allowed a woman to be the natural guardian of her child.

The Bill, however, could not be introduced in its original structure. Dr. Ambedkar's ideas, however, did influence the enactment of a number of subsequent pro-women Acts, such as The Child Marriage Restraint Act, 1929, Immoral Traffic (Prevention) Act, 1956, Dowry Prohibition Act, 1961, The Maternity Benefit Act, 1961, The Equal Remuneration Act, 1976, the Family Courts Act, 1984, the Sati Prevention Act, 1987, The National Commission for Women Act, 1990, Protection of Human Rights Act, 1993, Protection of Women from Domestic Violence Act, 2005, among others.

His concern was not limited to Hindu women only. He observed that even the Muslim women were also not getting their due which was provided to them under the Islamic Shariah as they were influenced by the Indian environment. He also criticized the denial of rights to Muslim women for divorce. He lamented the sad plight of the Indian Muslim women and said: "No Muslim girl has the courage to repudiate her marriage, although it may be open to her on the ground that she was a child and that it was brought about by persons other than her parents. No Muslim wife will think it proper to have a clause entered into her marriage, contract reserving her right to divorce. In that even her fate is, 'once married always married' she cannot escape the marriage-tie however irksome it may be. While she cannot repudiate her marriage, the husband can always do it without having to show any cause."[3]

**As an Activist of Women's Rights**

Dr Ambedkar felt women, once they become agents of their own fate, will dismantle the caste patriarchy. He wrote extensively on women's oppression and set up newspapers like 'Mook Nayak' and 'Bahishkrit Bharat' with sections that exclusively covered women-centric issues. He pushed for family planning measures for women, and ensured the enactment of universal adult franchise, thereby legalising voting rights for women and several other minorities and marginalised people. His contribution to women's emancipation is reflected in his criticism of texts like Manusmriti.

**Dr Ambedkar's Idea of Equality**

He incorporated the values of liberty, equality and fraternity in the Indian Constitution. Based on the belief that any scheme of franchise and constituency that fails to bring about representation of opinions as well representation of persons falls short of creating a popular government, he submitted the Constitution with a warning. He said in his speech delivered in the Constituent Assembly on 25th November 1949, "Political democracy cannot last unless there lies at the base of it social democracy." By social he means a way of life, which recognizes liberty, equality and fraternity as principal of life.

**Constitutional Provisions**

The Constitution of India contains various provisions, which provide for equal rights and opportunities for both men and women. The salient features are:-

- Article 14 guarantees that the State shall not deny equality before the law and equal protection of the laws;
- Article 15 prohibits discrimination against any citizen on the ground of sex;
- Article 15 (3) empowers the State to make positive discrimination in favour of women and children;
- Article 16 provides for Equality of Opportunity in matters of public employment;

- Article 23 prohibits trafficking in human beings and forced labour;
- Article 39 (a) and (d) enjoins the State to provide equal means of livelihood and equal pay for equal work;
- Article 42 enjoins upon the State to make provisions for securing just and humane conditions of work and for maternity relief;
- Article 51A(e) imposes a Fundamental Duty on every citizen to renounce the practices derogatory to the dignity of women;
- Article 243D (3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Panchayat to be reserved for women, and such seats to be allotted by rotation to different constituencies in a Panchayat;
- Article 243T(3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality;
- Article 243T(4) provides reservation of offices of Chairperson in Municipalities for SC, ST, women in such manner as the legislature of a State, may by law provide;

In pursuance of the above Constitutional provisions, various legislative enactments have been framed to protect, safeguard and promote the interests of women. Many of these legislative enactments have been in the sphere of labour laws to ameliorate the working conditions of women labour. Dr. Ambedkar realized this at his time and included in the process of social reforms. The vision of Dr. Ambedkar about women is explicitly depicted in Indian Constitution. Equality of sexes is strongly backed by the Constitution through articles 14, 15 and 16. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. He laid down the foundation of social justice and there can be no social justice without gender equality. In his paper on ‘Castes in India: their Mechanism, Genesis and Development’, Dr. Ambedkar described how women were treated cruelly by the way of sati, enforced widowhood and girl marriages just to maintain strict endogamy in a caste. The social evils regarding women in Hindu religion as well as in Muslim society were highlighted by him. As a researcher, Dr. Ambedkar extensively studied the position of women in both the religion (and also in the other religions) and thrown light on denial of rights to her and ultimately the status of individual. Dr. Ambedkar sought that Buddhism awards women, status equal to men and considered women capable of attaining spirituality. By adopting Buddhism, Dr. Ambedkar expelled injustice for underprivileged segments including women and accepting the dignified equal status.

**Education for Women**

Dr Ambedkar’s views “The object of primary education is to see that every child that enters the portals of a primary school does leave it only at a stage when it becomes literate and continues to be literate throughout the rest of his life.”[4] Education is the only means by which societies grow out of oppression to democratic participation and involvement. It is a powerful tool for empowerment of individual. Dr Ambedkar identified two purposes of knowledge: first, to acquire it for betterment of others and secondly to use it for one's own betterment. He has also argued against professional learning (The British Educational System) aims at creating a clerical nature of workers. Ambedkar emphasized on secular education for social emancipation and freedom. Education has the sole purpose to enlighten the depressed classes so as to enhance their cause of social, economic and political upliftment. The basic theme of his philosophy of education was to inculcate the values of liberty, equality, fraternity, justice and moral character

 **ISBN: 978-81-19585-79-3**

among the boys and girls of all religion, region, class and caste. Dr Ambedkar listed these three components as objectives for policy makers:

1. Recasting the aims and purposes of education,

2. Education as an instrument of substantive equality,

3. Women's education.

Dr Ambedkar considered education as an important tool for the emancipation of women. They were not allowed to take education with lower castes. It is evident from his speeches that he had great concern for women empowerment. Addressing the Second All-India Depressed Classes Women's Conference held on 20 July 1942 at Nagpur, he said, "I measure the progress of community by the degree of progress which women have achieved. I shall tell you a few things which I think you should bear in mind. Learn to be clean; keep free from all vices. Give education to your children. Instill ambition in them. Inculcate on their minds that they are destined to be great. Remove from them all inferiority complexes."[5]

In this way, Dr Ambedkar stressed on education for the progress of women and our country. He wants women to realize that they owe a great responsibility for educating their children in right way. But at the same time, he advised them: send your children to schools. To him, education is the most important factor for moulding the life of all men, women and children. Dr Ambedkar observes "Education is as necessary for females as it is for males. If you know how to read and write, there would be much progress. As you are, so your children will be mould their lives in virtuous way, for sons should be such as would make a mark in this world."[6] He wanted to liberate women from their suffering and economic dependency. In order to give economic rights and freedom to women, Ambedkar demanded educational rights, equality and right to property for women. To educate women, he asked co-education for women with men. Through education, he believed, that women would think independently which will lead to their intellectual and mental development.

**Women's Voting Rights in India**

He wanted women to have greater participation in all walks of life, especially in the political arena. To empower that, as a legislator under the British regime, he was one of the first people to root for the rights of working women. To that effect, he wrote extensively on women's oppression and set up newspapers like *'Mook Nayak' and 'Bahishkrit Bharat'* with sections that exclusively covered women-centric issues. Moreover, as British India's first Indian Law Minister, Ambedkar pushed for Family Planning measures for women, and ensured the enactment of universal adult franchise, thereby legalising voting rights (earlier reserved only for the privileged) for women and several other minorities and marginalised people. To him, sexual discrimination should be root out from the society and everybody should get equal opportunity in the society.

**Dr Ambedkar's views on Marriage and Remarriage**

Dr. Ambedkar was strongly against the Manu views about marriage and remarriage. Because Manu said that,' for the first marriage of the twice born classes, a women of the same class is recommended but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred'. A Shudra woman only must be the wife of Shudra; Vaisya of a Vaisya, Kshatriya of a Kshatriya, Brahmani of a Brahaman'. Manu allowed men to marry with women below the class not above the class.

Dr Ambedkar found emancipation in Buddhist values, which promotes equality, self-respect and education. He believed that Buddha treated women with respect and love and never tried to degrade them like Manu did. Women like Vishaka, Amrapali of Visali, Gautami and Rani Mallika were approached in Buddha's philosophy.

The Hindu Marriage Act of 1955 provides the equal grounds for divorce to both husband and wife. The grounds are like adultery, desertion, cruelty, insanity, leprosy, venereal diseases, conversion or renunciation of world etc. The Desertion under the Hindu Marriage Act falls under the following categories;

a) Actual desertion,

b) Constructive desertion,

c) Willful neglect.

**Dr Ambedkar's Maternity Bill**

Dr Ambedkar had argued on Maternity Benefit Bill that, 'It is in the interest of the nation that the mother ought to get a certain amount of rest during the pre-natal period and also subsequently, and the principle of the bill is based entirely on that principle.'

Further Dr Ambedkar said that, I am prepared to admit this fact because of the conservation of the people's welfare, is primary concern of the government.[7]

Article 42 of the Indian Constitution directs the State to ensure the just and humane conditions of work and of maternity benefit. In order to meet the objectives as set out in this provision the Government of India has enacted the Maternity Benefit Act, 1961.The Central Government has increased the maternity benefit period from four months to six months by amending the law.

The amendments to maternity benefit Act were done by the government in order to increase the period of maternity benefit to the female workers.

1) It increased the maternity benefit from 12 weeks to 26 weeks for two surviving children.

2) 12 weeks for more than two children.

3) 12 weeks maternity benefit to a commissioning mother and adopting mother.

4) Mandatory provision of Creche in respect of establishment having 50 or more employees.

**Today's Present Context**

Most people are literate but not educated. Education by means of access to knowledge and learning played pivotal role in the social reforms. Stagnation in process of social reforms and imposing so called divine status of ancient women on today's women thereby influencing her development and upliftment. Shattered with the reforms and liberation of women in the era of globalization and modernization, the Indian mindset has not accepted the equality at par with men and hence forcing women to revert their development. Education system, employment opportunities, tremendous population, inflation and non-availability of resources to strive are the barriers for development among people. The societal framework meant to make women subordinate or subjugated need to be dismantled. Active participation of women from all the strata could make it possible. The more ridiculous male attitude is that girl's education meant only for her marriage. Today's women are trapped in the circle of insecurity, male domination, lack of awareness about her rights and no decision-making powers. Much is talked about women empowerment today but it is more economic, political and health related. The issue of social empowerment of women needs to be raised higher and given utmost importance then only it could complete phenomena. Women empowerment has five components: women's sense of self-worth; their right to have and to determine choices; their right to have access to opportunities and resources; their right to have the power to control their own lives; both within and outside the home; and their ability to influence the direction and social change to create a more just social and economic order, nationally and internationally. Dr. Ambedkar strongly believed that women empowerment can be achieved by welfare of women. The activities of empowering women worldwide should follow the vision of Dr. Ambedkar.

## CONCLUSION

Ambedkar paved the way for Indian women to legally vote, divorce, and own property. He was indeed a feminist. The role of women in every walk of life is predominant in the society. Though the goal of women empowerment is yet to be achieved, Dr. Ambedkar's idea about the rights and development of women are still valid in the present scenario – not only in India, but in global context too. Dr. Ambedkar's three-word formula – 'educate, agitate and organize' is a powerful tool of social change even today.

He desired a society based on liberty, fraternity and equality for all. Feminism at its core advocates for full social, economic, and political equality for women. According to him, the society must be based on reason, and not on atrocious traditions of caste system. He found education, intercaste marriage and interdine as methods, which may eliminate caste and patriarchy, maintained through endogamy. Dr. B.R .Ambedkar called the nation to give equal rights to women in every field. If the women are empowered the nation will be in progress.

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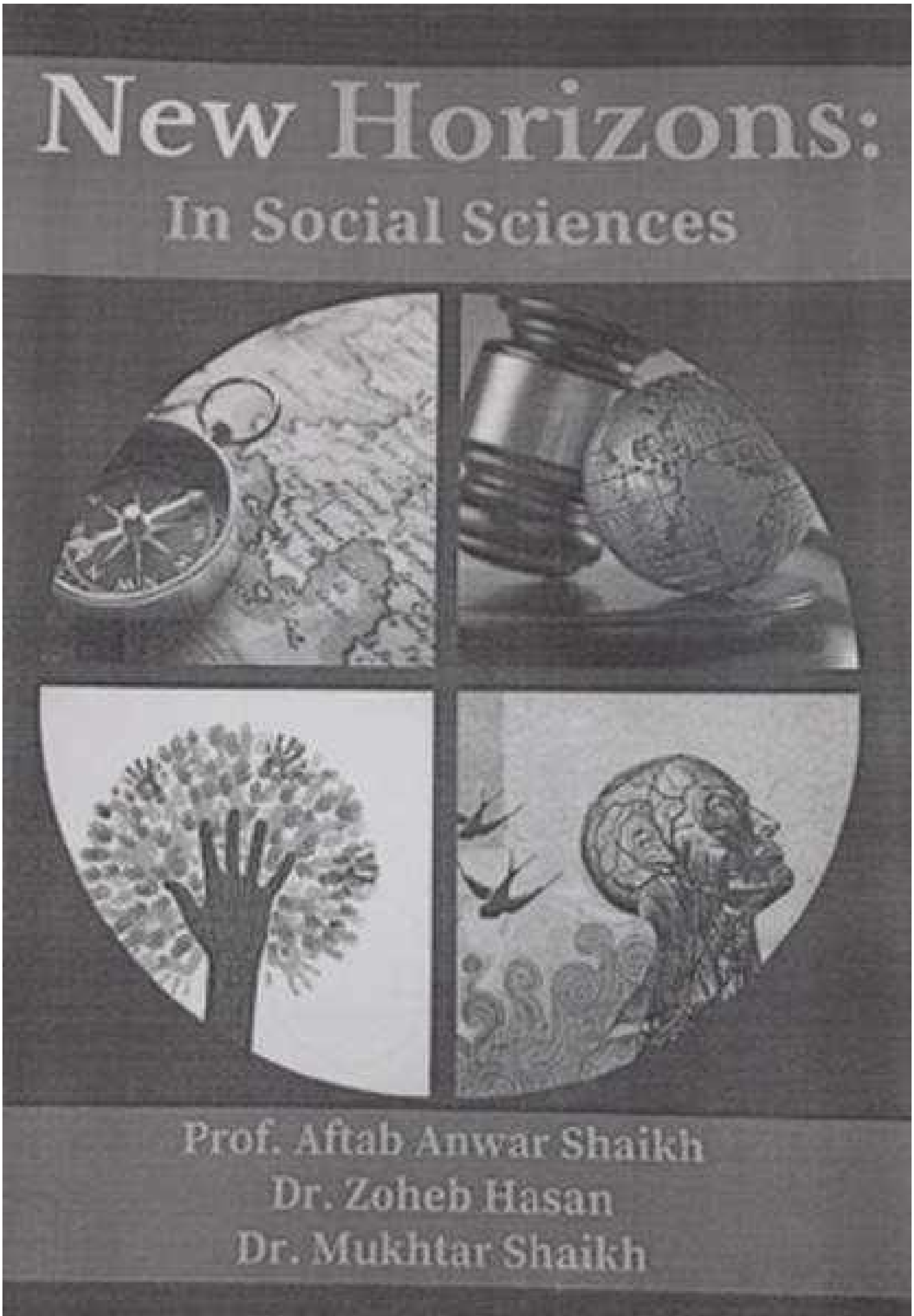
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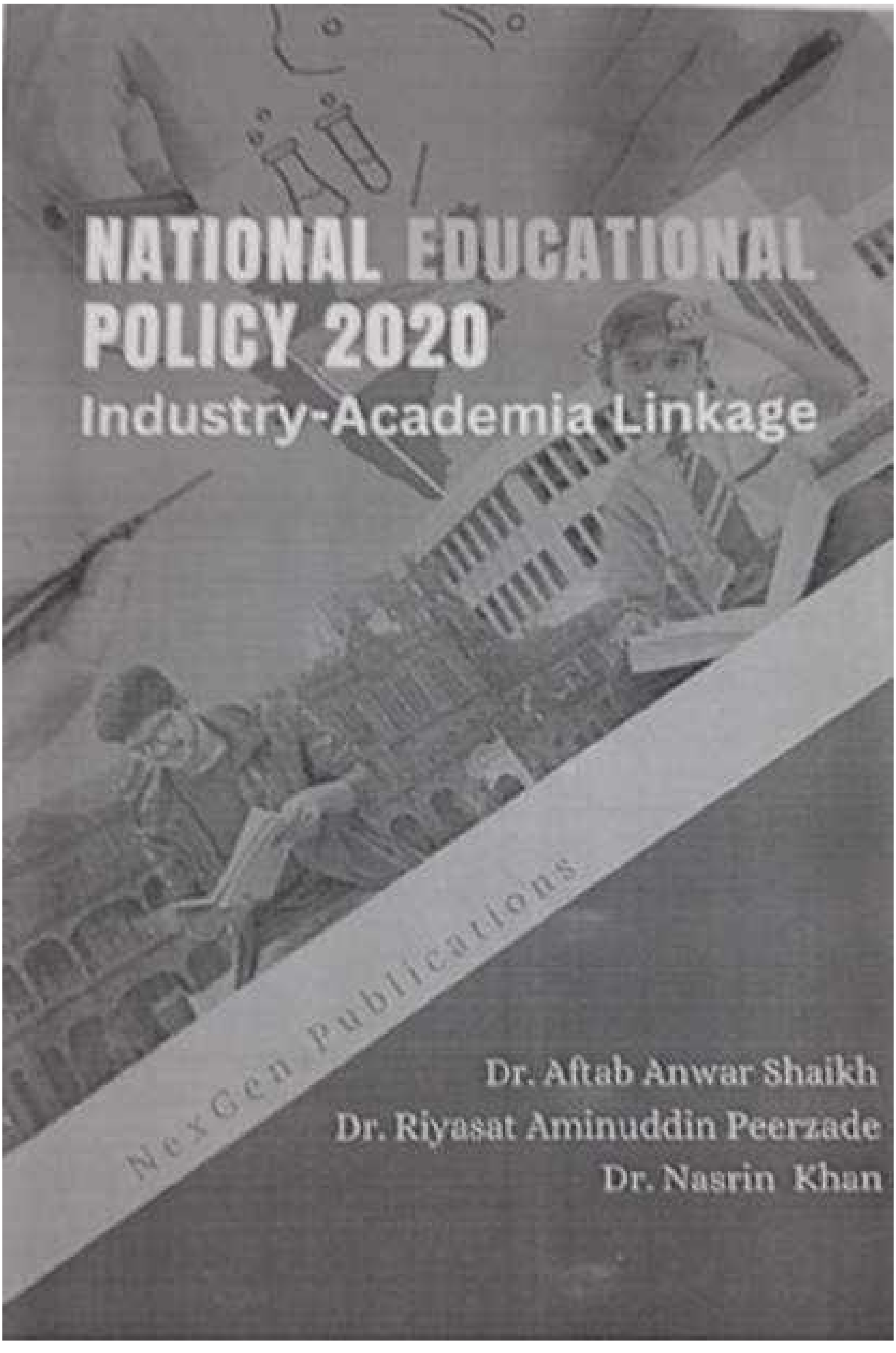

NATIONAL EDUCATIONAL
POLICY 2020
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NexGen Publications
Dr. Aftab Anwar Shaikh
Dr. Riyasat Aminuddin Peerzade
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First Impression: March 202[illegible]

**National Educational Policy 2020 Industry-Academia Linkage**

**ISBN: 978-81-96185X-X-X**

**Rs. 1000/- ($60)**





Published by
Nex Gen Publications

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# MODUS OPERANDI FOR IMPLEMENTATION OF NEP 2020 BY THE INSTITUTION AND THE TEACHER

Ms. Zeenat B. Merchant
Associate Professor and Head, Department of English, and Post Graduate Centre, Poona College of Arts, Science, and Commerce, Camp, Pune-01

The NEP 2020 which was released on 29th July, 2020, is a historic and ambitious document which conceives a broad-based multi-disciplinary under graduate education which has a flexible curricula and is holistic. Other features include creative combinations of subjects, integration of vocational education and multiple entry and exit points with appropriate certification.

## IMPLEMENTATION OF NEP 2020 BY THE INSTITUTION

In order to successfully implement the policy certain modus operandi at the institutional level needs to be followed.

Although an empowered teacher has the potential to move mountains, the ground reality is quite different. Justice J. S. Verma Committee Report, 2012 stated, "a broken teacher education sector is putting over 370 million children at risk. ... upon inspection several of private Teacher Education Institutes were found to have only a foundation stone in the name of infrastructure and 99% passing rate." The report also revealed that on average 85% teachers failed to qualify the Central Teacher Eligibility Test (C-TET). This could be attributed to exploitative employment conditions, characterised by ad hoc appointments and poor salaries, outdated teacher knowledge, lack of commitment and professionalism on the part of the teacher.

Only teachers who have qualified through aptitude tests conducted by the National Testing Agency (NTA) and completed the 4-year integrated B.Ed. course should be absorbed in the institution. These courses should be conducted in collaboration with departments such as psychology, philosophy, sociology, neuroscience, languages, arts, music, history, literature, physical education, science, and mathematics. The teacher will thus have multidisciplinary knowledge which will include training in teaching children with disabilities or with special interests and talents, use of educational technology, learner-centered and collaborative learning which be beneficial to meet the standards set by NEP 2020. 50 hours of CPD opportunities should be given every year to the teachers to attend workshops or on-line teacher development programmes. The Principal should also undergo CPD in modules related to leadership, management and implementing competency-based learning.

According to NEP 2020, the poor learning outcomes in Indian classrooms is attributed to dismal conditions of teacher recruitment, deployment, and service conditions responsible for the lack of teacher quality and motivation. An institution of higher learning cognizance needs to be taken of systemic reforms introduced by NEP 2020 which will help "teaching" emerge as an attractive profession and empower teachers, thereby restoring the high respect and status of this profession. This should comprise merit-based structure of tenure, salary, and promotion that incentivises and recognises outstanding teachers. Cognizance should also be taken by the institution of the National Curriculum Framework for Teacher Education (NCFTE) 2021, which will guide teachers working in academic, vocational and special education streams.

Competent Teachers should be recruited in case of shortage of teachers particularly for music, dance, art, craft, counselling, vocational education trainers, classical language teacher, social work or any technical subject. Local eminent persons or experts should be hired as master instructors for traditional local arts, vocational crafts, entrepreneurship, agriculture etc. to meet the need of teachers to teach the newly introduced classical languages and vocational and skill subjects.

 ISBN: [illegible]

Value education courses like those offered by the Art of Living Foundation should be made compulsory.

Teachers engaged in the reform process need a certain amount of freedom which will make them feel empowered and motivate them to work harder thus enhancing their commitment to their learners. Knowing the contribution teachers can make in reforming pedagogy to improve the learning outcomes, the NEP 2020 gives teachers autonomy in selecting appropriate pedagogy and encourages them to ensure socio-emotional learning of their students, which is an important aspect of holistic development. Academic freedom should thus be given to the teachers by the institution. The teacher in turn will give children opportunities to explore and find their interests and develop their minds in multiple dimensions which is the essence of true education as rightly stated by A.P.J. Abdul Kalam, "Learning needs freedom to think and freedom to imagine, and both have to be facilitated by the teacher."

Adequate and safe infrastructure, basic amenities and hygiene, computing devices, internet, libraries, and sports and recreational resources needs to be provided to all teachers and students so that the institution fosters vibrant, caring, and inclusive community of teachers, students, parents and principal.

Research related to policy implementation gaps has repeatedly documented that avoiding policy failures is about having robust means, methods and implementation mechanisms. The establishment of an institutional mechanism for implementation of the policy is thus necessary. The institution thus needs to set up a task force which will work with micro planning to ensure reform with sound principles of management and time bound implementation with fixed accountability. It will also ensure coordination and cooperation amidst all stakeholders, build reliable information repositories and develop credibility through transparent actions.

Contemporary subjects such as Artificial Intelligence, Holistic Health, Design Thinking, Environmental Education, Organic Living and Global Citizenship Education need to be taught by the institution at middle and secondary stages. Multidisciplinary study should be introduced in the institution which means that if the student wishes to learn Mathematics with Music, Physics with Economics, Chemistry with Geography, Biology with History he/she will be able to make choices. There will be no concrete separations leading to a holistic educational approach between Arts and Sciences, curricular and extra-curricular activities, vocational and academic streams thereby integrating the subjects and learning areas. The institutions need to offer flexible permutations and combinations for students to choose as per their interests, choices and career aspirations. There should be a reduction in the syllabus with a thrust on experiential learning and critical thinking. The key thrust behind the curricular and pedagogical restructuring across all stages is to move away from the traditional rote learning method. Innovative teaching methods adopted by teachers to improve the learning outcomes should be recognised and one bagless day should be introduced for hands on learning of vocational subjects.

A multidimensional report card needs to be introduced by the institution which should include self-assessment, peer assessment and teacher assessment. Such a progress card will reflect the progress and uniqueness of each learner in cognitive, affective and psychomotor domains.

Through NEP's strong thrust on vocational education it aims to give learners opportunities to build their repertoire of skills through innovative vocational courses, industry-integrated and entrepreneurial skills in order to prepare themselves for the job opportunities in 21st century by developing in them the 4Cs viz. Critical thinking, Communication, Collaboration and Creativity. In order to gain mastery over these skills the students will need to work with tools, instruments, materials and equipment which will require investment. The institution should thus have a budgetary framework and augmentation of financial resources for this purpose. Hiring professionals as part-time contracted faculties to help learners be trained by working professionals in the field should also be considered.

Dropouts should be identified and motivated to come back into the mainstream by creating awareness regarding the transformed and advantageous multifaceted system offering them education of choice. Induction programmes for older students rejoining the school after a gap of a year or two should be held which will alter the learning environment of the classes to more open, flexible, hybrid and professional models to learning.

In conclusion the NEP 2020 is visionary, practical, progressive and comprehensive which needs to be elaborately explained to all stakeholders. Every institution should organize FDP programmes, seminars/webinars, and workshops and use social media to communicate the advantages of NEP 2020 to all its stakeholders.

## IMPLEMENTATION OF NEP 2020 BY THE TEACHER

Despite the demographic size and variables there is one common factor that can turn the tide and lead the Indian education system out of its current quagmire of aimlessness and inflexibility to become a progressive, flexible, multidisciplinary, technology and skill based education system with the capability of producing creative, competent, skilled, employable and ethical learners. This common factor is 'the Teacher'. In 1966 the Kothari Commission declared "Of all the different factors which influence the quality of education and its contribution to national development, the quality, competence and character of teachers are undoubtedly the most significant." The NEP 2020 too exhorts, "Teachers truly shape the future of our children – and, therefore, the future of our nation". This implies that teachers play the most important role in nation-building by creating high quality of human resource within their classrooms.

The teacher first needs to orient the students about the welcome change in the curriculum, teaching learning models and the revolution in assessment methods. Considering the emphasis laid on 21st century skills and teaching techniques promoted by the NEP 2020 the teacher needs to use a holistic and multi-disciplinary approach to impart knowledge to the students, thereby paving the way to developing multifaceted personalities. Hybrid Classrooms, Interactive Classrooms and Technology based learning inclusive of Blended learning and Flipped classroom should be extensively used to make the learning experience stimulating for the students. Different online tools particularly AI-based learning tools and apps should be integrated with classroom learning. Emphasis should be laid on training students to use platforms such as Zoom Google meet, MS Teams, WebEx, etc so as to enable them to gain access to online lectures, webinars and workshops.

The New Education Policy (2020) emphasises on problem-solving and critical thinking skills which will in the long run help the students to prepare for life. NEP 2020 is based on the ground reality of the country's education scenario that puts more emphasis on innovation, creativity and personality development of the students rather than expecting them to score high and memorize without conceptual understanding. Keeping this in mind all teaching-learning methodology, assigning activities and assessment should be based on stimulating the critical thinking of the students and motivating them to think 'out of the box' in an innovative manner.

The slow and fast learners, the weak and strong learners need to be identified by the teacher and the curriculum delivery and activity should comprise graded assignments so that learning takes place according to the students. Learning paths will then be created which will be unique to each student. The strong learners need to be motivated to help the weak learners thereby stimulating peer learning as advocated by NEP 2020.Similarly on completion of assignments there should be peer assessment followed by teacher assessment.

Besides using an integrated and multi-disciplinary approach the teacher should also use multi-lingual approach so that the students gain mastery over more than one language which will enable them to communicate effectively with a variety of people and with different people in different regions. Separate language learning courses should also be organized by the teacher. This will be in keeping with the three language formula advocated by the NEP.

Emphasis has been laid on Value Education in NEP 2020. The teacher's endeavour should be to merge inculcating of values in day to day teaching as well as organizing activities such as Elocution, Poster making, Essay Writing, Short Story Writing, One Act Play Writing Competitions, etc to promote values. Besides this counselling of students should also be done to ensure a healthy mind in a healthy body. Values can also be inculcated by inspiring students to read good books. The National Book Promotion Policy promoted by MHRD envisages a multi-pronged approach to promoting books and inculcating reading habit in all segments of society. The vision is of a society empowered by knowledge and awareness created through positive ideas embedded in the books imparting knowledge. In order to motivate students to develop the habit of reading the teacher can start a 'Reader's Club' under the aegis of which he/she can organize activities such as 'Book Review Competitions' and have Discussion Forums. A Special section of books related to Self Development and Best Sellers should be made available in the General as well as Department Library by the teacher.

In accordance with Gender Equity promoted in NEP 2020, a 'Women's Forum' needs to be formed under the aegis of which the teacher can invite prominent women from varied fields who could create gender awareness and motivate the students through their success stories. The teacher should organize seminars, organize Debates, declare Collage making competition, organize Rallies and encourage students to write blogs related to gender equality and Women Empowerment.

Teachers have a major role to play in creating an environment that fosters a mindset of lifelong learning. In order to discourage rote learning and increase participation in the classroom the teacher should promote inquiry-based and discussion-based methods envisaged by NEP2020 and engage the students with hands on activities and assignments which will harness their creative talents providing them to use Higher Order Thinking as per Blooms Taxonomy that will relate to the Cognitive, Affective and Psychomotor domains.

Giving children opportunities to explore, to find their interests, and to develop their minds in multiple dimensions is the essence of true education. With NEP 2020 prescribing the play-way approach, the educational institutions would be in a better position to rationalize the curriculum and introduce age appropriate pedagogy to remove the pressure, stress and anxiety on the early learners that were caused due to unreasonable expectations to perform beyond their normal capacity. With the child-centered approach at the heart of the learning experience the teachers will be able to allocate equal time for social-emotional development, creativity through arts and aesthetics and also focus on physical growth of the child. This process will be further facilitated by the use of mother tongue and local language as the medium of instruction in the foundational years. All these factors will go a long way in strengthening the literacy and numeracy of the young learners thereby fulfilling the promise the NEP 2020 holds for our nation.

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| TITLE | : Proceedings of the National Conference: English Language Teaching and Literature in 21st Century |
| ISBN | : [illegible] |
| Editors | : Dr. M. [illegible], Mr. S. [illegible], Ms K. [illegible], Mr K. [illegible] |
| Price | : [illegible] |
| Published by | : Department of English, AMET University, Kanathur - 603112<br>Tamil Nadu, India. |
| Website | : https://www.[illegible].ac.in |
| Imprint at | : AMET University, Kanathur - 603112<br>Tamil Nadu, India |




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# 19. Exploring New Strategies For Teaching English Language And Literature

**Ms.Zeenat Merchant**, Head, Department of English, Poona College of Arts, Science and Commerce

**Abstract**

The recent education scenario involves innovative trends which embrace a multifaceted approach to English Language and Literature pedagogy. As educators continue to innovate, the field of teaching English Language and Literature evolves to encompass a wide range of creative, socially conscious, and technologically integrated approaches, providing students with a holistic and engaging learning experience. These trends indicate a shift towards more student-centered approaches to teaching language and literature to meet the changing needs of students in language and literature instruction. By embracing these innovative strategies, educators can create enriching learning experiences that prepare students for the challenges and opportunities of the 21st century. These trends showcase the dynamic and interdisciplinary nature of English Language and Literature education incorporating technology, diverse content, and innovative pedagogies to meet the evolving needs and interests of students. As education continues to explore and implement these trends, English classrooms become vibrant spaces for creativity, critical thinking, and cultural understanding.

**Keywords:** multifaceted, pedagogy, interdisciplinary, dynamic, critical thinking

**Introduction**

The current landscape in education reflects progressive trends that adopt a multifaceted approach to teaching. As educators strive for innovation, the realm of English Language and Literature instruction undergoes a transformation, embracing diverse, socially conscious, and technologically integrated methods. This evolution aims to provide students with a comprehensive and captivating learning experience. These emerging trends signal a move towards more student-centric, inclusive, and technology-infused approaches to teaching language and literature. With education in a constant state of flux, educators are poised to discover innovative techniques to address the evolving needs of students in language and literature education. By incorporating these groundbreaking strategies, educators can craft immersive learning encounters that equip students for the challenges and opportunities of the 21st century. These trends highlight the dynamic and interdisciplinary nature of English Language and Literature education, integrating technology, varied content, and inventive teaching methods to cater to the changing needs and interests of students. As educators continue to embrace and implement these trends, English classrooms transform into lively spaces fostering creativity, critical thinking, and cultural understanding.

**Enumerating Innovative Methods and Trends**

**1. Multimodal Literacy in English Language and Literature Instruction:** Multimodal literacy recognizes that communication involves various modes, such as text, images, and multimedia. Teachers are incorporating a variety of media into English Language and Literature lessons to enhance students' ability to understand and create content in different formats.

**2. Digital Resources and E-Learning Platforms:** The use of digital resources, e-books, and online learning platforms has transformed the way English Language and Literature are taught. Teachers can leverage various online platforms to provide interactive content, quizzes, and multimedia resources.

**3. Gamification Strategies:** Gamification involves incorporating game elements and principles into the learning process. In English Language and Literature, this can be achieved through

educational games, storytelling, and interactive activities that engage students in a more dynamic and enjoyable manner.

**4. Fostering Creativity and Exploration through Project-Based Learning:** Project-based learning encourages students to explore and create content related to English Language and Literature. Students can work on collaborative projects, such as creating their own stories, producing videos, or designing interactive presentations.

**5. Online Literary Magazines and Publishing in the Digital Age:** Students are increasingly involved in creating and publishing their own literary works through online platforms. This trend allows them to showcase their writing, contribute to virtual literary communities, and experience the process of publishing in a digital age.

**6. Interactive e-Books and Apps:** Interactive e-Books and educational apps provide a dynamic and engaging way to explore literature. These tools often include multimedia elements, annotations, and interactive features that allow students to interact with the content actively.

**7. Role-Playing and Simulation Games:** Role-playing games and simulations immerse students in language and literature by encouraging them to assume characters' roles or navigate story-driven scenarios. This hands-on approach fosters creativity, critical thinking, and language usage.

**8. Social Media Integration in English Language and Literature Education:** Leveraging social media platforms as part of the learning process can encourage students to engage with literature in new ways. Discussions, book reviews, and collaborative projects on platforms like Twitter or online forums can extend the learning beyond the classroom.

**9. Virtual Reality and Augmented Reality:** These technologies offer immersive experiences that can enhance the understanding of literary works. Students can explore historical settings, interact with characters, or even participate in virtual book clubs, creating a more engaging learning environment.

**10. Online Writing Tools:** Online writing tools and platforms help students improve their writing skills through real-time grammar and style suggestions. These tools provide instant feedback, allowing students to refine their writing and gain a better understanding of language conventions.

**11. Collaborative Online Annotation Tools:** Platforms that enable collaborative annotation of texts foster interactive discussions among students. These tools allow users to highlight, comment, and discuss specific passages, promoting a deeper understanding of literature through shared insights.

**12. Adaptive Learning Systems:** Adaptive learning platforms use artificial intelligence to tailor educational content to individual student needs. These systems can adjust the difficulty of tasks, provide personalized feedback, and track progress, allowing for a more customized learning experience.

**13. Literary Analysis Software:** Advanced software tools assist students in analyzing literature by offering insights into themes, character development, and stylistic elements. These tools can help students deepen their understanding of literary works and develop critical thinking skills.

**14. Digital Storytelling:** Digital storytelling involves using multimedia elements such as images, audio, and video to convey narratives. Students can create their own digital stories, enhancing their understanding of literary elements and fostering creativity.

**15. Literature and Social Media Challenges:** Engaging students through social media challenges related to literature is a creative trend. Teachers design challenges such as book recommendation contests, literary analysis tweets, or creative writing prompts shared on platforms like Twitter or Instagram.

**16. Literary Podcasts and Audiobooks:** Leveraging existing literary podcasts and audiobooks can be an innovative way to introduce students to diverse voices, genres, and styles. These resources make literature accessible in audio format, catering to various learning preferences.

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PUBLISHED BY JEC PUBLICATION



ISBN: 978-93-5850-489-7

Price: Rs. 749.00



Printed in India

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Dr. Kamini Srivastava got her M.Sc. and Ph.D. degrees in Botany from University of Allahabad, India. She has an impeccable record of accomplishment in research and publication. Dr Srivastava has published many research papers independently in Ethnobotanical Leaflets journal from Southern Illinois University Carbondale, United States. Her research areas are conservation, Anatomy, Morpho taxonomy and Ethnobotany. Her research papers have been cited by many scholars. She taught Botany for many years in a constituent college of University of Allahabad. Additionally,Dr Srivastava attended many conferences, seminars, faculty development programs, refresher courses and workshops.



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# Botany: Plants Physiology
# AND METABOLISM

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# Botany: Plants Physiology and Metabolism

**Dr. Shafik Shaikh**
**Dr. Thenmozhi P.**
**Dr. Navale Mahesh Bhimraj**
**Dr. Kamini Srivastav**

PUBLISHED BY JSR PUBLICATION



ISBN: 978-93-6226-326-1

Price: Rs. 749.00



Printed in India

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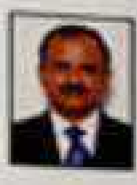

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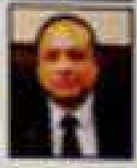

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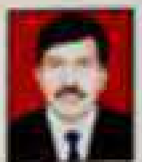

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First Impression: July 2023

**Advances in Science and Technology**

**ISBN: 978-81-19477-08-1**

**Rs. 1000/- ($80)**



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First Impression: June 2023

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# PREFACE

Science and technology are at the forefront of human progress, driving innovation, transforming societies, and shaping the world we live in. Over the years, we have witnessed remarkable advancements in various scientific disciplines, as well as ground breaking technological breakthroughs that have revolutionized our lives in countless ways.

In this edited book, entitled "Advances in Science and Technology," we bring together a collection of cutting-edge research and developments from diverse fields, highlighting the incredible progress made in recent years. The book serves as a testament to the collective efforts of brilliant minds, researchers, and scientists who have tirelessly worked towards unravelling the mysteries of the universe and harnessing the potential of technology for the betterment of humanity.

The chapters within this volume cover a broad spectrum of topics, encompassing fields such as physics, chemistry, biology, computer science, engineering, medicine, and more. Each chapter delves into specific areas of research and presents the latest advancements, novel methodologies, and thought-provoking discoveries that have pushed the boundaries of scientific knowledge and technological capabilities.

As we explore the pages of this book, we embark on a journey through the realms of science and technology, witnessing breakthroughs that have the potential to reshape our world. From quantum computing and artificial intelligence to genetic engineering and renewable energy, the chapters provide a comprehensive overview of the remarkable progress being made across disciplines.

This book also serves as a platform for interdisciplinary exchange, fostering collaboration and stimulating new avenues of research. By bringing together experts from various scientific domains, we aim to encourage cross-pollination of ideas and facilitate a holistic understanding of the interconnected nature of scientific advancements and technological innovations.

We extend our heartfelt gratitude to all the authors who have contributed their valuable insights and expertise to this volume. Their dedication, passion, and commitment to advancing knowledge have made this book possible. We also express our appreciation to the reviewers and editors who meticulously reviewed the chapters, ensuring the highest quality of content.

It gives us immense pleasure to express our heartfelt thanks to Hon. Nisar I. Patel, Chairman, Y and M Anjuman Khairul Islam Trust, Hon. Hani Ahmed Farid, General Secretary, Y and M Anjuman Khairul Islam Trust and Hon. Dr. Hanif Lakdawala, Trustee of Y and M Anjuman Khairul Islam Trust, Mumbai for their valuable help and

excellent support. We are very much thankful to our Principal Professor Dr. Aftab Anwar Shaikh, for his valuable guidance, advice and help rendered to us.

Lastly, we extend our gratitude to the readers of this book, as it is through your curiosity and thirst for knowledge that the impact of these advancements will be realized. We hope that this collection of chapters inspires, enlightens, and sparks further exploration into the vast realm of science and technology.

Together, let us celebrate the remarkable achievements chronicled within these pages and embrace the infinite possibilities that lie ahead as we continue to advance in science and technology.

**Dr. Iqbal N. Shaikh**

**Dr. Mujeeb Shaikh**

# ACKNOWLEDGEMENT

We would like to express our sincere gratitude and appreciation to all those who have contributed to the creation and completion of this edited book, "Advances in Science and Technology." It is through the collaborative efforts of numerous individuals that this comprehensive collection of ground breaking research and innovative ideas has come to fruition.

First and foremost, we extend our heartfelt thanks to the authors who have generously shared their expertise, insights, and discoveries in their respective fields. Your dedication to advancing scientific knowledge and technological progress has made this book a valuable resource for researchers, scholars, and enthusiasts alike.

We would also like to acknowledge the invaluable support provided by the peer reviewers, whose meticulous evaluation and constructive feedback have helped ensure the quality and rigor of the included chapters. Your expertise and commitment to maintaining scholarly standards have greatly enhanced the credibility and reliability of this publication.

Furthermore, we are grateful to the editorial team who worked diligently to coordinate and manage the editing process. Your meticulous attention to detail, organizational skills, and editorial expertise have played a vital role in shaping the content and structure of this book.

We would like to express our appreciation to the publishers and production team for their dedication and commitment to producing a high-quality publication. Your expertise in the publishing industry and your tireless efforts in bringing this book to life are commendable.

It gives us immense pleasure to express our heartfelt thanks to Hon. Nisar I. Patel, Chairman and Hon. Hani Ahmed Farid, General Secretary and Hon. Dr. Hanif Lakdawala Trustee of Y and M Anjuman Khairul Islam Trust, Mumbai for their valuable help and excellent support. We are very much thankful to our Principal Professor Dr. Aftab Anwar Shaikh, for his valuable guidance, advice and help rendered to us.

Lastly, we would like to thank our families, friends, and colleagues for their unwavering support, encouragement, and understanding throughout this endeavour. Your patience, understanding, and belief in our work have been a source of motivation and inspiration.

This book is a testament to the collaborative spirit and collective effort of all those involved. We hope that it serves as a catalyst for further advancements in science and technology, inspiring future generations of researchers and innovators to push the boundaries of knowledge.

Thank you all for your invaluable contributions.

Sincerely,

**Dr. Iqbal N. Shaikh**

**Dr. Mujeeb Shaikh**

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 ISBN: 978-81-95987X-X-X

# ANALYSIS OF SEASONAL VARIATIONS IN OXYGEN DEMANDING PARAMETERS (DO, BOD, COD) OF RIVER GANGA IN KANPUR

**Manisha Gupta and Mukesh Kumar**
Sunrise University, Alwar, Rajasthan

## INTRODUCTION

River Ganga is the best example of fresh water ecosystem originates from Gangotri (Uttranchal) and offer traversing a distance of 2525 km falls into Ganga Sagar (W.B.). Ganga along with its tributaries in the largest and very important river basin the country. It has been a symbol of purity but today, it is grossly polluted and in utters, disregard to its sanctity. Ganga is getting increasingly polluted in highly congested areas of U.P.

The population in Kanpur is increasing resulting in the increase in development in areas adjoining the river; this has put tremendous pressure on the limited fresh water resources. The increasing silt and nutrient load further deteriorate the water bodies.

The River Ganga (2,525 km long) is the largest river basin in India, covering 26.2 percent of India's total geographical area. The plankton in a reservoir is an important biological indicator for evaluating the water quality of a reservoir. While phytoplankton are important primary producers and the basis of the food chain in open water some species on the other hand can be harmful to human and other vertebrates by releasing toxic substances into the water, Ariyadej et al. (2004). Phytoplankton studies and monitoring are useful for control of the physico-chemical and biological conditions of the water in any irrigation project. Phytoplankton is increasingly being used to monitor the ecological quality and health of the water environment and also to measure the effectiveness of management or restoration programmers or regulatory actions. In India the fresh water constitutes rivers, streams, lake, wetlands, ponds and reservoirs. These freshwater bodies directly help in the growth of human civilization. The freshwater resource is becoming day by day at the faster rate of deterioration of the water quality is now a global problem. The fresh water communities i.e., phytoplankton, zooplankton, macrophytes and macro invertebrates are sensitive to environmental factors. Different species of plankton vary in different seasons due to the changes in physico chemical nature of water. The phytoplankton community shows high diversity with the seasonal fluctuation, which indicates the diversity in ecological niches. The zooplankton occupying the secondary level in the food chain play a key role in the transformation of food energy synthesized by the phytoplankton to the higher trophic level. Both phytoplankton and zooplankton supports the economically important fish populations, Joshep et al. (2011).

Of all the Earth’s ecosystems, rivers are the most dynamic having as their primary functions the transportation of water. Rivers and their landscapes are complex ecosystems that can be seen as an interaction between five main components: physical habitat, flow regime, the energy or food base of the system, biological interactions and water quality. All contribute to the maintenance of the biological or ecological integrity of the system which refers to the capacity to support and maintain a balanced, integrated, and adaptive biological system having the full range of elements and processes expected in a region's natural habitat. River pollution becomes apparent at times during accidents through horrifying scenes of dead fish floating on the surface of water.

# MEDIATED GREEN SYNTHESIS: CHALCONES AND ITS HETEROCYCLIC REACTION

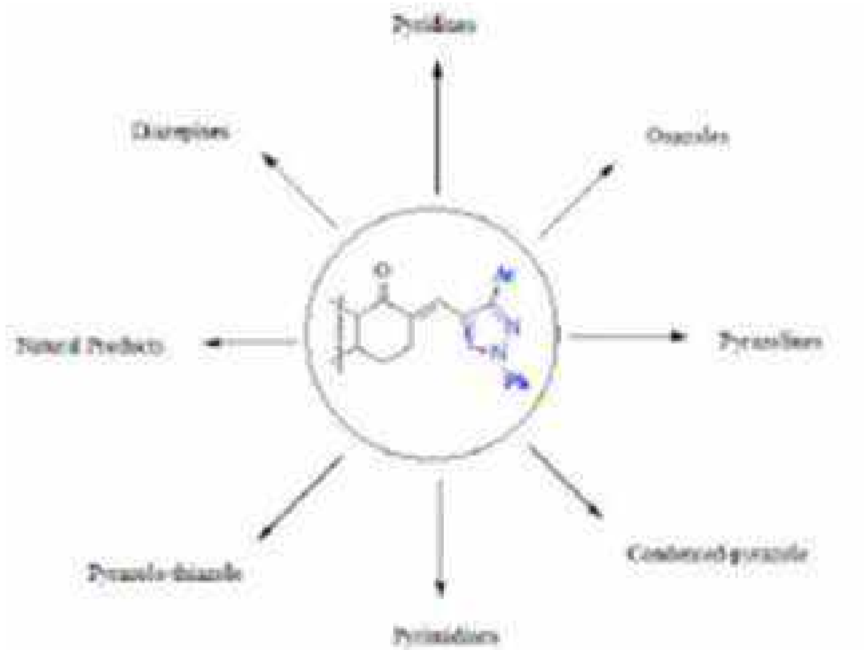
**Shaikh Abdul Baseer[1] and Mohammed Zamir Ahmed[2]**
[1]Assistant Professor, Department of Chemistry, Sir Sayyed College of Arts,Commerce and Science Aurangabad-431001, Maharashtra, India
[2]Assistant Professor, Organic Chemistry Research Laboratory, Poona College of Arts, Science and Commerce Pune -411001,Maharashtra,India

## ABSTRACT
*Chalcones are of a high interest due to their use as starting materials in the synthesis of a series of various heterocyclic compounds. Thus the synthesis of chalcones has generated vast interest to organic as well as for medicinal chemists and polyethylene glycol (PEG-400) as an efficient and green reaction medium for the synthesis of α, β-unsaturated carbonyl compounds (Chalcones) by Claisen-Schmidt condensation method.*

***Keywords**: polyethylene glycol (PEG-400), α, β-unsaturated carbonyl compounds (Chalcones) & Heterocycles.*

## INTRODUCTION
Solvents are widely used in organic synthesis and have been a cause of major concern due to their associated environmental hazards. The major disadvantages are their pyrophoric nature, volatility, and poor recovery. To address some of these issues, attempts have been made to develop solvent-free chemistry, which to some extent has been successful for a few transformations. However, in performing the majority of organic transformations; solvents play a critical role in making the reaction homogeneous and allowing molecular interactions to be more efficient. To address the concerns raised by volatile organic solvents, we initiated a new to identify whether any available liquid polymers or low melting polymers can be used as solvents. Recently, polyethylene glycol (PEG) has been found to be an interesting green solvent system. The use of PEG as an environmentally benign protocol has proved to have many applications particularly, in substitution, oxidation and reduction reactions. A number of recent reviews have also covered PEG chemistry and its applications in biotechnology and medicine. Chalcones (1,3-diaryl-2-propen-1-ones) constitute an important class of natural products belonging to the flavonoid family, which have reported to possess a wide spectrum of biological activities. The presence of (functional group) in chalcones confers antibiotics activity, i.e. bacteriostatic/ bactericidal activity. Some newly synthesized chalcones and their analogues as potential therapeutic agents for diseases of the cardiovascular system. Some newly synthesized 4-(alkoxy) substituted chalcones reported as antiproliferative agents.In vivo for diagnosis treatment, e.g. proliferative conditions, such as cancer, and inflammatory conditions. Also reported that the 2’, 5’-dihydroxy- chalcones have anti-inflammatory effects. 5-Lipoxygenase chalcone inhibitors are of current interest for asthma therapy, inflammatory diseases. Some chalcones derivatives also showed a profound influence on the cardiovascular, cerebrovascular and neuromuscular systems including the vital organs of the experimental animals. Newly synthesized chalcones (1,3-diarylpropen-1-ones) and their analogs as potential therapeutic agents for diseases of the cardiovascular system. Some new chalcones reported on CYPIA inhibitory action. Some newly synthesized 4-(alkoxy) substituted chalcones reported as antiproliferative agents. In vivo for diagnosis and treatment, e.g. proliferative conditions such as cancer and inflammatory conditions. Additionally some of chalcone derivatives have been found to inhibit several important enzymes in cellular systems, such as xanthenes oxidase and protein tyrosine kinase. Some newly synthesized chalcones and their analogues as potential therapeutic agents for diseases of the cardiovascular system. Curcumin, a natural product

isolated from the spice turmeric, has been shown to exhibit a wide range of pharmacological activities including certain anti-cancer, anti-oxidant, anti-inflammatory, and anti-HIV properties. Perhaps most importantly, it has also exhibited significant anti-tumor activity.(1-10)



**MATERIAL AND METHOD:**

Solvents are widely used in organic synthesis and have been a cause of major concern due to their associated environmental hazards. The major disadvantages are their pyrophoric nature, volatility, and poor recovery. To address some of these issues, attempts have been made to develop solvent-free chemistry, which to some extent has been successful for a few transformations. However, in performing the majority of organic transformations, solvents play a critical role in making the reaction homogeneous and allowing molecular interactions to be more efficient.

Following are the merits of this green reactions method.

i] This reaction is more versatile, efficient and convenient.

ii] Short reaction time as compared to the reported method.

iii] It gives excellent yield and purity of the product.

iv] Work-up and isolation is easier.

v] PEG is a benign reaction medium than ethanol or other solvents.

vi] PEG is potentially recyclable reaction medium.

vii] PEG is nontoxic, being used in food products and cosmetics.

viii] Procedure is green and environmentally benign.

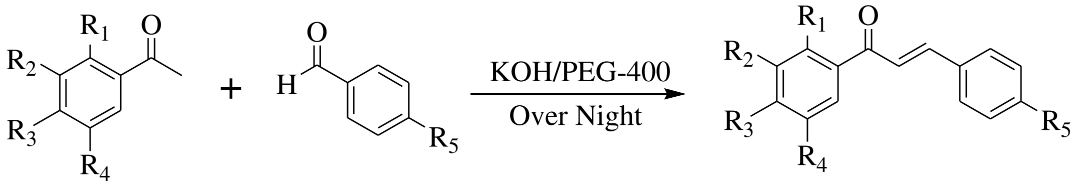
The use of PEG as a recyclable solvent system for the metal mediated radical polymerization of methyl methacrylate and styrene has also been reported (11-15)

**RESULT AND DISCUSSION:**

The substituted chalcone derivatives were prepared by stirring a solution of substituted acetophenone (1 mmol), KOH (2.0 mmol, with a minimum of $H_2O$) and an appropriate

 ISBN: 978-81-95987X-X-X

aldehyde (1 mmol) in ethanol as a solvent at 50-60$^0$C temperature for one hour. All the products were isolated by acidification of the cool diluted acid solution and washed with ice cold water and recrystallized by aqueous acetic acid to give pure product. A mixture of substituted acetophenone (1 mmol), substituted aldehyde (1 mmol) and KOH (2. mmol, with a minimum of $H_2O$) were taken in ethanol and stirred at 50-60$^0$ C temperature for one hour. The reaction went to completion within determined by TLC. The products were isolated by acidification of the cool diluted acid solution and obtained solid product was filtered and washed with 2x5 mL water and recrystallized by aqueous acetic acid to give pure product. All the starting materials were synthesized in laboratory except p-chloro acetophenone.




Acetophenones Aldehydes Chalcones **1(a-h)**

Wilson Test for performing Wilson Test, the reagent used was prepared freshly by mixing two solutions A and B in equal volumes. 'A' solution was absolute acetone saturated with boric acid and 'B' solution was absolute acetone containing 10% anhydrous citric acid. About 0.001 g chalcone was dissolved in about 1mL dry acetone, it was then divided in two equal portions. Nearly 2mL of boric acid-citric acid in acetone (Wilson reagent) was added to one portion and the other portion was diluted to an equal volume using 'B' solution only. The colors of the two solutions were compared at the end of few minutes. It was observed that chalcone containing solution gave strong coloration as compared to the other. This is positive test

## CONCLUSION

In summary, synthesized and characterized some new aryl substituted chalcones and its cyclisation reaction developed and study with simple and efficient system. Synthesized compounds showed antibacterial and antifungal activity.

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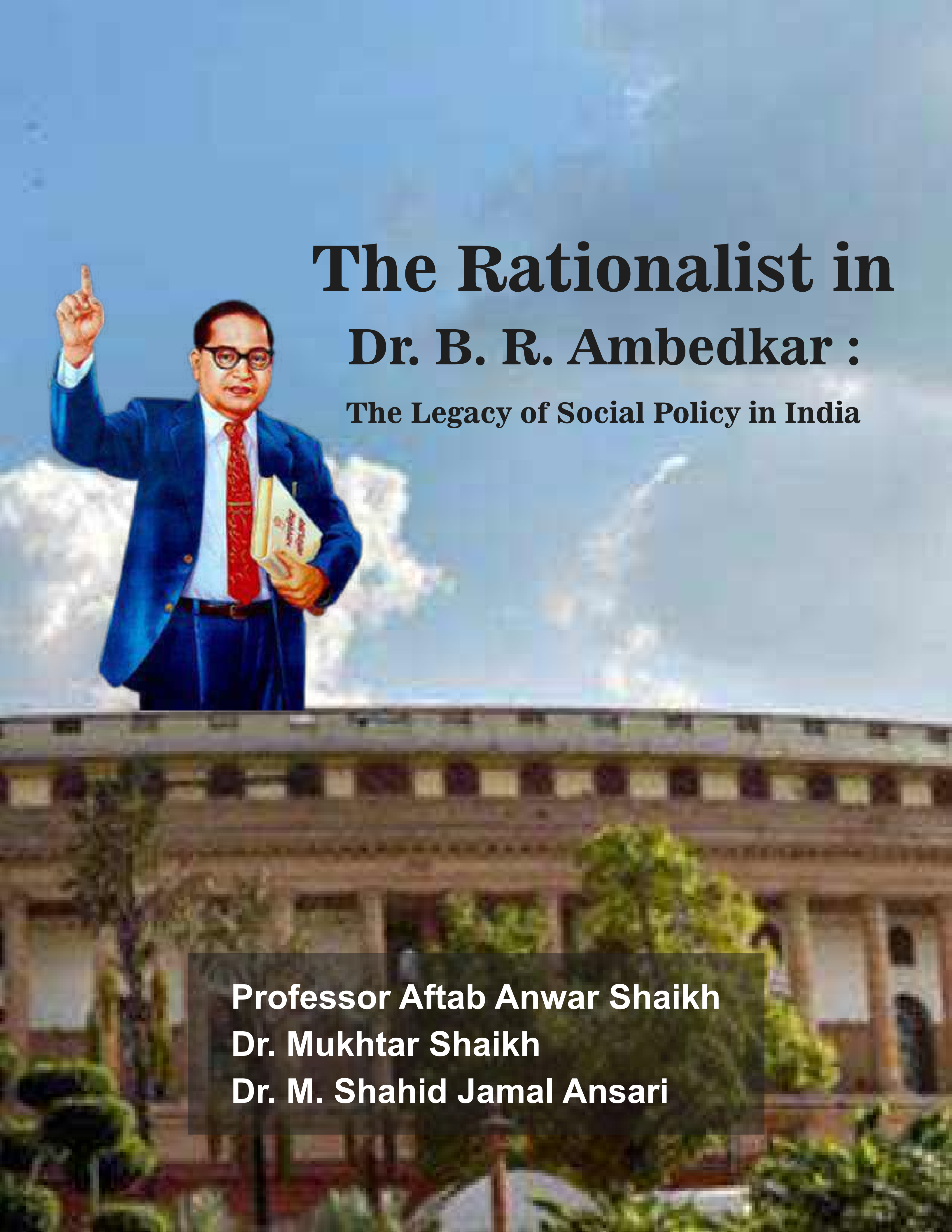

# The Rationalist in Dr. B. R. Ambedkar :

## The Legacy of Social Policy in India

Professor Aftab Anwar Shaikh
Dr. Mukhtar Shaikh
Dr. M. Shahid Jamal Ansari

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First Impression: November 2023

**The Rationalist in Dr. B. R. Ambedkar: The Legacy of Social Policy in India**

**ISBN: 978-81-19585-79-3**

**Rs. 1000/- ($80)**



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# DOES NET NPAs AFFECT BANK'S PROFITABILITY?- A STUDY OF SELECTED INDIAN PUBLIC AND PRIVATE SECTOR BANKS

**[1]Sandeep Nalawade and [2]Dr. M. Shahid Jamal Ansari**
[1]Research Scholar and [2]Assistant Professor & Head, Poona College of Arts,Science & Commerce, Pune

## 1. INTRODUCTION

Banking sector is backbone of every economy, particularly in emerging economy like India. But it has been observed that health of this crucial sector is not good as there is a rising trend of Non-Performing Assets (NPAs) significantly since last few years. In Public Sector Banks, the large rise in non-performing assets is noticed and it affects profitability of the banks. Non-Performing Assets (NPAs) are recorded on a bank or other financial organisation's monetary record. In case of loan, loan specialist exerts pressure on the borrower to sell any incentives which have been negotiated as a major aspect of the debt agreement after a drawn-out period of non-instalment. If no assets were pledged, the lender could write off the asset as a bad debt and sell it to a collection agency for a discount.

Non-Performing Assets in India are comparatively higher than the worldwide standards. The overconfidence of Public Sector Banks, when the Indian economy was in the boom in the early 2000s happened to lend immensely to the large corporate. This affected the economy. Not looking into the credibility and lending /exposure norms caused a great increase in NPAs. With a growing concern for banks in India NPAs mirror the banks' performance. Bankers play an important role in decreasing or recovering NPAs. The diversifications of funds and frauds have to be scrutinized by the bankers.

Arvind Subramanian, Chief Economic Advisor to the Government says that "India's NPA was the number one macroeconomic challenge that the economy was confronting".

In general, an asset is considered non-performing when no advance instalments have been made for a duration of 90 days. Although the average is 90 days, the slipped-by-time calculation may be shorter or longer depending on the terms and conditions of each advance. An advance can be designated as a non-performing asset at any point before or after the duration of the advance.

## 2. RESEARCH OBJECTIVES:

- To compare NPA status in both public sector and private sector banks in India.
- To concentrate how NPAs can be reduced by various measures in both the public and private sector banks.
- To study the effect of NPA on the profitability of banks.

## 3. LITERATURE REVIEW

In this part of the study some important studies are reviewed to understand various dimensions of the problem taken here. Further, analyses of NPAs in public and private sector banks in India presented with reference to a few research papers:

As stated in Ganesh Kumar and Abhay Pant (2017), India's Finance Ministry, government, and Reserve Bank are stressed about the rise in public sector NPAs due to their enormous macroeconomic effect and systemic risk to the budgetary structure. They can hamper the nation's financial and economic power if not curved.

Amarjit Singh and Anu Bajaj (2018) mentioned the importance of calculating NPA based on gross NPA rather than taking into account net NPA as debated. There was a sudden increase in the NPAs after the subprime crisis in 2008. The decline in the asset quality was comparatively more in the case of both public and private sectors banks than foreign banks. It was also found out that the higher the size of the bank, the lower would be its NPA.

Jayakkodi and Rengarajan (2016) found that the extent of NPAs is comparatively higher in public sectors banks than private sector banks because the private sector banks have a secured loan policy as compared to public sector banks. As Indian banks are highly dependent on income from interest on funds lent, the bank management should speed up the recovery process.

Agarwala and Agarwala (2019) found that the growth rate in the NPA level shows that the problem is evident not only with small-sized banks but also with big names in the banking space. The poor asset for the banks is a problem because as per the guidelines, given by the RBI, banks are required to keep some amount as provision depending on their asset quality thereby leading to declining profitability of the banks. Hence, it impacts not only the profitability level of these banks but also affects the shareholders' wealth. The Insolvency and Bankruptcy Code of 2016 is playing an important role with regard to the recovery of assets of those creditors whose case has been filed with the National Company Law Tribunal.

Gupta (2012) suggests that each bank should have its independent credit rating agency which should evaluate the financial capacity of the borrower before than credit facility. The bank should evaluate the SWOT analysis of the borrower companies. Independent settlement procedure should be more strict and faster and the decision made by the settlement committee should be binding both borrowers and lenders and any one of them failing to follow the decision of the settlement committee should be punished severely.

Roy and Samanta (2017) find that the overall NPA position of all the banks is deteriorating over the years. Since there is a negative high correlation between GNPA and NP, the profit gradually decreases as the GNPA grows which has become a serious

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concern right now. Provisioning can act as a cushion for NPA losses but it can't be regarded as a solution for growing NPAs in all the selected PSBs.

Bhardwaj and Chaudhary (2018) find that the money locked up in NPAs has a direct impact on the profitability of the bank as Indian banks are highly dependent on income from interest on funds lent. The problem of recovery is not with small borrowers but with large borrowers and a strict policy should be followed for solving this problem.

## 4. RESEARCH METHODOLOGY

The study comprises of secondary data of top two banks from both Public sector and private sector banks.

**Data collection-** The sample was taken from the Reserve Bank of India webpage (https://www.rbi.org.in), Money control (https://www.moneycontrol.com) and also from the banks' annual report. The current comparative study has been done on two public sector banks- State Bank of India, Punjab National Bank and two Private sector banks- ICICI and Axis bank.

**Time Period-** The time period of this study includes data from 2011 to 2022.

**Tools Used for Analysis-** Correlation and Regression Analysis

The rising trends in NPA in the recent years have been the main concern for this study taking into consideration the past twelve years. All the two banks from both sectors i.e. public and private sectors have been chosen for their high NPAs.

### Statistical Analysis

Relationship and impact of Net NPA and Net profit or profitability of banks were analysed with the help of correlation and regression analysis. Mean value and standard deviation have been calculated to analyse the stability and performance of banks.

### STATISTICAL ANALYSIS (CORRELATION AND REGRESSION):

The study is mainly divided into two parts- group of private and public sector banks. AXIS bank and ICICI bank are taken in private banks group while for public sector banks PNB and SBI were selected for analysis.

### A. Relationship and impact of Net NPA and Net Profit of Private Sector Banks

As shown in the table below, we can see that the correlation of AXIS bank and ICICI bank is negatively correlated, -0.61 and -0.11 respectively. The p-value was found out which shows that, p -value of AXIS is 0.939 and ICICI is 0.849. Hence Net Profit decreases with increase in NPAs and vice-versa.

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**Table-5: Net NPA and Net profit of Private Sector Banks from 2011 to 2022**

| YEAR | AXIS | | ICICI | |
|---|---|---|---|---|
| | Net Profit | Net NPA | Net Profit | Net NPA |
| 2011 | 3,388.49 | 41.04 | 5,151.38 | 2,407.36 |
| 2012 | 4,242.21 | 472.64 | 6,465.26 | 1,860.84 |
| 2013 | 5,179.43 | 704.13 | 8,325.47 | 2,230.56 |
| 2014 | 6,217.67 | 1,024.62 | 9,810.48 | 3,297.96 |
| 2015 | 7,357.82 | 1,316.71 | 11,175.35 | 6,255.53 |
| 2016 | 8,223.66 | 2,522.14 | 9,726.29 | 13,296.75 |
| 2017 | 3,679.28 | 8,626.55 | 9,801.08 | 25,451.03 |
| 2018 | 275.68 | 16,591.71 | 6,777.42 | 27,886.27 |
| 2019 | 4,676.61 | 11,275.60 | 3,363.30 | 13,577.43 |
| 2020 | 1,627.22 | 9,360.41 | 7,930.81 | 10,113.86 |
| 2021 | 6,588.50 | 6,993.52 | 16,192.68 | 9,180.20 |
| 2022 | 13,025.48 | 55.12 | 23,339.49 | 6,960.89 |
| **Mean** | **5,373.50** | **4,915.35** | **9,838.25** | **10,209.89** |
| **SD** | **3322.63** | **5504.62** | **5351.54** | **8712.11** |
| **Correlation** | **-0.61** | | **-0.11** | |
| **P Value** | **0.939** | | **0.849** | |

*Source*: **Calculated by author from data collected form Respective banks annual reports and RBI website**

**B. Relationship and impact of Net NPA and Net Profit of Public Sector Banks**

**Table 6-Net NPA and Net profit of Public Sector Banks from 2011 to 2022**

| YEAR | SBI | | PNB | |
|---|---|---|---|---|
| | Net Profit | Net NPA | Net Profit | Net NPA |
| 2011 | 8,264.52 | 12,346.89 | 4,433.50 | 2,038.63 |
| 2012 | 11,707.29 | 15,818.85 | 4,884.20 | 4,454.23 |
| 2013 | 14,104.98 | 21,956.48 | 4,747.67 | 7,236.50 |
| 2014 | 10,891.17 | 31,096.07 | 3,342.57 | 9,916.99 |
| 2015 | 13,101.57 | 27,590.58 | 3,061.58 | 15,396.50 |
| 2016 | 9,950.65 | 55,807.02 | -3,974.39 | 35,422.57 |
| 2017 | 10,484.10 | 58,277.38 | 1,324.80 | 32,702.11 |
| 2018 | -6,547.45 | 110,854.70 | -12,282.82 | 48,684.29 |
| 2019 | 862.23 | 65,894.74 | -9,975.49 | 30,037.66 |
| 2020 | 14,488.11 | 51,871.30 | 336.2 | 27,218.89 |
| 2021 | 20,410.47 | 36,809.72 | 2,021.62 | 38,575.70 |
| 2022 | 31,675.98 | 27,965.71 | 3,456.96 | 34,908.73 |
| **Mean** | **11,616.14** | **43,024.12** | **114.70** | **23,882.73** |
| **SD** | **9331.14** | **27583.43** | **5803.76** | **15407.56** |
| **Correlation** | **-0.64** | | **-0.69** | |
| **P Value** | **0.009** | | **0.001** | |

*Source*: **Calculated by author from data collected form Respective banks annual reports and RBI website**

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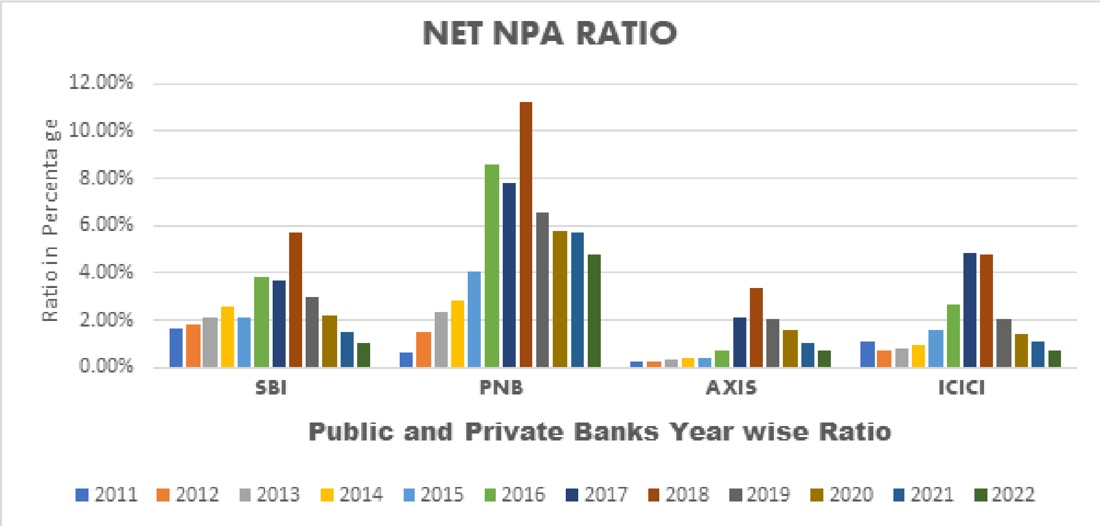
Figures in the table show that both banks SBI and PNB show negative correlation of -0.64 and -0.69 respectively. This makes it clear that when NPA increases, profitability of the banks decreases showing the inverse relation between the two. The p-value of SBI and PNB are 0.009 and 0.001 respectively. The p-value reveals that SBI and PNB has lesser than 0.05.

## GRAPHICAL PRESENTATION

The graphical representation of the Net NPA ratio is shown in the below graph. The data is shown for twelve years 2011 to 2022 of the study period.




*Source*: **Calculated by author from data collected form Respective banks annual reports and RBI website**

Here, as we can see amongst the private banks, Axis bank has the least sum of net NPA for the past twelve years while ICICI bank has highest NPA. On the other hand PNB has the highest NPA amongst the Public sector banks.

## 5. CONCLUSION:

In conclusion, this study examined the impact of Net Non-Performing Assets (Net NPAs) on the profitability of selected Indian public and private banks. The analysis was conducted using panel data analysis for the period of 2011-2022. The results of the study indicate that there is a significant negative relationship between Net NPAs and profitability of banks. This implies that an increase in Net NPAs leads to a decline in profitability of banks.

The study also found that public sector banks have higher Net NPAs compared to private sector banks. This could be due to various factors such as differences in management practices, loan appraisal processes, and government policies.

The findings of this study have several implications for policymakers and banks. The study highlights the importance of effective management of Non-Performing Assets (NPAs) to maintain the profitability of banks. Banks need to adopt effective strategies to

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prevent the accumulation of NPAs and also to manage them efficiently. This includes improving loan appraisal processes, implementing effective recovery mechanisms, and adopting risk management practices.

Overall, this study contributes to the understanding of the relationship between Net NPAs and bank profitability in the context of Indian public and private banks. However, further research is needed to explore the factors that contribute to the differences in Net NPAs between public and private sector banks in India.

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 ISBN: 978-81-19481-15-6

# FOOD PRICES INFLATION EVALUATION IN INDIA POST PANDEMIC: A FOOD SECURITY PERSPECTIVE

**[1]Mr. Milind Patil and[2]Dr. Gulnawaz Usmani**
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## INTRODUCTION

In India, the three major objectives of economic policy are growth, social justice (equitable distribution of income and wealth), and price stability. Of these, price stability is perhaps the one that can be pursued most effectively by the monetary authorities of the country. The monetary policy of an economy operates through three important instruments, viz., the regulation of money supply, control over aggregate credit, and the interest rate policy. In the pro-reform period, given the largely underdeveloped state of the financial system, the regulated nature of financial markets, and plan priorities, the RBI often resorted to the direct instruments of monetary policy like CRR, SLR, and interest rate for allocating credit and regulating money supply in the economy. Gradual liberalization and globalization of the economy, strengthening and development of the financial system, restrictions on the automatic monetization of fiscal deficit, and various other changes in the economy had made it possible for the RBI operates with the indirect instruments of monetary policy such as bank rate, repo rate, and OMOs (open market operations). Accordingly, there has been a distinct shift in the monetary policy framework and operating procedures from direct instruments of monetary control to market-based indirect instruments in recent years. The monetary authorities are striving hard to curb inflation by adopting several monetary policy measures, the important amongst which are changes in CRR, repo, and reverse repo rate, which directly influences the money supply in the market with immediate effect without creating any distortions in the economy. That is the reason, they are perceived to be the most appropriate by the monetary authorities to curb the existing inflation, and hence changed 16 times during the year 2020 to2022.

Beginning 2021-22: Q2 till 2021-22: Q4, with the exception of few quarters during 2012-13 and 2013-14, food inflation in terms of a wholesale price index (WPI) remained above overall inflation. The quarterly food inflation grew at an average rate of 10.16 percent during this period compared with 6.76 percent for overall inflation. In contrast, during the preceding period of five years between 2019-2020 till2021-22, the overall inflation was generally observed to be higher than food inflation. This was the period when inflation in general was low, and the average quarterly food inflation of 2.63 percent during the period was much lower than the overall inflation rate of 4.90 percent.

## OBJECTIVES OF THE STUDY

- To study the nature and causes of food prices inflation in India
- To examine the effectiveness of monetary policy in ensuring price stability in India
- To study the changing role and importance of selected monetary instruments in India
- To study the impact of food price rise as an obstacle to economic growth.

### Comparison of Various Financial Values

The disproportionate response of agricultural and industrial prices to monetary changes, both in the short-run and long-run have been empirically validated by several studies for different countries, for the US, Onlen and Fackler (1989) using a VAR and impulse response function show that an increase in money supply raises agricultural prices relative to the general price level for more than a year implying monetary changes lead to a change in real agricultural prices in both the short- and long-run Saghai Reed and Merchant (2002) extended Frankel's closed economy model to an open commodities for the US economy. They found that monetary changes have both short- and long-run economy framework by including exchange rates to account for international trading of agricultural effects on agricultural prices

Now, we can have a look into the variations in the values of these variables over the period for finding out the reasons behind them. Whether the monetary policy is effective in implementing price and financial stability or not, will be clear from such a comparative analysis. The values of all three items have increased over the years, i.e., net bank credit, broad money, and the price level. We can see the maximum values in the financial year (in 2022-23), i.e., Rs. 16,67,096 crores, Rs. 55,79,567 crore and 242.9 respectively. The values have increased continuously during the period, showing a positive and direct correlation between the three; even though the rate of growth does not seem proportionate. Percentage changes in these values also show a positive picture, but with frequent ups and downs in variations. Credit availability has exhibited its maximum percentage variation as 42 percent during2018-19 and the minimum rate of change was 0.9 percent in 2020-21. WPI has marked its minimum of3.3 in 2021-2022.

Whenever there were price hikes during the years, monetary authorities successfully have made use of all the weapons effectively and prudently, to rein the inflationary pressures and to maintain financially stability in the economy. However, the RBI reduced the CRR continuously many times during the inflationary pressures, and to absorb excess liquidity, the RBI has raised the CRR, SLR, Repo andReverse Repo rates altogether.

### Headline Inflation Declined from its Peak

FY22 witnessed lower CPI-Combined(CPI-C) based retail inflation as compared to FY21.Even so, inflation remained on the higher side when compared to the moderation

 ISBN: 978-81-19481-15-6

seen during the years prior to the pandemic. During FY22, some sub-groups such as‘oils & fats’, ‘fuel & light’and ‘transport & communication’ reported high inflation. This was mainly driven by supply disruptions caused by pandemic-induced lockdowns. The subsequent year (FY23) began with the Russia-Ukraine crisis that led to high headline inflation rate in April 2022.

In FY23, retail inflation was mainly driven by higher food inflation, while core inflation stayed at amoderate level. Food inflation ranged between 4.2 percent and 8.6 percent between April and December 2022, while the core inflation rate stayed at around 6 percent except in April 2022.

**TableV.1:** Average Annual Retail Inflation Based on CPI-C (percent)(base:2012=100)

| **Groups/Sub-groups** | **Weight** | **FY20** | **FY21** | **FY22** | **FY23*** |
|---|---|---|---|---|---|
| **Food&beverages** | **45.9** | **6.0** | **7.3** | **4.2** | **7.0** |
| Cereals and products | 9.7 | 2.8 | 3.8 | 0.5 | 9.3 |
| Meatandfish | 3.6 | 9.3 | 15.4 | 7.9 | 4.7 |
| Egg | 0.4 | 4.5 | 12.9 | 7.6 | -1.0 |
| Milkandproducts | 6.6 | 2.9 | 5.4 | 2.8 | 6.8 |
| Oilsandfats | 3.6 | 2.9 | 16.0 | 27.4 | 5.4 |
| Fruits | 2.9 | 0.7 | 2.6 | 6.2 | 4.4 |
| Vegetables | 6.0 | 21.3 | 5.8 | -7.2 | 7.6 |
| Pulsesandproducts | 2.4 | 9.9 | 16.4 | 6.0 | 1.8 |
| Sugar and confectionery | 1.4 | 0.8 | 2.5 | 2.3 | 2.7 |
| Spices | 2.5 | 4.4 | 10.9 | 5.3 | 14.9 |
| Pan, tobacco & intoxicants | 2.4 | 4.2 | 9.9 | 4.5 | 2.0 |
| Clothing & footwear | 6.5 | 1.6 | 3.4 | 7.2 | 9.7 |
| Housing | 10.1 | 4.5 | 3.3 | 3.7 | 4.1 |
| Fuel and light | 6.8 | 1.3 | 2.7 | 11.3 | 10.5 |
| Miscellaneous | 28.3 | 4.4 | 6.6 | 6.7 | 6.3 |
| Household goods and services | 3.8 | 3.1 | 3.0 | 5.8 | 7.5 |
| Health | 5.9 | 6.2 | 5.1 | 7.5 | 5.8 |
| Transport and communication | 8.6 | 2.4 | 9.9 | 10.1 | 6.4 |
| Recreation and amusement | 1.7 | 4.9 | 5.1 | 6.5 | 6.4 |
| Education | 4.5 | 5.5 | 2.8 | 2.9 | 5.2 |
| Headline Inflation | 100.0 | 4.8 | 6.2 | 5.5 | 6.8 |
| Core Inflation | 47.3 | 4.0 | 5.5 | 6.0 | 6.1 |
| Food Inflation | 39.1 | 6.7 | 7.7 | 3.8 | 7.0 |

Table 1Source::MoSPI, Source: MoSPI,

Note:*April-December,CPI data for December 2022 are provisional

 **ISBN: 978-81-19481-15-6**

**Retail Inflation Driven by Food Commodities**

Retail price inflation mainly stems from the agriculture and allied sector, housing, textiles, and pharmaceutical sectors. Further, the global spill overs, representing the imported inflationchannel, driven by price pressures in energy, mining, chemicals, trade, basic and machinery,reaches the retail segment mainly through the wholesale price inflation. During FY23, ‘food &beverages’, ‘clothing & footwear’, and ‘fuel & light’ were the major contributors to headline inflation–the first two contributing more this fiscal than in the previous one.

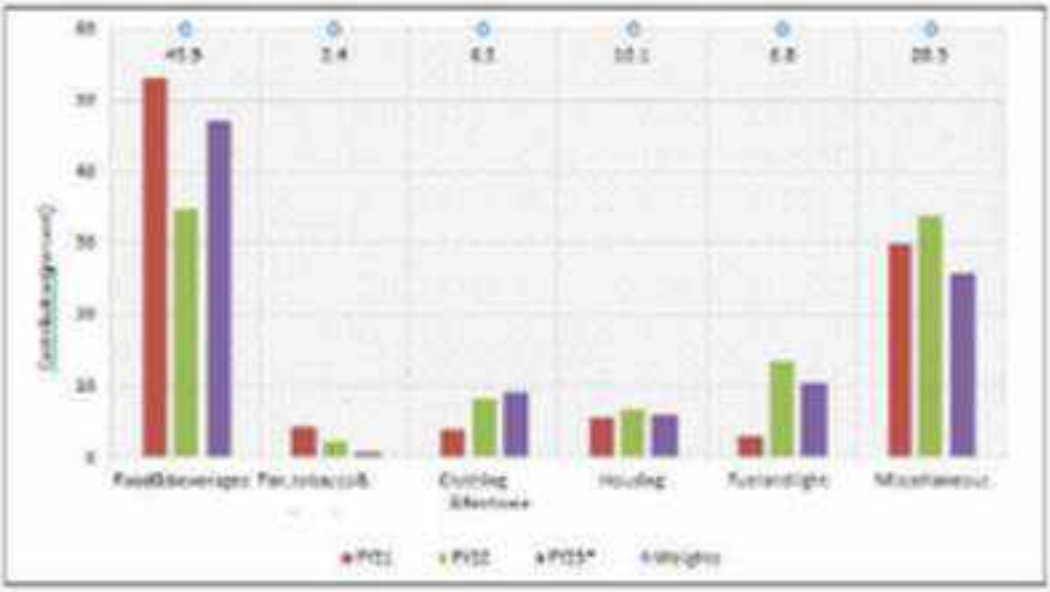

**Figure V.4:** Retail Inflation Driven by‘Food and Beverages’Group

***Source:***MoSPI

**Note:***April-December

Within the ‘miscellaneous’ group, high inflation was observed in subgroups ‘household goods and services’ and ‘personal care and effects’ owing to the revival of consumer demand in the post-Covid-19 period. Moreover, retail inflation in the ‘health’ sub-group moderated in the current financial year as compared to FY22. However, inflation in the ‘education’ subgroup surged on account of schools reopening for in-person classes after the pandemic.

**Food Inflation Caused by Vegetables and Cereals in FY23**

Food inflation based on Consumer Food Price Index (CFPI) climbed to 7.0 per cent in FY23 from 3.8 per cent in FY22. Though the increase in food inflation is broad-based, the major contributors are vegetables, cereals, milk and spices.The RBI forecasts elevated domestic prices force reals and spices in the near term, owing to supply shortages. Milk prices are also expected to spike reflecting high feed costs. Since September 2022, double-digit inflation was observed in cereals.To check the soaring prices of wheat and rice, the government has prohibited the export of wheat products under HSCode1101

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and imposed an export duty on rice. Further, in order to insulate vulnerable sections from the rise in prices, the Government has launched a new integrated food security scheme,‘Pradhan Mantri Garib Kalyan AnnYojana’on1January2023,to provide free foodgrains to more than 80 crore beneficiaries. High inflation in vegetables from April to September 2022 was mainly due to a spike in prices of tomatoes owing to crop damage and supply disruption due to the unseasonal heavy rains in the major producing states of Karnataka, Tamil Nadu, Andhra Pradesh, and Telangana. Inflation in pulses remained muted owing to higher production and measures taken by the government in terms of maintaining a buffer stock and reduction of import duties and cess on pulses. International prices of edible oils surged in FY 22 owing to a shortfall in global production and an increase in export tax levies by various countries. India meets 60 per cent of its edible oils demand through imports, making it vulnerable to international movements in prices. For instance, sunflower oil, which makes up 15 per cent of our total edible oil imports, is procured mainly from Ukraine and Russia. Thus, FY22 saw edible oil inflation on account of international price pressures. However, inflation remained subdued in FY23 because of rationalisation of tariffs and the imposition of stock limits on edible oils and oilseeds.

**Rural-Urban Inflation Differential Has Declined**

Rural inflation has remained above its urban counterpart throughout the current fiscal year, reversing the trend seen during the pandemic years. CPI-C based food inflation seemsto have cooled down after reaching a high of 8.3 per cent in April 2022 due to a subsequent moderation in global food prices and are ductionin farm in put costs.However, the coolingwas more pronounced for urban inflation, which softened to 2.8 per cent in December 2022. Rural fuel inflation remained lower than its urban counterpart throughout the current fiscal, due to subdued price pressures on traditional fuel items such as firewood and cow dung cakes asopposed to petrol and diesel.

While the current fiscal year saw rural and urban inflation closely tracking each other, FY22 had seen a wider differential between the two. The gap between rural and urban inflation reached its widest in March 2022 due to a difference in the experience of food inflation. Urban areas experienced a sharper increase in food prices of vegetables and oils during this time as compared to the hinterlands.

## FINDINGS AND CONCLUSIONS

The higher inflationary run is an unfamiliar development in a country that experienced an average inflation of less than 5% from 1996 to 2006; where government were once toppled over expensive onions and even 6% inflation seemed too much in 2004. India was model in the world for low inflation and low tolerance of inflation. But in the last few years, we have certainly entered a phase of more inflation accommodation than ever before. The factors contributing to rising incomes are expenditures under NREGA, hike

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in the Minimum Support prices, Sixth Pay Commission and demand of labor for PMGSY.

The Government has refused to panic even in these times and have gone for deregulation of petroleum products. Inflation can cut both ways even from growth perspective; it often poses a dilemma for policy makers. Undue tightening of monetary policy to contain inflation may choke off investment and therefore growth. At the same time excessive high inflation rates which result in high negative real interest rates may be detrimental to savings and hence growth. The Government performance with respect to food price inflation cannot escape criticism. Some factors responsible for food inflation are Crop failures, diversion of grain supplies to bio fuels, shifts in cultivation patterns from food crops to cash crops are beyond the control of government. Nevertheless, the government's mismanagement in Public Distribution System and Food Corporation of India where excessive stocks of food grains are washed away by rains, wasted by rats and pests. The Govt. should think certain strategies in order to shift away from dependency on monsoons and applications of technology in increasing agricultural productivity.

Inflationary expectations are decisive in charting the course of inflation. The RBI's anchoring of inflationary expectations through forward guidance and responsive monetary policy has helped guide the trajectory of inflation in the country. The one-year-ahead inflationary expectations by businesses have shown a decreasing trend in the current fiscal. As businesses are price-setters, their perceptions on inflation are significant in making sense of whether costs would be passed on, resulting in higher prices in the near future. Similarly, inflationary expectations by households- who are the price takers of the economy- determine their consumption choices in the near future. Much like businesses, household inflation expectations too have moderated.

Thus, along with monetary policy, government should try to work on increasing the supply of food crops so as to meet the increasing consumption demand. The demand of rising middle class towards fruits and dairy products cannot be tamed down with monetary policy.

Hence factors responsible for supply side of inflation should also be taken care of along with monetary policy. Apart from it there should be coordination between fiscal and monetary policy as both complement each other.

 ISBN: 978-81-19481-15-6

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# INDIAN ECONOMY: EMERGING SCENARIO IN 21st CENTURY

DR. M. SHAHID JAMAL ANSARI
DR. GULNAWAZ USMANI
DR. SINGARAM VIDYASAGAR SELVARAJ

# Indian Economy: Emerging Scenario in 21st Century

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First Impression: July 2023

**Indian Economy: Emerging Scenario in 21st Century**

**ISBN : 978-81-19481-16-3**

**Rs. 1000/- ( $80 )**



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Published by:
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 ISBN: 978-81-19481-16-3

# ASYMMETRIC EFFECTS OF INDUSTRIAL GROWTH ON CARBON EMISSIONS IN INDIA: EVIDENCE FROM NON-LINEAR PANEL ARDL MODEL

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## 1. INTRODUCTION

Industrial growth is a long-term process providing the potential output in any country. It is important for every nation and in this race to disastrously exploit natural resources. Economic growth increases the standard of living in any community, Industrial sector also contribute a large share in economic growth. It guarantees a better quality of life. From a long time, the relationship between sustainable economic growth and ecological performance has been a strong discussion. Therefore, many studies have examined the association between economic growth and environmental degradation, yielding a variety of conclusions, including indications of an inverse association in some circumstances. The Environmental Kuznets Curve (EKC) model shows an inverted-U relationship between economic growth and environment degradation. This model shows that pollution and degradation of natural resources increase rapidly in the initial phase of development.While in second phase connection become inverse and pollution fall after a specific level of development. Thus, a shift in the connection has been viewed because of enhancing cooperation at a certain point in economic development; communities are more concerned with fresh air and strong forests with increased profits. Scholars, as well as policymakers, have reacted differently to the Environmental Kuznets curve theory, resulting in diverse results and confusing conclusions (Kahuthu, 2006).

Humanity faces two main challenges: sustainable growth and environmental protection. However, as land pollution raises concerns regarding the climate crisis, which is mostly caused by carbon dioxide emissions, the environment has become a more pressing concern for developed and emerging nations (Kasman & Duman, 2015; Uddin et al., 2017). Carbon dioxide (CO2) emissions are the most significant portion of the GHGs. The causal relationship between the effect of CO2 emissions on the gross domestic product (GDP) and electric usage has attracted the attention of researchers for decades (J. B. Ang, 2007; Saidi & Hammami, 2016).

Nowadays, Environmental degradation is a highly important environmental concern and attracting the attention of international organizations, academics, and politicians in the same way (Acheampong, 2018; Shaw et al., 2018). However, power usage is a fundamental input in the growth model and helps the manufacturing of products; lowering CO2 emissions by waste reduction will harm economic development (Mardani et al., 2019). As a result, determining the causal relationship between these factors is

 **ISBN: 978-81-19481-16-3**

crucial for developing a suitable economic plan in emerging regions (Wagner et al., 2001). For example, a positive link seen between parameters studied means that an efficient program would have a harmful implication and improve the natural atmosphere (Carfora et al., 2019). As a result, implementing a growth strategy, particularly in a carbon industry has the potential to accelerate environmental degradation.

Furthermore, energy plays a crucial part in the economic performance of the country. However, it is a serious environmental issue (Apergis & Garćıa, 2019). Global energy use has increased by fifty percent in the last two decades relative to 1995. Improving energy usage is a major risk to environmental sustainability due to its negative effects on environmental conditions (Danish et al., 2019). In addition, numerous primary components, including the energy sector are predicted to increase fuel consumption. (Espa & Holzer, 2018). Holding the economic growth of the developing nations is a critical test in setting ecological goals. In particular, economic growth is the main force required for the BRICS economies (Shao et al., 2019). For instance, China provides more than twenty percent of the world's Gross domestic product, while it unclean the atmosphere by supplying above forty percent of overall CO2 discharges (Dong et al., 2017). Such realities have real consequences for regulating GHG and air pollution (Reilly, 2012).

There might be a few focal points for expanding interest in energy efficiency. For example, by reducing fossil fuel by-products, reducing dependency on the FFs, improving energy security, surviving power deficiencies, and causing, reducing weight on the environment (European Commission - The Joint Research Centre, 2015). Furthermore, energy efficiency is a crucial element of BRICS economies' green advancement policies, which expect to minimize CO2 emissions by improving the use of electricity (Bayar & Gavriletea, 2019). Additionally, achieving feasible progress goals often includes the use of enhanced energy (Shahbaz et al., 2019). In this way, renewable and efficient energy is a major consideration for developed and developing countries to promote rapid economic growth, meet the power disparity, as well as decrease the impacts of greenhouse gas discharges.

The present study fills the research gap by modeling the role of economic growth in affecting the environmental quality of selected developed countries. Based on the preceding discussion, the current study objectives can be summarized as follows:

a. To find out whether industrial development threatens environmental condition of the country.

b. To assess the form of causal relationships between economic growth, energy consumption and environmental degradation.

## 2. LITERATURE REVIEW

The first empirical study investigating the linkage between economic growth and environmental degradation (specifically CO2 emissions) is the Kraft and Kraft's (1978) paper which uses data for the United States from 1947 to 1974 and finds evidence of a Granger causality from output to energy consumption. The linear relationships between GDP, FF, RE, and CO2 emissions have been modeled by numerous surveys. For example, within a certain time, (Ran et al., 2020) determined the relationship between environmental deregulation and carbon emissions in China. Economic growth and natural resources have a beneficial influence on China's CO2 emissions, according to the findings. The short and long-term relationship between environmental quality indices and economic expansion was investigated by (Chen & Taylor, 2020). In the sense of the Indian economy, (Zameer et al., 2020) also explored the link between innovation, environment, and economic growth. The study revealed that in the long term, using ARDL bound testing and vector error correction model (VECM) techniques, trade openness, energy use, and economic growth positively guide CO2 emissions. (OKUMUŞ & BOZKURT, 2020) examined the complicated links between the growth of the economy and ecological deterioration sequence across groupings of nations having various degrees of development in the context of the Environmental Kuznets curve (EKC) theory. EKC hypothesis is supported to the developing and developed groups of countries, but not for the low and high-income groups. (Abdouli & Hammami, 2020) observed that GDP growth, FDI inflows, environmental quality, and financial success all have an impact on CO2 emissions for Middle Eastern nations. The data revealed a unidirectional causal relationship between energy consumption and GDP growth. Furthermore, these countries employ economic measures that promote economic progress while also protecting the environment. (Pata & Aydin, 2020) proposed that countries should consider the different ways of consumption of renewable energy because of environmental difficulties. Also, the outcome of RE is environmentally friendly.

Among the literature mentioned above, almost all papers have tried to get the relationship between GDP growth rate, Industrial growth rate and CO2 emissions which is a serious weakness of these papers. Linking between GDP and CO2 emissions is not suitable for India as more than 70% of GDP in India is driven by service and agricultural sectors, which are basically less energy intensive sectors in case of Bangladesh. Concern with the issue of aggregation bias has influenced many researchers to use disaggregated sectoral level data for their empirical research. The problems of using aggregate GDP data are manifold. Different sectors may need energy intensity differently and this will be ignored if aggregate GDP data are used in the analysis. Therefore, studies with aggregate GDP data often produce at ambiguous or conflicting results or sometimes even no results at all.

## 3. DATA AND METHODOLOGY

**3.1 Variable and Data-**In order to gain valuable insights into the long-run and short-run dynamics as well as the causal relationships between industrial development, energy consumption and carbon emissions in India, three variables namely (CO-) Carbon Dioxide Emission as dependent variable, (EC)- Energy Consumption, (IG)- Industrial Growth as independent variables have been used in the study. Therefore we simply say that CO is a function of EC and IG.

Carbon Emissions = f (Energy Consumption, Industrial Growth)

**Our Regression Model Will Be Like**,

$CO_2 = \alpha+\beta_1 EC+ \beta_2 IG+ \mu$…………(I)

$CO_{2t} = \alpha+\alpha CO_t+\beta_1 EC_t+ \beta_2 IG_t+ \mu_t$ ……………….. (II)

**Equation II Shows the Auto-Regression Model.**

**3.2 Co integration testing using ARDL bounds testing approach-** The ARDL Bounds Testing technique will be employed to investigate the possible existence of co integration among the variables under study or whether they possess long run equilibrium relationship as well as extracting both the long-run and short-run dynamics.

$\Delta CO_{2t} = \alpha+\alpha_1 Co_{t-1} +\beta_1 EC_{t-1}+ \beta_2 IG_{t-1}+ \mu_{t-1\ldots}$ …….. (III)

**Equation III Shows the Distributional lags**

In this study, we can say that in ARDL model, CO2 is dependent model, and energy consumption & Industrial growth is independent model. After looking the data, as the Industrial sector rise at faster rate, CO2 emission also rise, because industrial sector and energy consumption both are correlated. Both the positive sectors Energy and Industrial sector are correlated with $CO_2$ emission. The table1 and 2 are showing that not only Industrial sector positively related, but also other agriculture and service sector also related positively, because as the industrial sector reduce, CO2 emission rise or stagnant.

## 4. CONCLUSION AND POLICY IMPLICATION

**4.1 Conclusion-** This paper has examined the empirical co integration, long and short-run dynamics and causal relationships among industrial production, energy consumption and CO2 emissions in the case of India over the period of 1991–2021. We have applied the ARDL Bounds Testing methodology to investigate the co integration. The ARDL bounds tests as well as additional cross-checking confirmed both short and long-run co integration between the carbon emissions and industrial production, carbon emissions and energy consumption, and industrial production and energy consumption. The industrial production and energy consumption positively and significantly impact the carbon emissions both in the short and long-runs. The estimated model passed all the diagnostics tests and was also found to be stable. In this study, we can say that in ARDL model, CO2 is dependent model, and energy consumption & Industrial growth is independent model. After looking the data, as the Industrial sector rise at faster rate, CO2 emission also rise, because industrial sector and energy consumption both are correlated. Both the positive sectors Energy and Industrial sector are correlated with $CO_2$ emission. The table1 and 2 are showing that not only Industrial sector positively related, but also other agriculture and service sector also related positively, because as the industrial sector reduce, CO2 emission rise or stagnant.

### 4.2 Public Policy

Efficient implementation of energy policies and environmental laws, exploring and shifting to environment friendly energy generating projects and exploiting sources like water, wind, solar, nuclear and hydrogen based energy, natural gas exploration and other low-carbon generating sources of energy and raising the productivity of the energy input should be the target. Switching in clean energy, and proper formulation and implementation of environmental laws and policies are the targetable future recourses for the country. China, Indonesia, Morocco, Mali, Georgia and Uruguay are successful in having benefits of using energy efficient technologies.

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**ANNEXURES:**

**Table-1**

| Year | CO2 *(KT) | **GIS |
|---|---|---|
| 1991 | 607230 | 15.67626 |
| 1992 | 626290 | 15.8008 |
| 1993 | 651350 | 15.91571 |
| 1994 | 685900 | 16.76414 |
| 1995 | 737860 | 17.86585 |
| 1996 | 774070 | 17.59634 |
| 1997 | 819270 | 16.51858 |
| 1998 | 836270 | 15.71932 |
| 1999 | 901330 | 15.18054 |
| 2000 | 937860 | 15.92702 |

| | | |
|---|---|---|
| 2001 | 953540 | 15.30702 |
| 2002 | 985450 | 15.5587 |
| 2003 | 1011770 | 15.58739 |
| 2004 | 1085670 | 15.82725 |
| 2005 | 1136470 | 15.97302 |
| 2006 | 1215210 | 17.30365 |
| 2007 | 1336740 | 16.86457 |
| 2008 | 1424380 | 17.09867 |
| 2009 | 1564880 | 17.14358 |
| 2010 | 1659980 | 17.02993 |
| 2011 | 1756740 | 16.13934 |
| 2012 | 1909440 | 15.81692 |
| 2013 | 1972430 | 15.25302 |
| 2014 | 2147110 | 15.06557 |
| 2015 | 2158020 | 15.58385 |
| 2016 | 2195250 | 15.16224 |
| 2017 | 2320410 | 15.01824 |
| 2018 | 2451930 | 14.88153 |
| 2019 | 2456300 | 13.47362 |

***Sources***- World Bank Climate Watch-2020

*CO(KT)- Carbon Emission in Thousand Tonnes

**GIS- growth in Industrial Sector

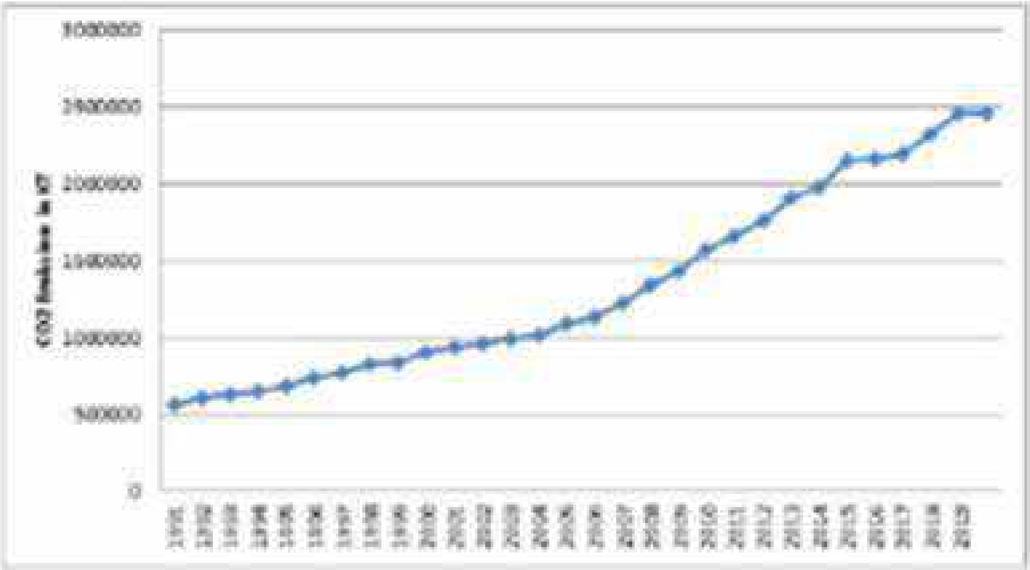
**Figure-1**

**Time Series**

***Sources***-World Bank Climate Watch-2020

 ISBN: 978-81-19481-16-3

**Figure-2**



**Time Series**

***Sources***-World Bank Climate Watch-2020

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# ����

# (Public Finance)

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(رoE̤اُردو�آزاtÚr)

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Course: Public Finance

**ISBN:** 978-81-968803-0-9

**First Edition: December 2023**

| | | |
|---|---|---|
| Publisher | : | Registrar, Maulana Azad National Urdu University, Hyderabad |
| Publication | : | 2023 |
| Copies | : | 500 |
| Price | : | 475/- (The price of the book is included in admission fees of distance mode students) |
| Copy Editing | : | Mohd Waseem, DDE, MANUU |
| Graph Designing | : | Mohd Waseem, DDE. MANUU |
| Cover Designing | : | Dr. Mohd. Akmal Khan, DDE, MANUU |
| Printer | : | Print Time & Business Enterprises |


# Public Finance

For

**B.A. 5th Semester**

*On behalf of the Registrar, Published by:*

**Directorate of Distance Education**

Maulana Azad National Urdu University

Gachibowli, Hyderabad-500032 (TS), Bharat

**Director***:* dir.dde@manuu.edu.in **Publication:** ddepublication@manuu.edu.in

**Phone:** 040-23008314 **Website:** manuu.edu.in

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|---|---|
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# اکائی 11: ٹیکس کا اثر اور وقوع

## (Impact and Incidence of Tax)

ساخت:

## 11.0 � (Introduction)

�(Tax)�اور�مsP��مرولادt’���b��ہ ًََ ���sPt’د�t’ور�

�tورت T E ارز���- اس S ہوf���T ��L ا؇ت�� sدéرt’�-�����

(Functional Finance)S6�ا(ا ِطزر�9رت���ح���اوری�Eb����ح��S

�T ُؚرخ2(t’2)�ċ��Gا2داروĢ�-3امGS�وربا���اوارT(وغد�اور��وربو�

ا���T�ابو��اوارT��GSċ��l���ffi-اس���و�������

-�آ5s��م�واتT��Sċوا�دوE�وں�زtہ�و9ل��t’�اور(�و�b�T��

�ڈدی���-�S�ا�رولTد��ć��αوری��t’�1S�رے��اور�Pκت3ام

اورsPدوںĖTT�-�S(�اG���1وہ�2l���t’�اوراسEdTøBناt’B�-اسا5d��

اسSرے�����r6���-�����/ر�(Double Taxation)S�d��ہ ǻ��ćé-

## 11.1 �� (Objectives)

اساS5dدرجن���ffi:

- �S2اوروعT�وا��t’-
- ����و��(Backward & Forward Shifting)T�-
- ���S�tتd���t’-
- �SE�øt�وع(Incidence)d���رزا،U�اور�ورn�SUbت���ن�t’-
- �ر�/دوےy�(Double Taxation)S�T�اوراسd��ش�t’-

## 11.2 �d2اوروع� (Impact & Incidence of Taxes)

دورαvS�یزAPs��اT�و�t’)�ċ،ا�واκنT�ل�ċ،/αوں�À��ċ

TSدی(اfSpوہ3اما�س��حو�دS)�T/�ا�مد���t’�-دورαv�ر�t��À�ر�t�

(Police State)�ffi�ر�t’ر�t� (Welfare State)ffi��ذ�داری3امورt��À�S��  ِر t’ہو

ی�(J. M. Keynes)اوران�Sا؇وآLκy�n��ت�Gا�یادd���وا�r�� ��د-��-�ا

TsP1��1وہAnUnت�د�ا�ازا����ر�ادرد�ا�رارTںEدورS�S:��ر�اہ�ارے�

���ø�d�Sاورا�lی�T���ز�)�ارċSrا�b���-

اِسAحآج� ِرُ�t�رt�اورsPT�دوĖں �ذ3 داری��� �ه�ĠSĠ��ر��

�ورت���-sP�وربآ5s�ذرا��b� ���- ان��،آd5s�G���ذر;�-�3ام�

A�فـUTsP�زا�ادا���S�L�ر�t�5T�t�s�ادا�ċوا�TL�d���ـ�وـ���

�d�5sآS���ڑی�Ø�ح���6Sورت�1�����دار���Sċ��5sآ�

�ار��d�اتĉ2وا�ELċوا����sSورت�ا�و���t’�sP�������ا�

�نر-�sPو����t’�Gاس�t’�2رé�وروز5sآ��ری�E�f�اور�وا�d�2ا���-�

�1��ناور�2�t�ر��اوراسd�tøE�وع�2�ےéاوراس���9رت��)-

انÙمUاxتSs�d�κyn�تاأرا ےست بلگ�(E.R.A Seligman)d��ل�1�و9ل

�ċ��اوراسd��رt�وعا���-�ESøTGا(دمp�S/دوےl’2�ل-اس��ست لگ

�ċ�Tدیx|Uت�ے�ffi:

(ا�)�d� ِرزر(Money Burden)�ç��ا25d�t’�؟

(ب)��d� ِرزردو/وںp2����؟

(ج)�d�Eø�2�t’�؟

�Tره�Uxاتا������تا��1�nUḘ�2���5t5sآ�و9ل��ċ،�وری

�1�P2رEd�2��øE�Ḙ�ا�Bر���-�����1�Tp�Sدو/ىḘ2ڈالد�t�ċ�لPSر

2�ا�N(GST)ا�G�f���d���sP�d�tر(و�d�ر�و9ل���-Śاسd�E�bøEر

T���PSر2ادا�t’�t’�-اس9رت���d�اور�و9�d���ا�-اسAح�SøES

(�دوÃرا����آ�ffi:

2اd�2(داس -�t’�ادا�رP�زU�TsPاور�t’�ذ3دارdċ�ادا��اورو�t’�t��2(د�1�t

اور�t’��ا�EdلAd��(First Meeting Point)�ا�E�t’Atd�1��t’�

Lċوا�2(دیśاوراسآ���Uاڈ2(دو/ے S�pøE�d�J�Sاس-ffi�2اd���ا

-ffi�(Incidence)ع�و�d�TøE

اسAح����� وا���t’�1�SøES�دوĖںÃرا2اوروعدوا��اور�مر�

d�1�-�t’�ذ3دارdċ�Ṫ�ċا2T�ر����اورو�t’�t��2��t’�2(داس2اd�-ffi اور�t’�(Final Resting Point)�ا�Eیśآdċ�SøES�ع�و�d���t’��ا�E�t’At2ا

اس9رت��Ed�øابآ�Jدو/ے(د2p����-

## 11.3 (Forward & Backward Shifting of Tax) ��t’روڑاورfiارڈ�

‘(Income Tax)�5sآ�(Direct Tax)��ر-��f�او���ر؛ffi��S�دو�

d���SحAاس-(ćB�ا�E̤�øE�d�اسéć�t�2�E̤�øEd‘(Property Tax)�اد��

��f��-�t’�2�E̤�Gع�اورو2اd��اس9رت1�-�����(Shift)p2رد و/ے�

�d�داوراس)G�دارا3ذdċ�اد�ار���LnSExcise Duty‘Custom Duty Tax‘Sale Tax�

Excise)NE̤ڈǎ�ا2رPS�ل-�t’�2ا(اد�ا�عا�وd�اوراس2اd�1�-�t’�(د/)ادوUاćBاøE

�آS�r�ا��وøEd�Ś�t’�ادا�اورو�t’���12 رd���2اوار�1�(Duty

�d�حAاس-��د�p2�رb�����(Retailers)رده(وش��(Whole Seller)(وش)كØ

Gاس��-�t’�2�رbع�وd�اسŚ�t’�2رd��2اdNE̤ڈǎ�ا2ں-�t’�2�رbع�وtøE

د)GاøEd��ذرS��ا��ا�اور����(وvś��ا�κS�رbاوررd�1ں���

-ffi�(Forward Shifting)������آ�ا-����p2دو/ے(د�

���ح��تnوہا-��لt’�2اُو�اøEd�اس�S�J���لκAمرd�رd�

-ffi�(Backward Shifting)�����T��ذرSJ��U�øES��حAاس-��

Forward) ���آ���S��(و)�Ø���ا��اتـ1ÉاردÉ�2ċ��1�

لاورκAمرd���yάdJ�(Demand) �����ا����ڈو2Sاس)Éاورا(�(Shifting

������T����حAاس-��لدt’�2اوا�ر�d�S�J�ںènوS�ا��3

-ffi�(Backward Shifting)

اس�t’��p����فـ�t�فآ�ع�وd�1ورى�����ـدوا���اسd

d�1�����ا��2رP�-�����فـA������اور(Forward)فـA�آ��

Jر�d�1�ورى��اور-����p����وآ�ذر�S�و)vś�LnS��f�øE

Demand & Supply)ں��� nاوررر��6SتUbć��v����اc�2(Pattern)ن�صA

S(Forces�بـvśاراور(وd�ر2���t’�-1ا�����ćوغ���ا �فـ�2��

-����2ں��nور��زار�

## 11.4 ��S�t (Theories of Tax Shifting)

:ffi���S����ر

1. ��ز�ار (Concentration Theory)
2. ��ار� (Diffusion Theory)
3. vα�� (Modern Theory)

**.1 ��ز�ار (Concentration Theory)**

��(�ا�yκ�n�ت� ی���(Physiocrats)d�وا�r�B1�S�فاور�فزر��

(Agriculture Sector)��’opt ار (Surplus)����دو/ے�ں��άκتو����ف

U���A�����-1زر��Sfوہد��ں�/���’t�زر-����اوار�юارااس�

ا�ل��Aмκل،κدہ�تاورد�U�ںز�t دہ���-ا�اس-G��’t��ں1زر����ز��

ć�وا��اوارز��زر�ی6S����-ز�ز�tدہزر���ffiں�وU�����زدہ�اوار���

1/�d����-�-دو/ےں���U���A�����-ا�9رت�SsP�d�وعزر�

S�/��1�ن(Rent)2����-Éز�����ćوا�ا�Sfوہدو/ی�ات2�1�t�éć�

و�d�ر�اSB)اور�p���śآ�ن2Éےé-انd�لB1�d�ر��ف/�2���t’�-

اس��6S����t�ćو�ا�śíن2��ے éاور اG��دو/ی�p2���ć

�ن�p�ć��d� ؚرزرزt(ی)Eø (Money Burden)�� ر����زدہt��éć��اس�

دو/یA�حU�����(-اسG���é1��فاور�فن2��t�ć-����ززنزر�ی

S�ب�زر����وا/U� (Surplus)�-�����ح�فاور�فز���ćوا��اوارS

/�)�(ن)6S���’t��-آ����اسr��d�κy�n�ت�ć��(Profit)T��ڑدt�1

�d�و�ع��نو�دوËں2���-اسTsPG��1�’t����و�اس�ت�d�لر�1��

�ناور��Ųناور��ر��اوراا�2��ć�ں/��ر��-ا�9رتbل��d�و�ع����é

اورd�ا2��2é-اسA�ح��ار�زا�دورS�اËںT�’t���وا�T�دا)��’t��آجS

Ub��d����b���1���ف/�2���t�ćاور��-

**.2 ��ار (Diffusion Theory)**

�d���ا�ر��ار�ز�d���é-اس��S�5��(Mansfield)اورT’tرڈ(Conard)S

-éć���téć����ا���ریE‌د�øEd��t'2�G‌اJ�Eb�زار�����б

�(و‌)�b‌ر�d‌ر��é�2��J�ذرSsP�Eb�����ل�d‌ں�bS��اس

ċ(Mansfield)��é‌ے��دا‌ر�d‌ر��FS‌ب���(دا)G‌اy‌اورéć��e‌د�2‌ر‌d

�t'2�G‌اJS�l��در����lŲ‌اور���d‌رت���G‌اGSċ��T‌وا�r�ا

1 ح‌A�éć��(Diffuse)ز�ڈ�ح‌A�ا�FS‌ب�ا�2‌ان�(داور)G‌اyS‌ے�n‌رےEøEd�

�t'��G‌ر‌اس�d‌ا‌ر�S�-ffi�����ریE���أ� ��� 5|S�J�

-���Eb�����زار�اور���ی��دو/ے�G‌ا�ذرS�(و)vś‌و�y�ے�n

اور�d�(Indirect Tax)�f�ا�GSċU�JS‌اس1�t'��وا�ć���d��اس

t'��ا‌رET ںè�S‌ر‌اور‌ے�nvα‌ر�ا��-�ل‌b ِت 9‌ر�����زاروں� �S�

رد‌ر‌ودر�S‌آج���G‌اس-���5�����ffi‌اور‌زار�����S‌را����

-�t'��(ا)��یTG‌اد�S،�;‌اذر�G‌اd5s‌آ�sP�،��ا‌f�����-����

### (Modern Theory of Tax Shifting)��αd��.3

��к�ح‌A��t'�pوی2d(Input) �кS(Output)‌اور‌ار���бS��G‌ا

����(Total Cost)�U��ر�x‌اور�نا،ت‌ا�n‌ا‌دوروں�،�،��لкم‌A�JSċ��b�к

اور���ه��ċ��l��U��‌اور‌ار��-�t'��ر�pd�U��T�5d‌ا�حA�ا-ffi

�p�(Producer)‌ر‌d‌ا�øEd��ح‌A‌اس-��ل‌و9�رb��S�r�ا������ر��d

-�t'�2‌ار‌vś‌ع�و�2‌ر‌d�(و)2‌ا‌d��ت‌ر9‌اس-�t'��2(Consumer)�‌ر‌b�

��ل9r��‌ر‌b�‌آ‌بfi�(و)�ح‌A‌ری‌EøEd�É‌ا1‌وری��ا�‌د��ا�‌وا‌ں��

�w��2‌ر‌d�(و)‌ر‌اور‌ار‌vś‌ع‌و�d�-ffi‌د�p2‌ر‌PS��ا�‌ں‌ر‌و�p��از�� ��

�ِط‌و ����‌آ��t'��2(Demand & Supply Forces)‌ں���n‌ور����é��

-����ا‌و���n‌ر

## 11.5 �‌ر‌و‌n���S‌б��‌و�‌ع‌d�

(Incidence of Tax According to Price Elasticity of Demand & Supply)

و����кS‌ر‌d�(و)‌ر‌وا‌ر‌vś�dNĘ‌ڈ‌ă‌ا���ا‌f��бS��vαS�‌ع‌و�‌و�

2‌ر‌d�(و)‌ر‌و‌ا‌d�‌ر��5d‌ا��бS��‌اس-�t'���ب‌FS(Price Elasticity)���n‌ر

Gا���nﺭt�1�ﺭ�ﻭﺍ-���ﻥ����ﺁ1��t'���w�S���nﻭﺭ�

�nﻭﺭ���T���nﻭﺭ���-���Gا�ی:�2ا������ﺍﺱ2nﺭt���

����Gا-�ﺭ��ﻭﺍċ��bS�������������t'��ﻥ�2ﺭPS����

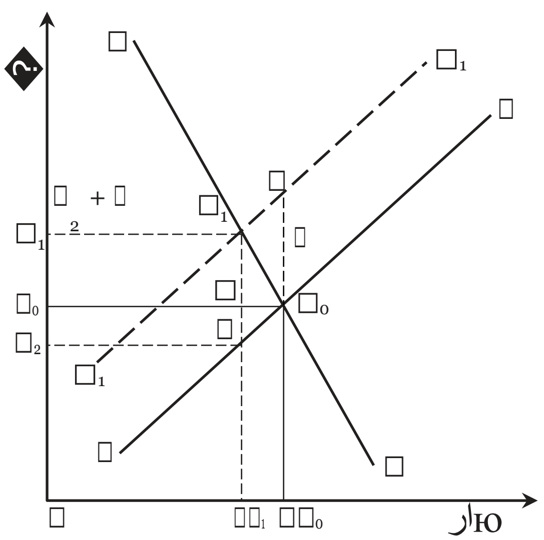
:(���

$$\frac{\text{��������}}{\text{��������}} = \frac{\Delta}{} \times 100 = \frac{\Delta}{\Delta \times 100} \cdot \frac{}{\Delta} \qquad (11.1)$$

:(����nﺭ��GﺣﺎA�ا

$$\frac{\text{�����nﺭ��}}{\text{��������}} = \frac{\Delta}{} \times 100 = \frac{\Delta}{\Delta \times 100} \cdot \frac{}{\Delta} \qquad (11.2)$$

����nﻭﺭ���ا�-��������nﺭ������/������



ع�ﻮd�ﻭﺭﻃﺎ�nﻭﺭ�:11.1:Ã

-�t'�2ع�ﻮS�2اd�ffi��

��ﺫﺭS��ﻃﺎﻭﺭﺍﻥ�nﻭﺭ��11.1:Ã

�:Ã-���ﻩă�dﺭ�Lﻭﺍċ�2ﻭی�d�5dا

��к-� �tdﺩT�2ﺭ3ﺩی/ﺍﻭﺭ ﺍﺭю2ﺭ3gا

ﺱ��t'�(t'2 �ﺍﺯﻥ�� ﺍﻭﺭ nﻭﺭ�ﻃ� sP1

��ﺽ) ﺍﺏ-���� ﺍﺭю ﺍﻭﺭ �

ﻭی�S t t � ) �5dا �"" 2 ﺭd�ﻭ)

�t'�2nﺭ�2اd����U��-����l(�

(t'2 �ﺍﺯﻥ�� -�t'�� ��p����ﺍﻭﺭ

��� t"" �1��ﺭ�-���� ���ﺍﺭюﺍﻭﺭ( + t) �ﻩ����к-�t'�

ﺍﺩﺍ���ا t ��S�ﺭﻑb�(�5�ﺍﺩﺍ� �5dاyﺍﺏTﺍﺭvś�-�ا�r�اd

�S�-��ﺭ��� t 5dا����Tﺭd�ﻭ) -é�ﺭ�d�2ﺍﺭvś���ا�-éے�

Tﺍﺱ�-�t'�t'�ﺍﺩﺍ� t""5dا�TsP�s���ا�-��ﺭ�� t 5dا��ا

�Tﺍﺱ�-�ﻩﺭ �S��� �9ﻭ5dا��ﺍﺱ��к-����9ﻭ�A t 5dا�

ﺃ�-é�ﺭ�d�2ﺭd�ﻭ)�-5��9ﻭ� 5dا���S

□₂□₁ = □₀□ = □□₁ = □□ + □□₁ (□) ح���

□₀□₁ = □□₁ (∆ ) r�ا��

□₀□₁ = □□₁ ر��5dا�2راvś

□□ = □□₁ – □□₁ ر��5dا�2رd�و)

:(����nاورر�����6S 11.1:Ã

□□□ = □□₀□□₁ / □□₁ · □□₀ / □□₀ (11.3)

□□□ = □□₀□□₁ / □□ · □□₀ / □□□₀ (11.4)

:2ċ���(11.4)وات�T(11.3)وات�

□□□ / □□□ = (□□₀□□₁ / □□₁ · □□₀ / □□□₀) / (□□₀□□₁ / □□ · □□₀ / □□□₀) = □ / □□₁

:ا��øEd�2راvś□ □₁اور�øEd�2رd�و)□□ ��

□□□ / □□□ = □□ / □□₁ = □□□□□□ □□□□□□□□ □□ □□□□□□□□□ / □□□□□ □□□□□□□□ □□ □□□□□□□ (11.5)

:�(□)�5dا���

□ = □□ + □□₁ (11.6)

:�(11.6)وات�اور(11.5)وات�

□□ = □□□ / □□□ . □□₁

$t = \frac{e_□}{e_s} . ME_1 + ME_1$

□ = □□₁ (1 + □□□ / □□□)

□□₁ = □ ( □□□ / (□□□ + □□□) ) = □□□□□□□□□ □□□ □□□□□□□ (11.7)

حA�ا

□□ = □ ( □□□ / (□□□ + □□□) ) = □□□□□□□□□ □□ □□□□□□□□□□ (11.8)

:ffi�1ا��

$$□□ □\frac{1}{□□_□} □□□□ □□_1 \frac{1}{□□_□} \qquad (11.9)$$

�·�é�س2S���nر�رd�و)�����رvś�ارd�2رd�و)vś�اور

حA�ا�é�ه-t�ز�ا�رd�2vś،ا)����اورé����ا�رd�2vś،ا)�ه-t�ز����

Tں�ر95�ا����nور�GSċ��وv�Tاس -�2ا�d���nر��LnSرd�و)

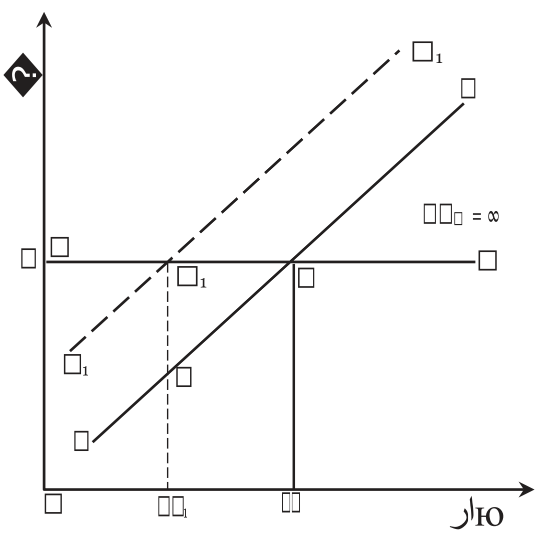
:�(11.7)وات���ø����É-ffiا�د

$$□□□□□□□ □□ □□□□□□□ = □\left(\frac{□□_□}{□□_□ + □□_□}\right) = □\left(\frac{□□_□}{□□_□ + 0}\right) = □$$

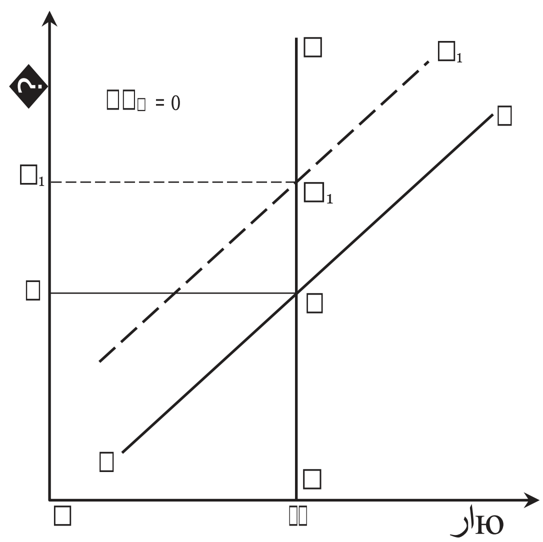
:�(11.7)وات���و�U����Éحا�A�ا

$$□□□□□□□ □□ □□□□□□□ = □\left(\frac{□□_□}{□□_□ + □□_□}\right) = □\left(\frac{□□_□}{□□_□ + \infty}\right) = 0$$

-� t'�2vś����ا����ر�رEd�2ċ�ø�������حAاس



Ã:11.3��دار�اور�dوع�



Ã:11.2���دار�اور�dوع�

é�ی/د���(ċ�دار���S��)ċ�ø�����1�tdد��Ã:11.2

را�d�1�-é�r�وبا�S□ □₁��اورé�pT2وباو�S□ح���nر��ċ��l�اور

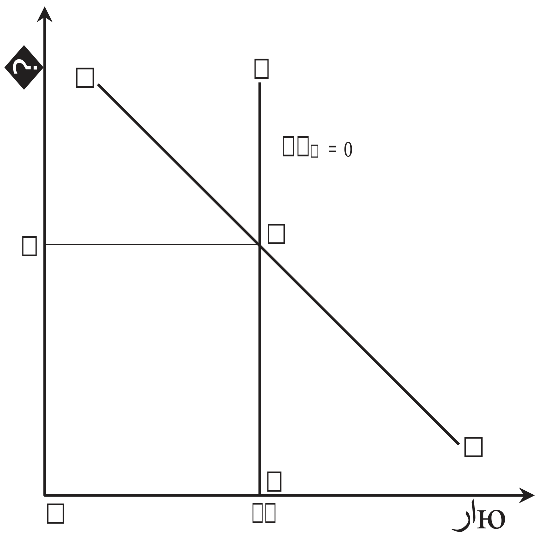
�(�دار����)�ود�U����ÉاPاSاس-éć��p�����ا��2vśار�ر

2رd�و)ر�ا�d��-(����5T��Śé�r�ا���U��   S�اورé�gا��

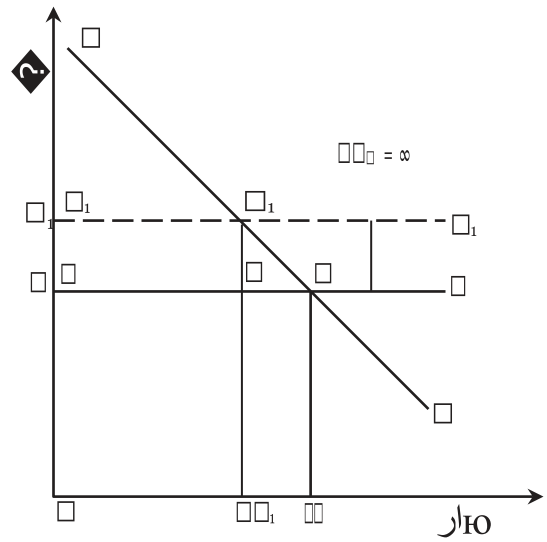
-��td�د-Ã:11.3�ا-é�ø�ر�d�2vśار-éے�

-�t'�2ا2ع�وS��d���nر�حA�ا

Ã:11.4-��td�ع�dو��ب-FSں�b5�دوا����nر�Ã:11.5اورÃ:11.4



11.5:Ã



11.4:Ã

2راو�S�nر���-��g

:�(11.8)وات����ø�

$$(\ \ \frac{\ }{0+}) = $$

:�6S(11.8)وات����دار-�

$$(\ \ \frac{\ }{\infty+}) = 0$$

:�(11.8)وات�ر�او(11.7)وات��رت9اس��G

$$(\ \ \frac{\ }{\ +\ }) = (\frac{1}{1+1}) = \frac{1}{2}$$

$$(\ \ \frac{\ }{\ +\ }) = (\frac{1}{1+1}) = \frac{1}{2}$$

-é��2رPوی�2ںĖدوراvśراوراd�و)ر�d��رت9�(Unit Elasticity)�5d

## 11.6 ��زاروں��و��ع (Incidence of Tax Under Different Market)

J���وارہd���زاروں��ورn������ffi-زار�اÚمSõ��ورn�

��αاA��d��مffi-            �S�w��d�وع�b�وفر(d�2ر��t'�-�اÉG�

(Lump                Sum)��اس9رتd�EøEری�Aح�(و�d�2ر�t'�-اس�و���G1���اوار

��2���t'اور�ااسSl��ċ�          5�b          U�������-�(و�d�رS��ازن�5T

�����yاور�������-G���اسS�����ہارS�وی�J��آ�-�9رت

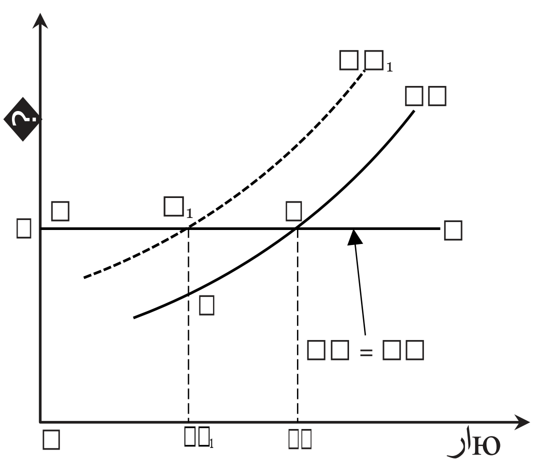
���t'اور����زار�رہدار�اورہدار�رہدارا�y��w�زاروںGSدر��-

اسS�J�اd5��9رت��S�ر���A�������اس9رت�b�5U�

���آ��-U5�b�����(مd��ازن���t'�اور���ذرS��d�Eوśاروś

2p����-����زار���(مTدر�����دار�t'���اساس�زار��اd5�S��

(م��اг������اور�ادEdر�Eø(م2�t'-t'�������(مTدر�����دار




ع�وd�����:11.6:Ã

��t'�اان�زاروں�(م��اг�S�Eوśار2

p���-ـذ�����(ماور�رہدار(م�9رت�

�اd5�Sا2T ذdt���-

اÉ�زار���(Perfectly Competitive)

�ں��وśار(و�d�ر��ffi�ا��زار����و

ارہو5T اGوśارGt(م���-���زار�(مُأg

���d���������ت(Short  Run)�(مدا)�

��Tاور ٔDاس     �ِر�n2d(م���-ا�Ã:11.6�-dt�

�-Ã:�□□��(مd□□اور□□���-(مdb�5U��□□��(مd�ر�n��-��ا5d

��b�5U��او2T����p��t'�اور(م��از5ارہو�اوار□□���₁□□□���-□□اور

₁□□S�d/دی'Pt ₁□□���حح��1U�dp�-اس9رت��d�ر�ر(ماB���ں1�

-�5T������

دو/ی��اÉ�زار����d���وارہd����A����éć-�ں����

-�زار��اِرہداری(Monopoly)�زار��وع�S��و�����-

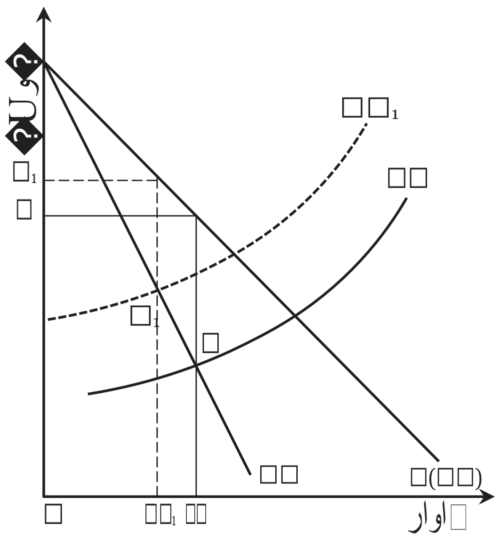
T��زار�رےE م)Gفاور�فاور�ں��رت9ہ�وزار�زار�رہداری�ا

رہداری�زار�ا� �م)G�ا-���Eرا

م)ی/دو-��5Td�ر��لد��سا�tاس�زار-�����

�رہدار (م�ا�لbرت9�ا-S����اس����

-S���ہدt�ہزt�ہدt�ا����t'��حAوارااسю



2ا'd�5d�ا��زار�رہداری�ا:11.7:Ã

2�□□ □□□ارю(م□رہدار�ا��к�11.7:Ã

�□□ ���5d�ا-�����:�اور����ا)

�n�ر�اوار�م)�اس-�t'��□□₁ ��p���2او

����ہ�S�5d�ا-����ذ���اور�ں��

-�t'��2ں���n�ر�اور���ی�ودہزt،��ح����r�ا

## 11.7 �U��bUت���وع�d�

(Incidence of Tax Under Different Cost Conditions)

���U�اوار���اس���ی�دی��к�اور�t'�t'�لا�d�к�T�م)GSاوار���к

-�����d�ں����Uدوران�Sاوار���م)G�ا-�

(Increasing Cost)�U��(i

(Decreasing Cost)�U�(ii

(Constant Cost)�U�(iii

p�□□ n�� ��و���ffi��y�TSر����بFSتUb�S�U11.8:Ã

��ċ��t'S�-��5�2����ر��5d�ا□₁□Pt'd�Sط��ںĖاوردو�t'��□₁□₁ ��

-�t'���ں�ر9���U2dاوراس����J�ارю�n�ر�ور�اورr�ا���

اور�t'�ازی�S�ر3g�ا�اور���دو�U��n�ر� �Eb��U��(�ا)11.8:Ã

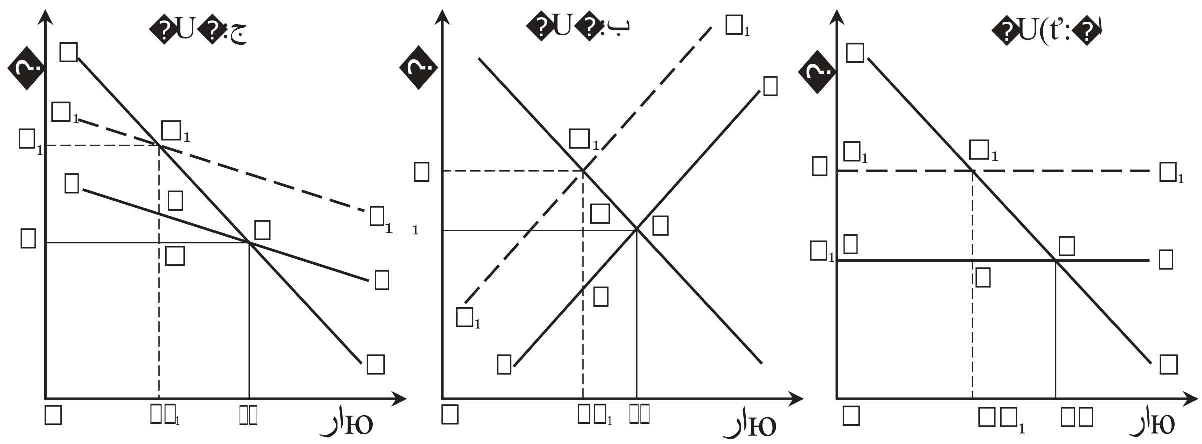
��حAاس-�t'��r�ا����S5d�ا���رت9اس-�t'��p���2اُو2� �

-�t'��p2رPS��ا��2رvśøEاEdرا��Eb��U

(Tax on Seller) □₁□ =�5d�ا

(Tax on Buyer) □₁□ = □ □₁ =ɼ�ا��

ɼ�ا��=�5dا�



ع�وd��تUb�U�:11.8:Ã

t’�اںDڈT2اُو����دا����nر�ِ �Eb�(Increasing Cost)�U���(ب)11.8:Ã

اور�t’��□₁□₁ ��pفA��□□ nر�اور���ھ��U �nر����5dا��تر9ا-�-�

-�t’�2dر�p�اور2اvśر��d��تر9��U���حAاس-�t’��ɼ�ا���

□₁□ =�5dا�

(Tax on Buyer) □₁□ = □ □₁ =ɼ�ا��

□□ = □₁□ – □₁□ =2dر�(و)ر�d�

-�t’�2Ėں دوdر�(و) اروvśøEd��Eb�(Increasing Cost)�U��1ffi�1�ًا�

5dا��تر9ا-�-�t’�اںDڈT����دا-���nر�ِ �Eb��U��(ج)11.8:Ã

-��Ø�اور���ا�تر9�ċ��t’�dر��-�t’�ہtز�ح���ɼ�ا������

□□□���nاور�ارю اور□□₁�ھ���□□ �اور�اt’��□₁□₁ ⁅ⲣ�□□ n�ِ ���2�

�d��Sر�d�وfSاس،��t’�ر�آرEd�2اvś1��وا��ت���:Ã-����□□□₁�

-�t’��دا�ہور�اور

□₁□ =�5dا�

□₁□ = □ □₁ =ɼ�ا��

�5dا�<ɼ�ا��

اسA����α����9رتbل��d��را vśøEارا t'B اورا ÚE���5

��ی��wGS�رbرتbور�9�1-�t'Bارو�d��S رd�و)ہوfSøES�رارvś��

-�t'�2ںĖرفدوbرودb�ع�وd��Eb��U��ـف��Sاس-�

## 11.8 �ر/� (Problem of Double Taxation)

ا G����م��t'��ċاورو9ل�Sċ�Tدسا9ل��ffi���وات،�اور آ�5و�

داری��TsPy-ffi�3ام2�t'�ċاورو9ل�dċ����5sآوہا t'Gر t'م)�S)اور

3اما�س�Ȧ�S���GSہ���ورہر�ا��Sċ ... S-ا�ذ3دارE ںS ... مدے

وا�sP��ام�ا�ت�9ر�ا (Double Taxation) �ےyدوt�ر/�ċ�ċ�����اور

���Eb-���اسو��ا���ادارہ UPت (Tax-Authority) Gا��SاG�ذر;آsا25G�

ز�ا�ç���Gtć��ذر;آ25sاG�ز�ا�P��t'���اوروو9ل��-

/ر�/��ارادیPر���ن2é�وċ�Uاd�ر���S�ا2ات�Psاور3امدوĖ ں�

��ffi-�Uا�fiا�ارتاو�/ر��زدآ���AصPر�آجlS�ت(Globalization)Sدور

�fiرتوdرو�ر�ی�آ5S��Uا���2ر�ffi-ا�دور�آs5S��ا(اد��آsور�

25sآ�Gا�P ا�زا�Gا��t'��ا��d�ر��dلbرت9 ا���ر�ف A��دو/ے��GاS�د

t'�����رfiرتودرو�ا�Uا ���و��ےyاسدو-ffi��و9ل����ر�

اس�é��25sآ;رذاسysP1�t-��U�Jرd�A�دو/�وS�ذS�S��tرGا-�

sP�لbرت9اس-ں�)�ںt�ی�S�دSاسLاوċ��b5sآ���t'آ�sPدαS

م�Sحاس-ffi���b5sآS�ل�ا�d��وSnاس�����2ادا(اروناورا،ںم�Ùn�

��)�ں،اداروناورfںT�ا�nآ5s�2�����TsP�ا�دt'��-�Gا�25sآدو�ر

-�t'���Tںدو�P

-���b5sآ���ffiاورffi���وہ������2ی�y�اsP1��رd�A/ادو

���و�ا�T�ر�S�ادا�25sآ�b�nون�ی�Sn1���م��Sحاس

-����TsP�ا�م�رود

d�ر��تUb�ںĖ،دو�ںĖt'dċ��2ی�yt�ل9اُdċ��25sآ�ادذ���حاس

��وY25sآ;رذ�GاS)دGاJSں�Pدوترت9��ےyدوt�ر/�/-�t'آ�رد�

(Tax Base)

(Partnership Firm)

(Partners)

(Internal Double Taxation)

(International Double Taxation)

(Federal Govt)

(Avoidance of Double Taxation)

اس-ffi�(Double Taxation Relax)�lر��ر/�ا-��دے�lر���sP�ا
9رتے�دوĖںTF��P�وl9��Śffiان��PGاsPرl�دے����Lnاس�دوĖں
�اnt ور،�t’�t�دک:���رتے9�Gاس-�t’�دمزt øEd�Gاسffi��وl9��P
9رتے���-

ہ�nn ہو��دے�lر AG25sآ�b �nنِ و�Tی��sP1��رتے9ی�
�5sآوہÉا1�t’�2دTازپاس�d�ر���2ی��n�ر�Pام-l��y�dTFLاوċ�
�دے�lر AG��Tی���sP�بFS�ر�ا-t’�t’ادا��T س ی ڈ �ا �����b�n
ی���n���از�d�Snنِ و�sP�LnS(Tax Liabilit)ئ بٹ�ئ U��حAاس-�
����ا�S�را�دے�n�ر����ادا�nنِ وÉ�اوراا-��دےڈ��ر��T
-é��زن�اøEd�ر/2ہ�د

��SDا���ر/�lاورر�ر/ك:��STF��ن�و�GS�S�S�ر/
ت���ر/ �S�اسċا�sP-�وری�t’�ں��ذdIncome Tax Act-1961��اس-�é���ہn
d�lt�ارحAریE��ر/�90 �S�اس-ffi�تκا�ا�GS�ور
S�اس-�d ر�ہ�ndBilateral Reliefċ��P��S�ffi��TFہ�اس-���ام�ا
�اS1961�آ-��دے�lر25sلاِ A�nون�Tی���t،���دک:T�ر/�sP�
��حAاس-��ط�t’�ہ�n�nے/دوJ�����ن2و2�d�رلاAG�91�S
-��t�دP5Ėt’��ام�ا�d�lt�ار��ر/��STF��و��دوĖں91و90

���ورہو��اورد(Human Capital)�κ/5�ا،�f��κ/�ċ���d�S�ر/
-(�ن�é2راہ��:���éb�p��ر�روdتوfiر�ا�Uا��ا-(b�sا���

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## 11.9 ���Bا (Learning Outcomes)

اسا5Sd�6S��اس t’�1ffi:

- �Sا2اورو�ع�و����-
- ���و��(Backward & Forward Shifting)�(ق�ن��-
- ���S�tتd����-
- �SøESو�ع�و����-

• -����dاوراس��و�T��ر�

## 11.10 (Glossary) �)

2اd� -Impact of Ta: -øE5ا�ا d�-اس(د2�'t����و9ل��'t�-

ع�وd� -Incidence of Tax: -اداا�dċ�øE�tذ3داری-اس(د2�'t��dśآر�ادا�'t�-

��� -Tax Shifting: Jdċ�p2�)ے/دوJTøES�

ر/� -Double Taxation: -t'��l�دہtز�Gا2��t5sآ�Gا

## 11.11 (Model Examination Questions) تUاx5ŨاUy�

### 11.11.1 (Objective Answer Type Questions) تUاx�bSت���و/

.1 �ابرا��(Direct Tax)�Ln:

A.�dا2وو�Gعا��2�'t�-

B.�dا2وو�ع��2�'t�-

C.�øEp��ffi-

D.�øE��'t��-

(a) A & B��اب ffi- (b) B & C��اب ffi-

(c) A & D��اب ffi- (d) C & D��اب ffi-

.2 �fا��(Indirect Tax)�Ln:

A.�dا2وو�Gعا��2�'t�-

B.�dا2وو�ع��2�'t�-

C.�dEøp���-

D.�dEøp���ffi-

(a) A & B��اب ffi- (b) A & D��اب ffi-

(c) B & C��اب ffi- (d) C & D��اب ffi-

.3 را��(Direct Tax)��ل�:

(a) �ڈNE (b) ��

(c) آ5s� (d) ا�ăٰ͇ٓNE

4. اG�d�را��اوار2�واL�bTر�p2�د�-��-��----------------------�-

(a) �����- (b) �����آ-

(c) دوĖں���- (d) ��ابffiȦ-

5. اG�d�را��اوار2�واL�ATøEمkل���J�US�T�����ES�øاس

A ح�----------------------�-

(a) �����- (b) �����آ-

(c) دوĖں���- (d) ��ابffiȦ-

6. /ر�S�S�GS:ك��9رت�:

(a) اG�ز�P��t'���ffi- (b) �فاور�اGPs�t'����-

(c) 5T�Ps�����- (d) ��ابffiȦ-

7. �E̤(ا�S�ð���ف/�2't��t'��ان-Säدو/G�--------�'t�-

(a) �� (b) �دوری

(c) �ن (d) دx

8. śvاار2�dEø����2��'t�:

(a) اÉ����t دز�)�śvاار 2dEøجt دد�é- (b) اÉ����t دز�)�śvاار2�d E�ø��é-

(c) 5T�øE�d���� ���- (d) ��ابffiȦ-

9. Mansfield & Conrad d��-

(a) ��ار�ز� (b) ��ا�ر�

(c) vα��� (d) ��ار�زوا�ردوĖں�

10. J���S��دار�2ċ�dEø:

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## 11.12 �2�دہاB�rاد (Suggested Learning Material)


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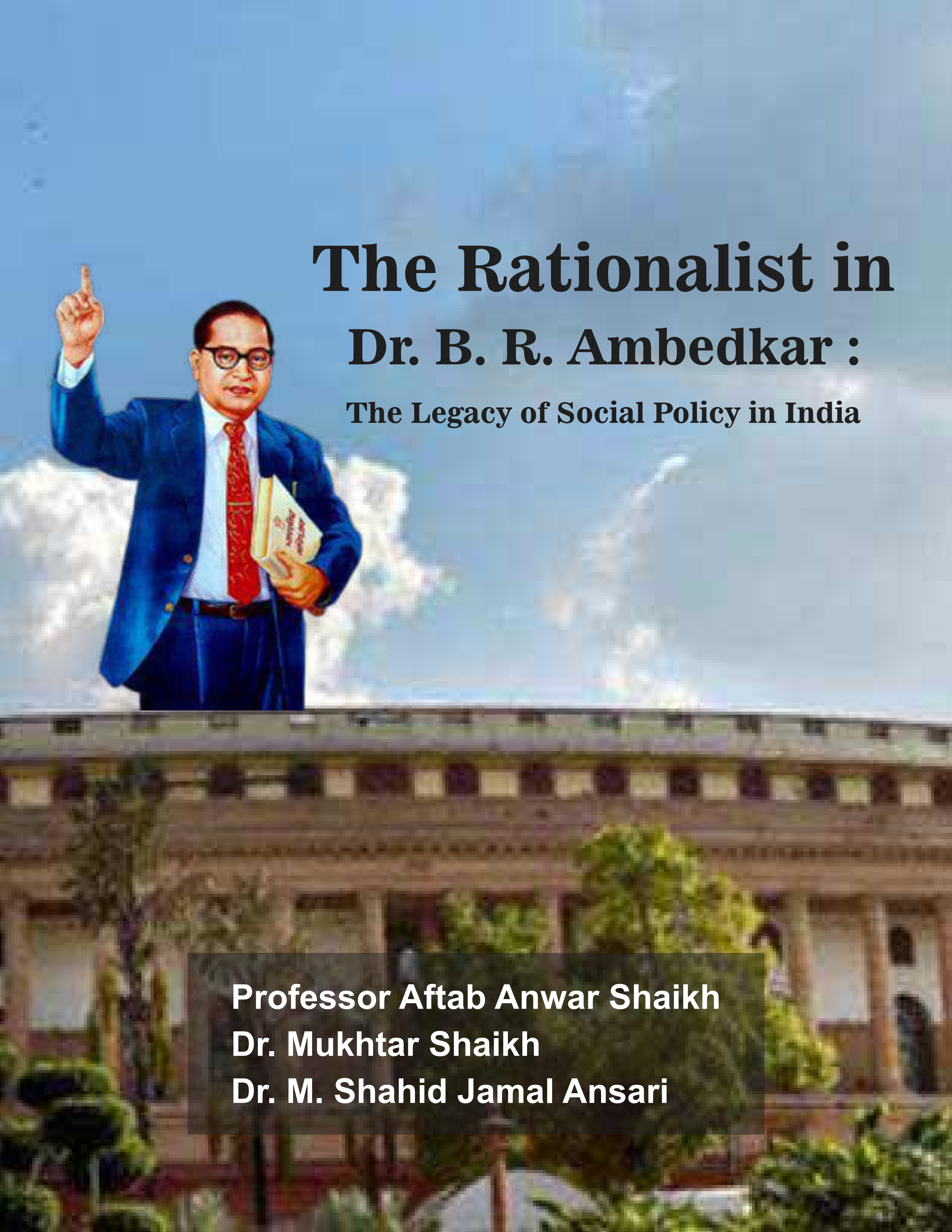

# The Rationalist in Dr. B. R. Ambedkar :

## The Legacy of Social Policy in India


Professor Aftab Anwar Shaikh
Dr. Mukhtar Shaikh
Dr. M. Shahid Jamal Ansari

# The Rationalist in Dr. B. R. Ambedkar: The Legacy of Social Policy in India


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First Impression: November 2023

**The Rationalist in Dr. B. R. Ambedkar: The Legacy of Social Policy in India**

**ISBN: 978-81-19585-79-3**

**Rs. 1000/- ($80)**



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Published by:
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 **ISBN: 978-81-19585-79-3**

## DR. B. R. AMBEDKAR: PIONEER OF DEVELOPMENT ECONOMICS

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### INTRODUCTION

"Ambedkar is my father in Economics .... His contribution in the field of economics is marvelous and will be remembered forever . . ."

*-Professor Amartya Sen, Indian Nobel Laureate*

Dr. Bhimrao Ambedkar was a great modern Economist in letter and spirit. He was a true revolutionary in his vision and practice. He was a great scholar and pioneer of various novel socio-economic policies and practices. He was revered as a great fighter and liberator of *dalits* and other weaker sections of the society. Dr. Ambedkar was a far-sighted revolutionary economist whose genius is observed in all his works written during his sojourn in college. His analytical approach and scientific temperament are reflected since his initial works at post graduation level. His works on Economics are original, unique and unmatched of his time. His works on Monetary Economics, Public Finance, Development Economics, Agriculture Economics, Labour Economics, Cooperative Farming, Land Reforms, Water Resource, Physical and Human Infrastructure, Human Capital are of par-excellence and a guiding pole for all times.

On the basis of Dr. Ambedkar's writings and speeches, he looks like a staunch propagator of balanced growth and his approach of development is inclusive and he lays emphasis on the participation of weaker and downtrodden sections of the society, particularly landless labourers and marginal farmers. He wants to ensure distributive justice in the process of economic development. He did not only prove his thesis but also made provisions in the Constitution of India under Article-47 that directs the state to raise the level of nutrition and the standard of living and to improve public health as among its primary duties.

He was a true economist and was far-ahead of his time. He was well aware about the problems faced by India under the exploitative regime of the Britishers. He raised all issues of exploitation and analysed empirically the data-base of about 65 years in his work *Administration and Finance in East India Company'*(1915). He came on the same conclusion of plunder and exploitation of Indian wealth and resources by British administration as Grand Old Man of India, Dadabhai Naoroji concluded decades before in his work '*Poverty and Un-British Rule in India*' (1901). Babasaheb knew very well about the problems of 'British India' and perceived well the forthcoming issues of 'Independent India'.

He knew that British would leave a looted economy with abject poverty, mass unemployment, and deficiency in infrastructure facilities, unavailability of capital and other basic resources to go ahead on the path of sustainable economic development. In the light of this backward economic scenario, Babasaheb, pioneer of development economist, showed the path of balanced development. He has postulated a two-sector growth model very close to A.W. Lewis model of 'Unlimited Supply of Labour and Economic Development' for that Lewis was conferred the Nobel Prize in 1979. In this connection, he talks about new concept of 'disguised unemployment' in terms of 'idle labour/superfluous labour' and discusses in detail this form of unemployment and its effects on production and productivity in agriculture sector, over-crowded with surplus labour force. He writes, "It may well be that some portion of this labour corps is superfluous, though it has to be supported merely in obedience to social custom as is the case in India. But if our social custom compels a farmer to support some of his family members even when he cannot effectively make any use of them on his farm (Dr. B. R.

Ambedkar 1918)". He was the first economist who popularised this form of unemployment and suggested remedies on economic footings. He argued that there was a mass unemployment in India due to lack of capital to provide gainful jobs outside agriculture sector to the working age population. Further, he analysed 'two-sector model' of development i.e. Agriculture and Industry. He was in favour of rapid industrialisation so that surplus labour of agriculture sector working on just subsistence level of wage rate can be shifted to industry- the emerging sector of the economy. In his essay on *Small Holdings In India And Their Remedies* (1918)**,** Dr. Ambedkar argued that "Industrialization of India is the soundest remedy for the agricultural problems of India. The cumulative effects of industrialization, namely, a lessening pressure and an increasing amount of capital and capital goods will forcibly create the economic necessity of enlarging the holding." This shifting of labour-force will have dual effects in the economy; firstly, it will reduce the burden on agriculture land, reduce unemployment and disguised unemployment that will increase production and productivity in that sector of the economy. People left in that sector will enjoy better living standards due to increase in their per capita income. Secondly, secondary sector will get cheaper workforce from primary sector for industrial production that will generate profits. This profit will be reinvested and will help in capital formation that is pre-requisite of industrialisation. Hence, the process of industrialisation will take place which will lead the economy on the later stages of development.

Babasaheb knew very well that this process of development was not so easy and simple. There were so many impediments in this development path like lack of initial capital, skilled and qualified workforce, deficiency in demand and shortages of supply of required inputs etc. For this, like other great development economists of his time, he was in favour of state intervention in economic matters. He was a staunch supporter of state participation in economic activities and assigned a special role to state for all round development of the economy. Here, Dr. Ambedkar is very close to Professor J.M. Keynes, a stalwart of his time who was in favour of state intervention in economic affair to get economy rid of 'great depression'. Later, after Independence, he made provisions under the Directive Principles of State Policy to enhance the living standard of people, ensuring that the state plays pivotal role in bringing about economic and social justice. In the modern era of mechanisation, a large volume of investment is required to break the vicious circle of poverty and at the same time various sectors need adequate amount of investment to generate adequate demand and supply. This type of investment is necessary to create an optimistic economic environment to attract public and private investment. But it is a well known fact that private players come in the later stage of development when adequate basic facilities and infrastructure i.e. Social Overhead Capital (SOC) are available in the economy as then only cost of production will be low and profit can be made in economic activities. Hence, first of all the state has to come forward and take a lead role in not only providing basic physical and human infrastructure but also to set-up some key-industries viz. cement industry, steel plants, electricity, and other energy sources, schools, colleges, vocational training centres, hospitals, cloths, medicines, etc.

In support of his thesis, Dr. Ambedkar was in favour of 'state-socialism' and he assigned duty to state to start 'state-owned industries' that will resolve many problems that cropped-up in the process of industrialisation in the newly liberated economy from the imperial rule. State can successfully address the issues of deficits in finance, deficiency in energy, lack of infrastructure and human capital and other basic inputs. In this way, the state will be a catalyst force in the process of industrialization and will be in position to provide jobs to its people. State can also take affirmative action in this connection to implement policy of upliftment of weaker sections of the society. Further, state should make provision of quality education, health and training to all sections of the society for their gainful employment. This will ensure supply of human resources and generate demand in the economy. The state should also generate physical infrastructure like roads, dams, bridges, electricity, banking services, transportation,

 ISBN: 978-81-19585-79-3

communications, hospitals, schools and other inputs to speed-up the process of industrialisation. Dr. Ambedkar specially asked state to provide insurance to all workers and other sections of the society. He was in favour of state-owned insurance service and it must be state business. This important and sensitive sector should not be given in private hand.

In this process of industrialisation, Dr. Ambedkar laid due emphasis on the revitalisation of agriculture sector. He analysed the problem of this primary sector that was facing the problems of division, sub-division and fragmentations of land, unskilled and uneducated workforce, lack of modern tools and technology, lack of quality seeds, fertilizers, shortage of water and lack of institutional finance, etc. For him industrialisation is the only solution to the problems of agriculture sector. He is very clear that development will take place when surplus labour will shift in industry rather than in city as numbers of cities are limited in India. There is a need of rapid industrialisation that will lead to urbanisation. Moreover, he proved that this "process of industrialisation will foster the enlargement of holdings and that it will be the most effective barrier against sub-division and fragmentation…Industrialization will not be a sufficient remedy for consolidation. That it will require *direct* remedies may be true. But it is also true that industrialization, though it may not bring about consolidation, will facilitate consolidation. … That industrialization must precede consolidation (Dr. B. R. Ambedkar 1918)". He suggested to give farming 'a status of state industry' and consolidated farming or co-operative farming methods must be adopted in Indian agriculture sector. In this way, industrialisation is pre-condition for growth in agriculture sector. In his two-sector model, he laid due emphasis on both the sectors and gave a balanced approach.

Babasaheb had made a blueprint to modernise this agriculture and for that consolidation of fragmented land in rural areas was a pre-requisite. 'Ceiling Act' and '*chakbandi'* was suggested and many state governments implemented this in their respective states in India. After this, he had suggested group-farming or co-operative farming on consolidated land because this was the only way for implementing modern methods of agriculture at the village level. In this regard, he disagreed with the well-known economist of his time, Professor Jevons, whose criteria of 'optimum size of land' was 'consumption' but Babasaheb put 'production' as criteria and emphasised that "This is evident; for though production is for the purpose of consumption it is for the consumption only of those who help to produce. It follows, then, that if the relation between out-turn and investments is a true economic relation, we can only speak of a farm as economic, i.e., paying in the sense of production and not in the sense of consumption. Any definition, therefore, that leans on consumption mistakes the nature of an economic holding which is essentially an enterprise in production (Dr. B. R. Ambedkar 1918)." He suggested 'co-operative farming' that will resolve the problem of size of land holding, inputs, finance, water, seeds, fertilizers etc. Governments should support these farmers through these co-operative societies. Moreover, this cooperative farming will develop a sense of cooperation among farmers. He was in favour to give Minimum Support Price (MSP) to produce of farmers by state, decades before the Swaminathan Committee recommendations. This notion of MSP is very crucial to ensure supply of food and their prices. Availability of food at stable price is precondition of industrialisation.

In his balanced and inclusive approach of development, he suggested not only to give equal importance to both the agricultural as well as industrial sector but he was also in favour of participation of women with men in all sectors of economy. He wanted to ensure active contribution of women in economy because without making them economically empowered their upliftment would be meaningless. He was a firm believer of social justice and as a Labour member of the Viceroy's Executive Council (from 1942 to 1946), he initiated to reduce factory work hours from 12 to 8 in the 7th session of Indian Labour Conference,1942. Moreover, he

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made provision of maternity leave for women. All these provisions have assisted in reducing inequality, poverty and have ensured all-round development of society.

Dr. Ambedkar, a development economist, devised the role of monetary and fiscal policy as tools in hands of government for economic development. His most famous manuscript '*The Problem of Rupee- Its Origin and Its Solution'* (1923) is a novel and original analytical work, wherein he disagreed with J. M. Keynes and said that for underdeveloped countries like India, 'gold standard' is suitable rather than 'gold exchange standard' because it increases inflation. In this book, he emphasised for stability of both exchange rate and prices. But due to wrong policy, situation of stagflation i.e. inflation and unemployment simultaneously were there in the Indian Economy during British rule because British government had overvalued the currency to achieve their motive of selling British produced goods and services in Indian market and earn surplus from it and send it back to England. Dr. Ambedkar was mainly concerned with more to price stability rather than exchange rate stability because price stability will benefit the poorer sections of the society while the exchange rate stability will benefit the trading community. He argued in favour of quantity theory of money to make currency stable as per the commodities it can buy. So that economy can be led smoothly on the path of development without facing the problems of inflation and unemployment. As per the need of the economy, quantity of money should be decided accordingly so that price and exchange rate may be stable.

Dr. Ambedkar's *The Evolution of Provincial Finance in British India* (1925) is unique and the first most comprehensive work in the field of Federal Finance. His research guide at Columbia University, New York, Professor Edwin R.A. Seligman writes in Foreword that "The value of Mr. Ambedkar's contribution to this discussion lies in the objective recitation of the facts and the impartial analysis of this interesting development that has taken place in his native country. The lessons are applicable to other countries as well; nowhere, to my knowledge, has such a detailed study of the underlying principles been made." In this manuscript; origin, development and mechanism of provincial finance is discussed in first three parts and in final part; provincial finance under the Government of India Act of 1919 has been explained. His book on public finance *Administration and Finance in East India Company* (1915) also gives insights on taxation and expenditure policy during Brithish rule in India. In his works, Dr. Ambedkar has made a detailed analytical study of all aspects of public finance viz. taxation, expenditure, public debt at all levels of governments- imperial, provincial and local etc. After Independence, he made constitutional provisions for provinces to run their development programs on their own without begging from the centre. But after 75 years of Independence, state (provincial) governments are facing shortages of funds to finance their development projects and revenue expenditure especially after adoption of GST regime. In his writings, it is clear that fiscal tools can be used for exploitation if they are in wrong hands ('drain of wealth' in Brithish India), and if these tools are handled judiciously in a democratic welfare state, it will enhance living standard and welfare of the people. Dr. Ambedkar, a staunch advocate of political democracy, argued that state has to play active role to bring economic prosperity for the people. This philosophy of "welfare state" increased the burden on the state and to discharge duties, state has to tax and spend in such a way that economic development could take place and distributive justice should also be ensured. In this connection, taxation and expenditure will play a pivotal role. State should impose progressive taxation and do expenditure in such a way that will create capital for further production and employment generation as well as improve living conditions of the poor and marginalised section of the society. But unfortunately, a large section of the populations are deprived of basic facilities and have been living below the poverty line after seven decades of independence.

In this concluding part of the study, it can be inferred that Dr. B.R. Ambedkar is a pioneer of Development Economics as he analysed the two-sector model of balanced growth strategy. In this connection, he laid due importance to industrialisation along with consolidation of land and co-operative farming. In this process of industrialisation and development; monetary and fiscal tools, infrastructure, human resources are highlighted. Later, Development Economist, A.W. Lewis worked on two-sector model of development and was conferred the Nobel Prize. Another Nobel Laureate, Professor Amartya Sen who revered Babasaheb, and referred to him as his Father in Economics, worked on the path shown by him in eliminating poverty and enhancing human development. His approach to development is inclusive and he ensured economic and social justice by making constitutional provisions. Truely, he is worthy to be called a pioneer and visionary of 'Development Economist.'

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# Indian Economy: Emerging Scenario in 21st Century

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First Impression: July 2023

**Indian Economy: Emerging Scenario in 21st Century**

**ISBN : 978-81-19481-16-3**

**Rs. 1000/- ( $80 )**



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# IDENTITY CRISIS IN UPAMANYU CHHATTERJEE'S ENGLISH AUGUST

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**IDENTITY CRISIS IN UPAMANYU CHHATTERJEE'S ENGLISH AUGUST**

English, August (1988) is an account of urban India's encounter with the provincial Bharat. The novel describes the experiences, beliefs and attitudes of Agastya Sen, a trainee bureaucrat. The novel opens with an informal conversation between Agastya, who is to leave for Madna for his probationary period as an IAS officer and Dhruvo, Agastya's friend who is back from Yale University after his higher studies. Agastya considers himself as one "with no special attitude for anything"[1] and thinks, "I should have been a photographer or a maker of ad films something like that, shallow and urban."[2] He considers himself a misfit, anchorless and misplaced and does not seem to enjoy the role of an IAS officer. Used to metro life, he finds happiness in nothing and thinks he is misbegotten in a world which he does not seem to fit in.

He finds it difficult to get used to his job and Madna. His life in Madna consists of idling in his room watching lizards racing across the room, day – dreaming, thinking of the past, extracting an invitation for meal either from his seniors, friends or subordinates to escape the awful meals prepared by the guesthouse cook, Vasant. He visits various government offices to learn the intricacies of the functioning of bureaucracy. He is not happy in his personal life and he does not enjoy his role of an IAS trainee which he is privileged to. There is no way out of his uneasiness and suffocation. He wants to run away from this situation and even thinks of leaving the present job to join his relative in publishing business in Delhi. "I don't want challenges or responsibility or anything, all I want is to be happy," he observes.[3] His uncle is right when he says, "You are interested in nothing and you think that is a virtue."[4] His father, too, tried to persuade him by pointing endless possibilities of experience and knowledge of the new world. He writes in one of his letters:

"Your job will provide an immense variety and will give you glimpse of other situations and existences which might initially prove startling. Your dissatisfaction now seems to wear me out... But Ogu, remember that Madna is not an alien place. You must give in time. I think you will like your job eventually. But if you don't, think concretely of what you want to do instead and change."[5]

Agastya considers himself to be "a dot in this hinterland"[6] and the letters do not make any positive impact on his mind, which is clear from the response letter written to his father. It reads:

"I'm sorry but what you read into my last letter was true. I just can't get used to the job and the place. I'm wasting my time here and not enjoying the wasting. This can be a sickening feeling."[7]

Agastya does not relish working in Madna, as Srivastava, Kumar and other bureaucrats do. His uneasiness is increased by his close observation of the Indian bureaucracy and thinks he is incapable of attaining desired goals. He could not bring about any positive change in the bureaucratic culture. He tries to bridge to a considerable extent between the agents of the administration and the tribals of the drought – hit area of Chipanthi village through his visit as a BDO. He could not find any solution to the problems that confront him in spite of many powers conferred on him as a bureaucrat by the Constitution.

Agastya's action and behavior stand in contrast with his mythological counterpart, the sage, Agastya. He is neither of the forest, nor finds a Ram to give him a bow and an arrow. He loves

ISBN: 978-93-93810-71-[illegible]

city life. He enters the dark forests of the Vindhyas of corrupt bureaucracy but is incapable of stopping them from growing. He is not able to push the mountain of inefficiency, corruption and snobbery even by an inch. He pines for Delhi. No one, except his father tries to understand what lies behind his 'unheroic' action.[8]

Though Agastya appears to be a gloomy personality, he is skilled at fabricating stories in such that almost no room is left between truths and lies. At times, he gets into embarrassing situations by cooking up different versions of the same story to the same person. He cooks stories even about his parents, education and his marital status. On the very first day when questioned in the Collectorate Office about his (non – existent) wife, he says: "She's in England. She's English, anyway, but she's gone there for a cancer operation. She has cancer of the breast." He told the District Inspector of Land Records that "his wife was a Norwegian Muslim."[9] He made another story about his parents who were said to have a Ph.D. in Oceanography from the Sorbonne.[10] He tells Menon that he had been at Cambridge for education. When Mr. Kumar asks him, "When are you getting married, Sen?" He replies, "Not for a while." The immediate remarks of the narrator are noteworthy: "He had forgotten which story he had fabricated for Kumar."[11] Agastya formulates stories to avoid communicating on certain issues or to stop people from nagging him. He never regrets for speaking lies. The reason for this is psychological sinceAgastya is disillusioned by the expectations he carries from his job. He becomes aware of himself, his physical needs, his confused mind and even things like food and sleep which he had taken for granted earlier now acquire significance in Madna.

"Food became very important in Madna and he was soon to encourage and concentrate on his stomach pangs. For hunger was evidence of one's good health and thinking about eating each gave him something to do … A very few days in the district and he was sick, even scared, of abstract thought – the problem of food gave him something concrete for cogitation."[12]

"In Madna he could never take sleep for granted. He would repeat the activities of the afternoon, thinking that for more than twenty years he had always slept well, except for one or two nights when excitement kept him awake … But in Madna he seemed to have appalled sleep."[13]

He seeks in physical actions an answer to his rootlessness. Exercise provides a relief from the absurdity of his daily routine. The writer says in his interview about Agastya:

"Running felt splendid, clockwork movement, the crisscross of arm and leg, rhythm and balance, the steady, healthy panting, the illusion that his (Agastya's) body was being used well. The mind wandered pleasantly, yet not into chaos because the physical strain provided the leash."[14]

Agastya senses dislocation and displacement. Rootlessness shatters his dreams completely. His alienation is sociological and psychological. He is out of touch with his inner self because he is not involved in professional life. He is fragmented emotionally and culturally. Agastya's problem has to be examined in the context of the changed postcolonial, social and psychological realities of modern India. Rapid urbanization and modern education caused a dislocation in the psyche of the young generation leading to the feeling of rootlessness. Madna was 1400 kms away from Delhi and more than 1000 kms away from Calcutta. It caused cultural estrangement. All this has finally resulted in identity crisis of Agastya.

At Madna, Agastya leads three lives, the official, the unofficial and the secret life in his room. He realizes that the feelings of dislocation, rootlessness and alienation are not his problem alone but of the whole generation since they realize that the gap between reality and idealism is wide. For example, Dhruvo, Agastya's friend, lives unreal life with his girlfriend in Delhi.

ISBN: 978-93-93810-75-5

Two possible methods of coping with Agastya's problems and discontent are: the rational method of Marcus Aurelius and the Karmic acceptance advocated by the Bhagavad Gita. Agastya reads both the books. Initially, he relates his situation to that of Marcus:

"In those months he grew to like immensely this wise sad Roman. Marcus immediately made him feel better because Marcus seemed to have more problems than anyone else – not the squashing problems of being poor but the exhilarating abstract problems of one immersed wholly in his self."[17]

Agastya even starts maintaining a diary in which like Marcus, he records his meditations. The Gita, on the other hand, Agastya had always associated it with old age when the afterlife gains importance. Ultimately neither Marcus nor the Gita matters because while human reason seemed "so inadequate" and ill – equipped "to answer the overwhelming questions."[18]

There is parody used in the name of Agastya. "Parody," says Linda Hutcheson "is a typical post – modern paradoxical form because it uses and abuses the text and conventions of the tradition. It also contests both the authority of the tradition and the claims of art to originality."[19] Parody is seen in the categorization of certain characters. For example, the sage, Agastya was born in an "unnatural" manner and Agastya also is born "unnatural," for he was born of a Goanese mother and a Bengali father.

The novel displays a contrast to the irresponsible attitude of the bureaucrats with that of the selfless service to humanity by Baba Ramanna. Agastya visits Baba Ramanna's Home meant for lepers. He was stunned to see the devoted service offered to the outcastes like lepers. He is surprised to know that the Home didn't accept any government aid but worked independently and efficiently. He realizes the value of serving mankind. He returns from the Home peaceful, firm and with a conviction to carry out his duties sincerely. The visit imbibes positive values in Agastya and somewhat clears his disillusionment for his job.

Agastya joins as BDO of Jompanna, a terribly drought – prone block. In his third week in Jompanna, a tribal woman from Chipanthi complained that the only well in their area had dried up and needed cleaning. No officer had paid heeds to her complaint. When Agastya visited Chipanthi, he was full of pity for the people there. He saw women tying children to ropes and letting them into the well. The tribals were risking the life of their young children for the sake of half – buckets of mud. The ropes were bringing up buckets. Agastya gave orders to clean up the well and brought water – tanker for the tribals.

"Uh – a few days, I think. One tanker is out of order, it's being repaired at Tilan, another tanker is leaking very badly, by the time it gets here, there'll be no water in it. And the third one is at Choppa." Agastya looked at him with distaste. "Choppa is the Sabhapati's village, isn't it? It's probably as wet as - No, let's do it my way." He smiled wickedly at Chaudhri. "It's good that you brought your jeep. You go back in that jeep, take everybody with you. You'll reach Jompanna by about two thirty, I think. Arrange for one tanker and your - "he stopped, what they were called "- gang that cleans up wells to come here. I'll wait here for them, to sort of ensure that you - you do some work about this when you reach your office."

When Agastya next met an impressed Bajaj, he explained, "I thought it was the only way to get them to work, sir. If I'd gone back that afternoon to Jompanna, I would've been distracted from this business by the usual office routine and those Junior Engineers would've turned up one by one, to explain what was wrong with the tankers and why the well couldn't be desilted until a month later or something like that, their usual arguments – you know, sir, their laziness hidden by jargon – and I'd have agreed, because sitting in the Block Office at Jompanna, Chipanthi and its problems would've seemed remote and everything would've been postponed."[20]

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First Impression: June 2023

**New Horizons in Language & Literature**

**ISBN : 978-93-93810-75-5**

**Rs. 1000/- ( $80 )**





Published by:
Empyreal Publishing House

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ISBN: 978-93-93810-75-5

# ETHICAL IMAGINATION, IMAGINING ETHICS:AN UNDERTAKING-BASED LITERATURE TEACHING APPROACH

**Mr. Zameer Salim Sayyed**
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## INTRODUCTION

The term 'Ethical Criticism' unfortunately does not refer to any school or critical approach but is understood in reference to the upsurge of interest in the relationship between ethics and aesthetics, besides the claims made at innumerable occasions about how ethics and aesthetics are inseparable and how a divorce between the two can destroy both – the experience of literary works and their relevance to the world-realities. In the light of the premise, George's following cautionary observation deserves serious (re)consideration:

If literature is not about life and if texts have no point of reference outside themselves, then discussion about the role of art within a civilized society is just so much nonsense.

Nevertheless, ethical values themselves are seldom spoken about in class and in the context of teaching Literature.

### Review of Related Literature:

The classical literary criticism described the double function of Literature: instruct and delight. Horace considered that the poet should combine "sweet and the useful, charming the reader and warning him equally well" (Horace, 1998, p. 75). At some point, critics and Literature teachers started to put emphasis on delight at the centre of learning. Highlighting one function and side-lining other can be considered as less service or disservice to Literature. The confusion whether to read/teach Literature for pleasure or for moral development can ruin the whole idea of what Literature is, if Literature is believed to be a body of writing which deals with universal truths or anguishes. Focussing mechanically on art and design of Literature can prevent great works from penetrating into hearts and minds of students, if getting emotional at reading them is considered a key function of literary experience.

The 'Ethical Criticism' once enjoyed the position as the point of reference in the analysis of literary works, but due to the emergence of other approaches like New Criticism, Post-structuralism, and Deconstruction, ethical criticism became irrelevant, obsolete, and a passing fad to such an extent that it is least considered as a contribution in, and mostly as contrary to, literary criticism. While commenting on the mentality of Literature-teachers regarding inclusion of ethical awakening,

Our temptations as educators in an increasingly pluralistic society is to remain hands-off and assume a non-interference policy when it comes to the topic of moral choices and commitments. We are sometimes inclined to leave older students free to discover for themselves what is best and right and to avoid "indoctrinating" young people with certain moral values. Indoctrination is precisely what many educators fear falling into.

Whether call it 'indoctrination' or 'simply not my job', the "non-interference policy" leaves students vulnerable to many appealing amoral ideas about how to enjoy 'experience'.

### Objectives of the Study

The study of Literature without giving due consideration to the ethical content or structure of a work of art will lead one to adopt a hedonistic or nihilistic mindset, developing into an anti-social (a separatist) or apathetic personality (an isolationist). For example, a smiling picture of an abandoned child in a war-affected zone can never be interpreted only as a 'beautiful and

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pleasurable experience in itself' by being indifferent or inattentive to the 'crisis' the context and structure of that artwork invoke. We are living in a multicultural landscape where crisis has become the content of memes, as well as slogan of power-hungry people. In a country like India, crisis is 'Other' or 'because of 'Other'. Even at this juncture, if literary engagements revolve round 'beautiful writing' only, then no discourse, however powerful it might be, can forfend Literature students, against the feeling of being disconnected from their social reality. If imparting the skill of 'critical thinking' to students is one of the objectives behind teaching Literature in schools, colleges, and universities, then 'thinking' ought to go beyond the obsession of 'gaining aesthetic pleasure alone' (pure emotionalism) so to retain the adjectival modifier 'critical'.

A focussed approach to ethical inquiry in the literature classroom is the need of the hour so to awaken and educate students' moral imaginations to cope with the real-time crises. This will not be a "spoon-feeding" or "indoctrination" but an invitation to think rigorously about the content, criteria, and constraints of the narrative as well as the conflicts and choices faced by the characters.

Fictional characters' struggles are of interest to students as they set a course for their own life journey, make their own choices, and in doing so, give consideration to the kind of person they would like to become. (Bohlin)

"Why Katappa killed Bahubali?" had become a national question over the anxiety that how a morally upright man could be killed by another morally upright man without any black and white reason.

**Argument**

The latest explosion of interest in ethical readings of literary texts has destabilized the dominant assumption that literature has no effect on a reader's ethics. In his Défense of Poetry, P. B. Shelley writes:

A man, to be greatly good, must imagine intensely and comprehensively; he must put himself into the place of another and many others; the pains and pleasures of his species must become his own. The great instrument of moral good is the imagination. (Bohlin)

The phrases (italicized by me) highlight the kind and degree of an ability required for moral imagination and the moral imagination is the place where "reason and heart desire, envision, evaluate and choose a worthy telos." (Bohlin p. 29).Consequently, the following myths do not enhance but rather somewhat impoverish the richness of literary experience:

**Myth 1 – Literature is value-free?**

A literary work is considered best in terms of aesthetic experience it gives to its readers. According to very popular approaches like Formalism and New Criticism, aesthetic experience of a work of art solely revolves round the appreciation of the formal aspects of literary work. The language of teacher thus becomes clichéd one when he/she holds a classroom-discussion on Robert Burns' poem A Red, Red Rose. The students are fed with list of figures of speech used in the poem and one- or two sentence-summary revealing how the poem is a Ballad revolving around the poet's never-ending love for his beloved. This information (along with beauty in it, if any) is explained in detail by reading and repeating the poetic lines going forward and backward, with an aim to introduce to students (or induce in students love for) 'aesthetic value' to students under the agenda of imparting them 'thinking skills'!

The claim that that the students will feel 'connected' with the 'content' of 'form-teaching'can hardly be defended. As a consequence of invalidating or ignoring ethical cues present in the given text, the students feel "disconnected from the real world" (S. S. Choo p. XIII) due to engagement "fixated on the aesthetic appreciation of texts rather than on its relevance to the

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contextual environment and implications for today's societal situation." (S. S. Choo p. XIII). The form of the poem – the aesthetic expression – overtakes the content and character-portrayal – the things expressed – to such an extent that "the death of author" along with critic (as anyone's interpretation is as valid as any other's) turned the nature and future of literature into an inauthentic and unreal phenomenon contributing less or nothing in the context of global crises.

**Myth 1 – Is Learning is a Solitary Experience?**

The second myth more dominant and dangerous is an assumption regarding the teaching-learning experience as something which is solitary. People who read books for pleasure during journey or in private moments are different than the learners sitting in the Literature classroom as far as the reading/learning experience is concerned. The reading and learning that happens in the classroom can never be a solitary experience, for the simple fact that learners come from various social class and cultural backgrounds. Besides this, how teaching romance (or romantic love) can fit in the aims and objectives of Literature classroom needs re-consideration, which can hardly happen if literature is for individual and, for pleasures.

What if while exacting aesthetic pleasure from a literary work, the work does not fail also in affecting the reader's ethics? Robert Burns' poem 'A Red, Red Rose' celebrates romantic relationship, if the focus is shifted away from its form. No prescribed textbook which provides author's brief biography in the beginning of the lesson has a paragraph on Robert Burns as a sex addict...a serial womanizer...known for falling in love at the drop of a hat". The fact that Robert Burns' escapades with various women and the historical fact that "Jean Armour, Burn's wife, bore him nine children in 10 years, the last born on the day of the poet's funeral" has little blemished the worldwide popularity of the poet as "a sex pest", "a fornicator…the riotous" and a 'Scottish Casanova' stands tall sometime, when viewed in the context of idealisation of romantic love. These biographical details do not matter to literary scholars or literature teachers in order to keep literary world and real world divorced. But the students who are trained to think critically will end up either suspending rigorous and sustained interest in Literature study or surrendering reality to the lure of 'romantic' venture, forgetting (due to the communicative power of Literature) that the 'rose' on page lasts longer than the 'rose' in hand.

It is only the ethical approach which can facilitate all level students the all-round discursion of literary work by incorporating a creative-critical-social-and-political understanding of the literary world in the context of the real world without sacrificing aesthetic outlook. Such a deliberation will expose the literary scene to the learners to a greater (and higher level of) imagination, making them think critically together.

## CONCLUSION

Both literary imagination and ethical imagination are uniquely human activities and to suspend either is like suspending mankind into exile. If one thinks that Literature needs to be invested in and counted on, then it ought to provide informed evidence in tackling the global risks such as psychological crisis (isolationism), sociological crisis (separatism), and ecological crisis (materialism). And for this, the age-old view of Literature as associated with study elitist appreciation of beautiful writing should today be problematized. If not, then the Literature-teaching will risk becoming obsolete and marginalised in an age when global risks are increasingly becoming part and parcel of everyday life. In such a scenario, there is no greater invalidation to a global risk – person's raw and real sufferings in pre-writing and post-reading literary works – than using literary jargon as the first response, being dismissive of ethical stance towards literary lives.

The default path of meaning – religious or secular – seems no longer serviceable, so the saviour-perspective can only be an ethical perspective. Ethical perspective does not exclude aesthetic or

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political outlook by incorporates both. So, the 'shift' may feel overwhelming if we focus on what we give up instead of what we would gain. A quote attributed to Martin Luther King Jr. is quite a clarion call: "Our lives begin to end the day we become silent about the things that matter".

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**FOOT NOTES**

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[illegible] EDUCATIONAL RESEARCH & REVIEW ([illegible]) ISSN [illegible]
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SKNCOET EDUCATIONAL RESEARCH & REVIEW (SERR)

ISSN 2455-6173

International Conference

on

# "Vasudhaiva Kutumbkam"

(One World One Family)

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# DEPICTION OF THE DARK SIDE OF 'VASUDHAIVA KUTUMBAKAM' IN KIRAN DESAI'S *THE INHERITANCE OF LOSS*

**Dr Ashwini Manik Parade**
AKI's Poona College of Arts, Science and Commerce, Camp, Pune

**Abstract:**
*The Inheritance of Loss* is a story of the four individuals being turned into pawns due to political [illegible] Gyan, Biju and the Cook, Pannalal. Through the character of Biju, son of the Cook, Kiran Desai illustrates [illegible] the major themes of the novel that is how globalization has brought in new immigrant culture. [illegible] analyses how in the post-colonial era, people from colonized countries face terrible hardships in America [illegible] is a land of liberty. To fulfill the desire of his father, Biju, using fake documents and false recommendations [illegible] to America for a better livelihood. He works in various restaurants such as Gandhi Cafe, the [illegible] Diner, the Baby Bistro, Le Colonial, the Queen of Tarts, and Freddy's Wok etc. Though he works for long hours [illegible] he is given only a meager salary and has to bear with terrible insults and ill-treatment. In almost all [illegible] restaurants where he works as a Cook, Biju finds to his shock that workers from third-world countries [illegible] especially from the East are given only the lowest positions. As a rootless person and illegal intruder, he has to move from one restaurant to another in search of a better job and better salary. Kiran Desai also analyses in the novel how the problems of the legal immigrants are different from those of the illegal immigrants. The illegal immigrants have to live an underground life and are constantly on the run from the police. [illegible] corruption and indiscipline involved in the process of procuring visa. This leads to the problem of illegal immigrants. While remaining rooted to his father's love and cultural traditions, Biju now realizes that the [illegible] of America is quite different from the places where he has worked and stayed.

**Keywords:**
Globalization, Biju, immigration, US, cultural alienation

**Introduction:**
*The Inheritance of Loss* is the second novel by Kiran Desai published in 2006. It won a number of awards including the Man Booker Prize for that year and the National Book Critics Circle Fiction Award in 2007. It is a literary masterpiece in its description, characterization and depiction of human emotions. It is a story of the four individuals being turned into pawns due to political turmoil, Sai, Gyan, Biju and the Cook, Pannalal. The novel has two strands of narratives: the one dealing with the sociopolitical problems of the people of Kalimpong and the other depicting the painful and alienated existence of the Indian diaspora in New York. Through the character of Biju, son of the Cook, Kiran Desai illustrates one of the major themes of the novel that is how globalization has brought in new immigrant culture.

**Review of Literature:**
Though Indian culture believes in the concept of 'Vasudhaiva Kutumbakam,' it is hardly followed in the western countries where people are commercial minded. We also believe in 'Athithi Devo Bhava' which imbibes the values of being a good host and respect our guests from the bottom of our hearts. These values are missing in the so called progressive first world countries. This aspect is hardly explored in research in literature of Indian English Writings. This paper highlights the farce of 'Vasudhaiva Kutumbakam,' in their culture.

**Objectives of the Study**

1. To show how the all-inclusive concept of 'Vasudhaiva Kutumbakam' is missing in the western world with special reference to US.

[illegible]

[illegible] analyses how in the post-colonial era, people from colonised countries face [illegible] which is a land of liberty. While discussing Desai's treatment of the theme of immigration in the novel, [illegible] points out: "Desai portrays migration as a universal, multifaceted experience, [illegible] of youth and freedom. Almost fifty years after the judge went to England, Biju, the cook's son, [illegible] existence as an illegal immigrant in New York."

[illegible] Desai depicts Biju's struggles and pathetic survival as an illegal immigrant in New York – "a city without [illegible]" and with "buildings going up like jungle creepers starved for light." To fulfil the desire of his father, [illegible] using fake documents and false recommendations, goes to America for a better livelihood. He works in [illegible] restaurants such as Gandhi Cafe, the Stars and Stripes Diner, the Baby Bistro, Le Colonial, the Queen of [illegible] and Freddy's Wok etc. Though he works for long hours, he is given only a meager salary and has to bear [illegible] insults and ill-treatment. Like the judge, who has suffered a lot at the hands of the Whites in England, Biju is humiliated and marginalized due to racial prejudice. The owner's wife at Pinocchio's Italian restaurant complains to her husband that Biju is smelly. She tells him that she prefers Europeans to Indians or [illegible]. The narrator observes: "She had hoped for men from the poorer parts of Europe – Bulgarians perhaps, Czechoslovakians. At least they might have something in common with them like religion or skin colour..." Unable to endure the resentment of the owner, Biju has to quit the place and go in search of jobs in other places. [illegible] all the restaurants where he works as a Cook, Biju finds to his shock that workers from third-world countries and especially from the East are given only the lowest positions. As a rootless person and illegal immigrant, he has to move from one restaurant to another in search of a better job and better salary. He finds that even legal immigrants who have come to America without proper documents have to suffer from alienation.

Kiran Desai also analyzes in the novel how the problems of the legal immigrants are different from those of the illegal immigrants. The illegal immigrants have to live an underground life and are constantly on the run from the police. In fact there is a lot of corruption and indiscipline involved in the process of procuring visa. This leads to the problem of illegal immigrants. Knowing the precarious conditions of these immigrants, the owners of restaurants extract a lot of work from them and give them very low wages because they know that the workers have no legal rights to claim a better salary.

Biju and his fellow illegal immigrants have to change their jobs often because of the exploitative nature of the employers and the unhygienic conditions in the places. While remaining rooted to his father's love and cultural traditions, Biju now realizes that his dream of America is quite different from the places where he has worked and stayed. In the restaurants after his hard work, he has to sleep in unhygienic basements during night time. The workers are allotted space to sleep in the restaurants according to their racial origins. At Baby Bistro Restaurant, the French are asked to sleep above the restaurant "but below in the kitchen it was Mexican and Indian. And when a Pakistani was hired, it was Mexican, Indian, Pakistani." Biju undergoes a true colonial experience at Le Colonial Restaurant: "On the top rich colonial, and down below, poor native, Colombian, Tunisian, Ecuadorian, Gambian." At the Stars and Stripes Dinner Restaurant "All American flag on top, all Guatemalan flag below. Plus one Indian flag when Biju arrived."

Though he finds his job disgusting and humiliating, he has the hope of getting a Green Card. He knows to live in America permanently one should possess a Green Card. Even to leave America one must have one. "He watched the legalized foreigners with envy as they shopped at discount baggage stores for the miraculous, expandable third - world coinage ... Then, of course, there were those who lived and died illegal in America and [illegible] their families, not for ten years, twenty, thirty, never again.'' Not knowing the conditions of [illegible] leading his miserable life in America, his father writes to him:

"Stay there as long as you can. Stay there. Make money. Don't come back here."

**Findings:**

Social and cultural alienation, rootlessness, frustration and his longing for his father finally force Biju to [illegible] America for India. Through the story of Biju, Kiran Desai provides the reader with the dark side [illegible] globalization when she describes the customer - receiving areas of an up-market restaurant flying an authentic French flag, while in the kitchen the flags are Indian and Honduran. Though Biju lives in New Y[illegible] hasn't the time to see the country, lives in poverty where he has to sleep in shifts, or on the floor of the [illegible] works and even has to serve beef which he detests. When people come to US for the first time and are [illegible] to make a living, like Biju they are willing to undergo any torment to make ends meet. The novel truly [illegible] their sad lives. Biju is a pawn as an illegal immigrant and also a pawn at the hands of Gorkha National L[illegible] Front in India who loot him when he returns to India and he suffers as a common man. He is unhappy with [illegible] opportunities in India and escapes in search of better prospects.

**Conclusion:**

Thus, all the characters are suffering from the inheritance of the loss as goes the title of the novel. [illegible] Rushdie's appreciation of this masterpiece of Kiran Desai is no exaggeration: "Welcome proof that the [illegible] encounter with the English language continues to give birth to new children, endowed with lavish gi[illegible] Though the advanced version of 'Vasudhaiva Kutumbakam,' alias 'globalization' claims to have brought [illegible] world together, it underlines the non-existent ideal of love, brotherhood and compassion for the world[illegible] It is more of a Utopian concept with reference to the western world. Man was always and will be selfish. [illegible] George Bernard Shaw rightly calls patriotism as 'Extended Selfishness.' The western world finds the concep[illegible] 'Vasudhaiva Kutumbakam,' meaningless and a misfit to their culture. It is easy to say that we follow and be[illegible] in 'Vasudhaiva Kutumbakam,' but difficult to implement when it comes to foreign nationality. This is pro[illegible] through the example of Biju and his hard struggle for survival in the US.


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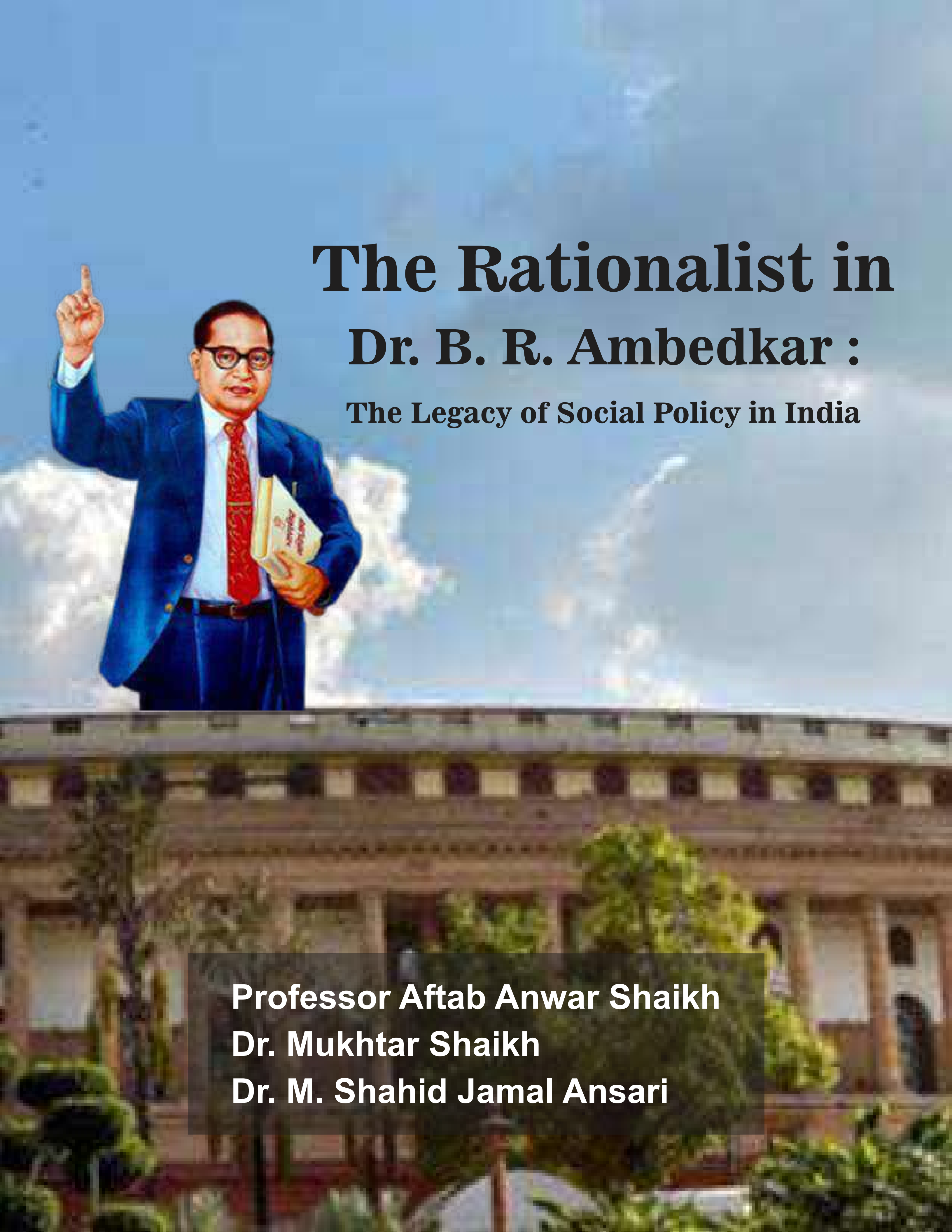

# The Rationalist in Dr. B. R. Ambedkar :

## The Legacy of Social Policy in India


Professor Aftab Anwar Shaikh
Dr. Mukhtar Shaikh
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## The Legacy of Social Policy in India


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First Impression: November 2023

**The Rationalist in Dr. B. R. Ambedkar: The Legacy of Social Policy in India**

**ISBN: 978-81-19585-79-3**

**Rs. 1000/- ($80)**



Published by:
Parab Publications

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 ISBN: 978-81-19585-79-3

# DR BHIMRAO AMBEDKAR- A VISIONARY FEMINIST

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## INTRODUCTION

"We shall see better days soon and our progress will be greatly accelerated if male education is persuaded side by side with female education." – Dr. B.R. Ambedkar[1]

Empowerment refers to increasing the spiritual, political, social or economic strength of individuals and communities. Empowerment and autonomy of women and the improvement of their political, social, economic and health status is both a highly important end in itself and necessary for the achievement of sustainable human development. The role played by Dr. Babasaheb Ambedkar, as Chairperson of the Drafting Committee of the Constitution, has left an imprint on the social tapestry of the country after independence, and shaped the socio-political fabric of India today. It would have been a different India in a probability, a much more inequitable and unjust one without him. Dr. Ambedkar has a versatile genius as he was also a serious scholar, good teacher, efficient lawyer, devoted leader, committed writer, distinguished educationist, social rebel, powerful debater. He was an authoritative constitutionalist, an able administrator, liberal emancipator, master statesman, daring liberator of the downtrodden masses and a fearless fighter for human rights.

### Meaning of Feminism

'Feminism' is a wide range of political movements, ideologies and social movements that share a common goal to define, establish, and achieve political, economic, personal and social equality of sexes. The underline premise of feminism is to seek women's equality and justice in every sphere of life and create opportunities for women to have the same access to the resources that are otherwise freely available to men.

### Dr. Ambedkar – As a feminist

It is easy to imagine why people identified Dr Ambedkar as Baba, a father figure rather than as a political personality. He discussed several problems of Indian women and sought for their solutions in Bombay Legislative Council, in the Viceroy's Assembly as the Chairman of the Drafting Committee and also in the Parliament as the first Law Minister of Independent India.

### The Hindu Code Bill

The Hindu Code Bill revolutionized the Hindu domestic sphere by offering women the right to marry by choice and across caste boundaries, give them the right to divorce, and the right to inherit property. The Bill became the law in a piecemeal, diluted avatar, in the form of the Hindu Marriage Act, Hindu Succession Act etc. He resigned when the Bill was stalled by the upper caste orthodoxy. His influence also led to the passage of various other pro-women acts like The Equal Remuneration Act, 1976 and The Dowry Prohibition Act of 1961, legally entitling women to equal wages and criminalizing dowry, respectively.[2]

Apart from reforming property rights, he also introduced two ground-breaking clauses — namely, the restitution of conjugal rights, and judicial separation. These allowed women the personal choice and freedom to file for legal divorce.

**The bill was divided into four independent acts:**

a. the Hindu Marriage Act, 1955, which gave women the right to divorce, and maintenance in some cases

b. the Hindu Succession Act, 1956, which gave them the legal right to inherit family property

c. the Hindu Adoption and Maintenance Act, 1956, which allowed women to legally adopt a child

d. The Hindu Minority and Guardianship Act, 1956 which allowed a woman to be the natural guardian of her child.

The Bill, however, could not be introduced in its original structure. Dr. Ambedkar's ideas, however, did influence the enactment of a number of subsequent pro-women Acts, such as The Child Marriage Restraint Act, 1929, Immoral Traffic (Prevention) Act, 1956, Dowry Prohibition Act, 1961, The Maternity Benefit Act, 1961, The Equal Remuneration Act, 1976, the Family Courts Act, 1984, the Sati Prevention Act, 1987, The National Commission for Women Act, 1990, Protection of Human Rights Act, 1993, Protection of Women from Domestic Violence Act, 2005, among others.

His concern was not limited to Hindu women only. He observed that even the Muslim women were also not getting their due which was provided to them under the Islamic Shariah as they were influenced by the Indian environment. He also criticized the denial of rights to Muslim women for divorce. He lamented the sad plight of the Indian Muslim women and said: "No Muslim girl has the courage to repudiate her marriage, although it may be open to her on the ground that she was a child and that it was brought about by persons other than her parents. No Muslim wife will think it proper to have a clause entered into her marriage, contract reserving her right to divorce. In that even her fate is, 'once married always married' she cannot escape the marriage-tie however irksome it may be. While she cannot repudiate her marriage, the husband can always do it without having to show any cause."[3]

**As an Activist of Women's Rights**

Dr Ambedkar felt women, once they become agents of their own fate, will dismantle the caste patriarchy. He wrote extensively on women's oppression and set up newspapers like 'Mook Nayak' and 'Bahishkrit Bharat' with sections that exclusively covered women-centric issues. He pushed for family planning measures for women, and ensured the enactment of universal adult franchise, thereby legalising voting rights for women and several other minorities and marginalised people. His contribution to women's emancipation is reflected in his criticism of texts like Manusmriti.

**Dr Ambedkar's Idea of Equality**

He incorporated the values of liberty, equality and fraternity in the Indian Constitution. Based on the belief that any scheme of franchise and constituency that fails to bring about representation of opinions as well representation of persons falls short of creating a popular government, he submitted the Constitution with a warning. He said in his speech delivered in the Constituent Assembly on 25th November 1949, "Political democracy cannot last unless there lies at the base of it social democracy." By social he means a way of life, which recognizes liberty, equality and fraternity as principal of life.

**Constitutional Provisions**

The Constitution of India contains various provisions, which provide for equal rights and opportunities for both men and women. The salient features are:-

- Article 14 guarantees that the State shall not deny equality before the law and equal protection of the laws;
- Article 15 prohibits discrimination against any citizen on the ground of sex;
- Article 15 (3) empowers the State to make positive discrimination in favour of women and children;
- Article 16 provides for Equality of Opportunity in matters of public employment;

 ISBN: 978-81-19585-79-3

- Article 23 prohibits trafficking in human beings and forced labour;
- Article 39 (a) and (d) enjoins the State to provide equal means of livelihood and equal pay for equal work;
- Article 42 enjoins upon the State to make provisions for securing just and humane conditions of work and for maternity relief;
- Article 51A(e) imposes a Fundamental Duty on every citizen to renounce the practices derogatory to the dignity of women;
- Article 243D (3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Panchayat to be reserved for women, and such seats to be allotted by rotation to different constituencies in a Panchayat;
- Article 243T(3) provides that not less than 1/3rd of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality;
- Article 243T(4) provides reservation of offices of Chairperson in Municipalities for SC, ST, women in such manner as the legislature of a State, may by law provide;

In pursuance of the above Constitutional provisions, various legislative enactments have been framed to protect, safeguard and promote the interests of women. Many of these legislative enactments have been in the sphere of labour laws to ameliorate the working conditions of women labour. Dr. Ambedkar realized this at his time and included in the process of social reforms. The vision of Dr. Ambedkar about women is explicitly depicted in Indian Constitution. Equality of sexes is strongly backed by the Constitution through articles 14, 15 and 16. The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. He laid down the foundation of social justice and there can be no social justice without gender equality. In his paper on ‘Castes in India: their Mechanism, Genesis and Development’, Dr. Ambedkar described how women were treated cruelly by the way of sati, enforced widowhood and girl marriages just to maintain strict endogamy in a caste. The social evils regarding women in Hindu religion as well as in Muslim society were highlighted by him. As a researcher, Dr. Ambedkar extensively studied the position of women in both the religion (and also in the other religions) and thrown light on denial of rights to her and ultimately the status of individual. Dr. Ambedkar sought that Buddhism awards women, status equal to men and considered women capable of attaining spirituality. By adopting Buddhism, Dr. Ambedkar expelled injustice for underprivileged segments including women and accepting the dignified equal status.

**Education for Women**

Dr Ambedkar’s views “The object of primary education is to see that every child that enters the portals of a primary school does leave it only at a stage when it becomes literate and continues to be literate throughout the rest of his life.”[4] Education is the only means by which societies grow out of oppression to democratic participation and involvement. It is a powerful tool for empowerment of individual. Dr Ambedkar identified two purposes of knowledge: first, to acquire it for betterment of others and secondly to use it for one's own betterment. He has also argued against professional learning (The British Educational System) aims at creating a clerical nature of workers. Ambedkar emphasized on secular education for social emancipation and freedom. Education has the sole purpose to enlighten the depressed classes so as to enhance their cause of social, economic and political upliftment. The basic theme of his philosophy of education was to inculcate the values of liberty, equality, fraternity, justice and moral character among the boys and girls of all religion, region, class and caste. Dr Ambedkar listed these three components as objectives for policy makers:

1. Recasting the aims and purposes of education,

2. Education as an instrument of substantive equality,

3. Women's education.

Dr Ambedkar considered education as an important tool for the emancipation of women. They were not allowed to take education with lower castes. It is evident from his speeches that he had great concern for women empowerment. Addressing the Second All-India Depressed Classes Women's Conference held on 20 July 1942 at Nagpur, he said, "I measure the progress of community by the degree of progress which women have achieved. I shall tell you a few things which I think you should bear in mind. Learn to be clean; keep free from all vices. Give education to your children. Instill ambition in them. Inculcate on their minds that they are destined to be great. Remove from them all inferiority complexes."[5]

In this way, Dr Ambedkar stressed on education for the progress of women and our country. He wants women to realize that they owe a great responsibility for educating their children in right way. But at the same time, he advised them: send your children to schools. To him, education is the most important factor for moulding the life of all men, women and children. Dr Ambedkar observes "Education is as necessary for females as it is for males. If you know how to read and write, there would be much progress. As you are, so your children will be mould their lives in virtuous way, for sons should be such as would make a mark in this world."[6] He wanted to liberate women from their suffering and economic dependency. In order to give economic rights and freedom to women, Ambedkar demanded educational rights, equality and right to property for women. To educate women, he asked co-education for women with men. Through education, he believed, that women would think independently which will lead to their intellectual and mental development.

**Women's Voting Rights in India**

He wanted women to have greater participation in all walks of life, especially in the political arena. To empower that, as a legislator under the British regime, he was one of the first people to root for the rights of working women. To that effect, he wrote extensively on women's oppression and set up newspapers like *'Mook Nayak' and 'Bahishkrit Bharat'* with sections that exclusively covered women-centric issues. Moreover, as British India's first Indian Law Minister, Ambedkar pushed for Family Planning measures for women, and ensured the enactment of universal adult franchise, thereby legalising voting rights (earlier reserved only for the privileged) for women and several other minorities and marginalised people. To him, sexual discrimination should be root out from the society and everybody should get equal opportunity in the society.

**Dr Ambedkar's views on Marriage and Remarriage**

Dr. Ambedkar was strongly against the Manu views about marriage and remarriage. Because Manu said that,' for the first marriage of the twice born classes, a women of the same class is recommended but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred'. A Shudra woman only must be the wife of Shudra; Vaisya of a Vaisya, Kshatriya of a Kshatriya, Brahmani of a Brahaman'. Manu allowed men to marry with women below the class not above the class.

Dr Ambedkar found emancipation in Buddhist values, which promotes equality, self-respect and education. He believed that Buddha treated women with respect and love and never tried to degrade them like Manu did. Women like Vishaka, Amrapali of Visali, Gautami and Rani Mallika were approached in Buddha's philosophy.

The Hindu Marriage Act of 1955 provides the equal grounds for divorce to both husband and wife. The grounds are like adultery, desertion, cruelty, insanity, leprosy, venereal diseases, conversion or renunciation of world etc. The Desertion under the Hindu Marriage Act falls under the following categories;

a) Actual desertion,

b) Constructive desertion,

c) Willful neglect.

**Dr Ambedkar's Maternity Bill**

Dr Ambedkar had argued on Maternity Benefit Bill that, 'It is in the interest of the nation that the mother ought to get a certain amount of rest during the pre-natal period and also subsequently, and the principle of the bill is based entirely on that principle.'

Further Dr Ambedkar said that, I am prepared to admit this fact because of the conservation of the people's welfare, is primary concern of the government.[7]

Article 42 of the Indian Constitution directs the State to ensure the just and humane conditions of work and of maternity benefit. In order to meet the objectives as set out in this provision the Government of India has enacted the Maternity Benefit Act, 1961.The Central Government has increased the maternity benefit period from four months to six months by amending the law.

The amendments to maternity benefit Act were done by the government in order to increase the period of maternity benefit to the female workers.

1) It increased the maternity benefit from 12 weeks to 26 weeks for two surviving children.

2) 12 weeks for more than two children.

3) 12 weeks maternity benefit to a commissioning mother and adopting mother.

4) Mandatory provision of Creche in respect of establishment having 50 or more employees.

**Today's Present Context**

Most people are literate but not educated. Education by means of access to knowledge and learning played pivotal role in the social reforms. Stagnation in process of social reforms and imposing so called divine status of ancient women on today's women thereby influencing her development and upliftment. Shattered with the reforms and liberation of women in the era of globalization and modernization, the Indian mindset has not accepted the equality at par with men and hence forcing women to revert their development. Education system, employment opportunities, tremendous population, inflation and non-availability of resources to strive are the barriers for development among people. The societal framework meant to make women subordinate or subjugated need to be dismantled. Active participation of women from all the strata could make it possible. The more ridiculous male attitude is that girl's education meant only for her marriage. Today's women are trapped in the circle of insecurity, male domination, lack of awareness about her rights and no decision-making powers. Much is talked about women empowerment today but it is more economic, political and health related. The issue of social empowerment of women needs to be raised higher and given utmost importance then only it could complete phenomena. Women empowerment has five components: women's sense of self-worth; their right to have and to determine choices; their right to have access to opportunities and resources; their right to have the power to control their own lives; both within and outside the home; and their ability to influence the direction and social change to create a more just social and economic order, nationally and internationally. Dr. Ambedkar strongly believed that women empowerment can be achieved by welfare of women. The activities of empowering women worldwide should follow the vision of Dr. Ambedkar.

## CONCLUSION

Ambedkar paved the way for Indian women to legally vote, divorce, and own property. He was indeed a feminist. The role of women in every walk of life is predominant in the society. Though the goal of women empowerment is yet to be achieved, Dr. Ambedkar's idea about the rights and development of women are still valid in the present scenario – not only in India, but in global context too. Dr. Ambedkar's three-word formula – 'educate, agitate and organize' is a powerful tool of social change even today.

He desired a society based on liberty, fraternity and equality for all. Feminism at its core advocates for full social, economic, and political equality for women. According to him, the society must be based on reason, and not on atrocious traditions of caste system. He found education, intercaste marriage and interdine as methods, which may eliminate caste and patriarchy, maintained through endogamy. Dr. B.R .Ambedkar called the nation to give equal rights to women in every field. If the women are empowered the nation will be in progress.

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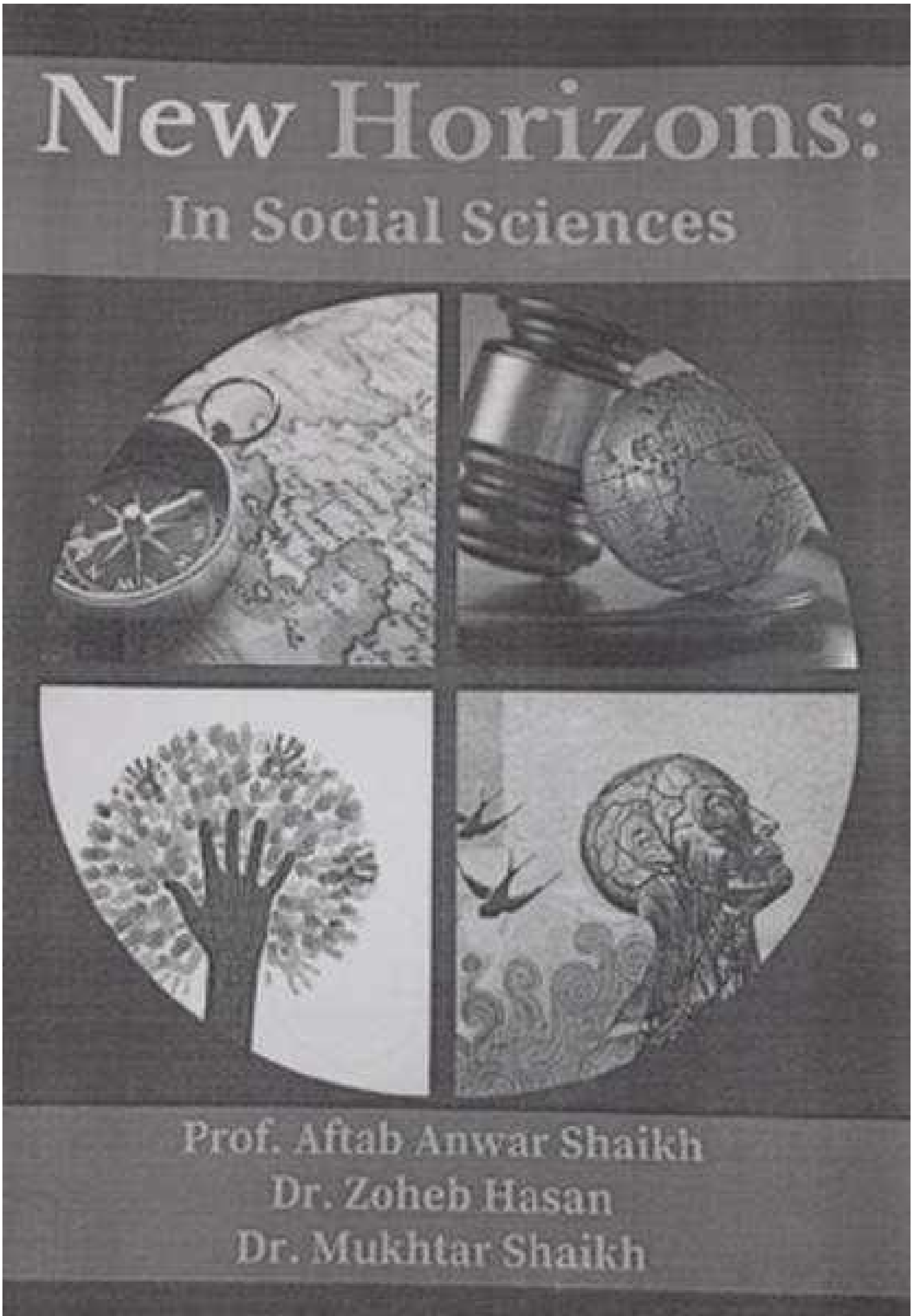
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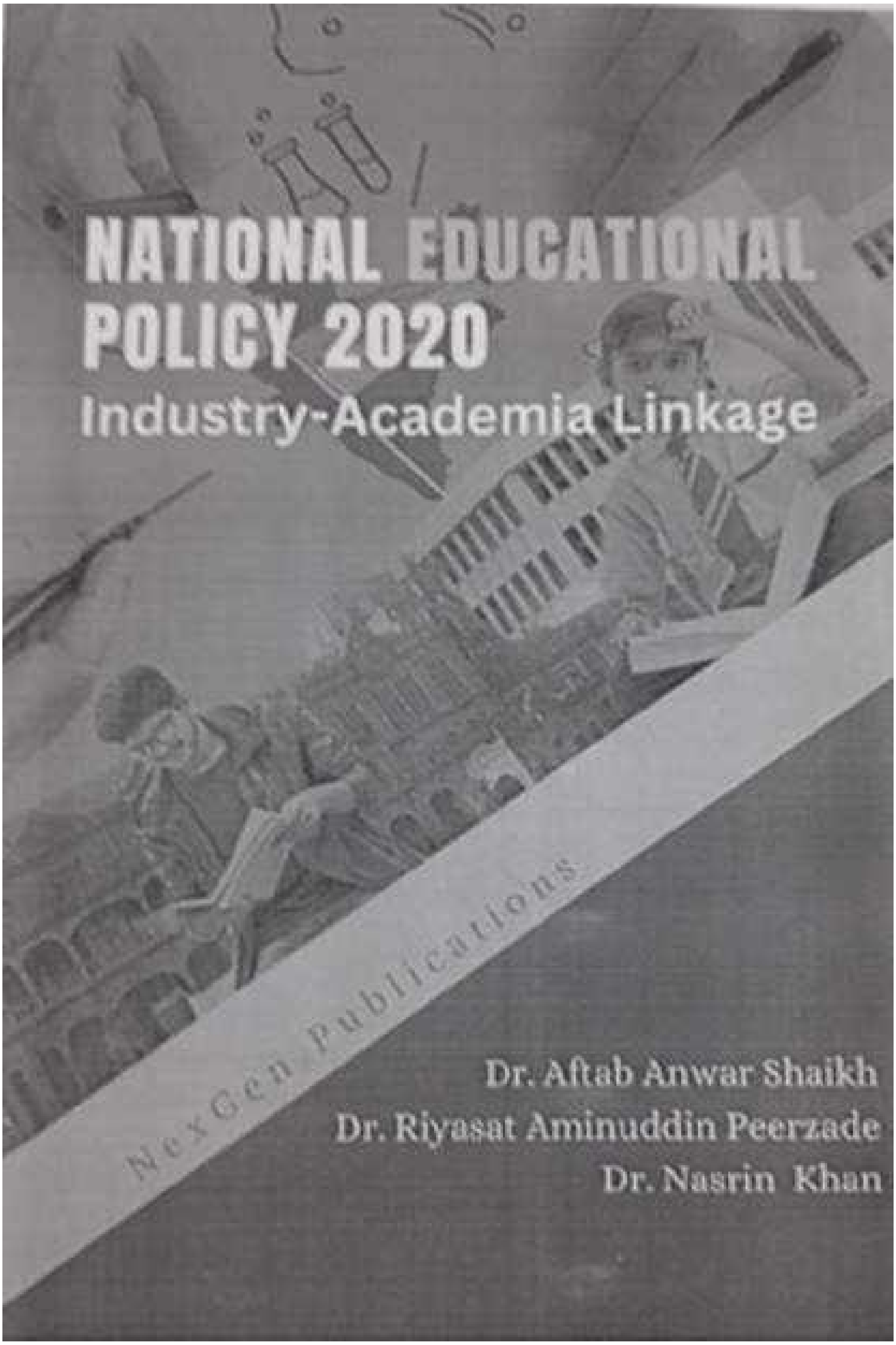
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First Impression: March 2021

**National Educational Policy 2020 Industry-Academia Linkage**

**ISBN: 978-81-96185X-X-X**

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# MODUS OPERANDI FOR IMPLEMENTATION OF NEP 2020 BY THE INSTITUTION AND THE TEACHER

Ms. Zeenat B. Merchant
Associate Professor and Head, Department of English and Post Graduate Centre, Poona College of Arts, Science, and Commerce, Camp, Pune-01

The NEP 2020 which was released on 29th July, 2020, is a historic and ambitious document which conceives a broad-based multi-disciplinary under graduate education which has a flexible curricula and is holistic. Other features include creative combinations of subjects, integration of vocational education and multiple entry and exit points with appropriate certification.

## IMPLEMENTATION OF NEP 2020 BY THE INSTITUTION

In order to successfully implement the policy certain modus operandi at the institutional level needs to be followed.

Although an empowered teacher has the potential to move mountains, the ground reality is quite different. Justice J. S. Verma Committee Report, 2012 stated, "a broken teacher education sector is putting over 370 million children at risk ... upon inspection ... of private Teacher Education Institutes were found to have only a foundation stone in the name of infrastructure and 99% passing rate." The report also revealed that on average 83% teachers failed to qualify the Central Teacher Eligibility Test (C-TET). This could be attributed to exploitative employment conditions, characterized by ad hoc appointments and poor salaries, outdated teacher knowledge, lack of commitment and professionalism on the part of the teacher.

Only teachers who have qualified through aptitude tests conducted by the National Testing Agency (NTA) and completed the 4-year integrated B.Ed. course should be absorbed in the institution. These courses should be conducted in collaboration with departments such as psychology, philosophy, sociology, neuroscience, languages, arts, music, history, literature, physical education, science, and mathematics. The teacher will thus have multidisciplinary knowledge which will include training in teaching children with disabilities or with special interests and talents, use of educational technology, learner centered and collaborative learning which be beneficial to meet the standards set by NEP 2020. 50 hours of CPD opportunities should be given every year to the teachers to attend workshops or on-line teacher development programmes. The Principal should also undergo CPD in modules related to leadership, management and implementing competency based learning.

According to NEP 2020, the poor learning outcomes in Indian classrooms, is attributed to dismal conditions of teacher recruitment, deployment, and service conditions responsible for the lack of teacher quality and motivation. An institution of higher learning cognizance needs to be taken of systemic reforms introduced by NEP 2020 which will help "teaching" emerge as an attractive profession and empower teachers, thereby restoring the high respect and status of this profession. This should comprise merit-based structure of tenure, salary, and promotion that incentivises and recognises outstanding teachers. Cognizance should also be taken by the institution of the National Curriculum Framework for Teacher Education (NCFTE) 2021, which will guide teachers working in academic, vocational and special education streams.

Competent Teachers should be recruited in case of shortage of teachers particularly for music, dance, art, craft, counselling, vocational education trainers, classical language, social work or any technical subject. Local eminent persons or experts should be hired as master instructors for traditional local arts, vocational crafts, entrepreneurship, agriculture etc. to meet the need of teachers to teach the newly introduced classical languages and vocational and skill subjects.

Value education courses like those offered by the Art of Living Foundation should be made compulsory.

Teachers engaged in the reform process need a certain amount of freedom which will make them feel empowered and motivate them to work harder thus enhancing their commitment to their learners. Knowing the contribution teachers can make in reforming pedagogy to improve the learning outcomes, the NEP 2020 gives Teachers autonomy in selecting appropriate pedagogy and encourages them to ensure socio-emotional learning of their students, which is an important aspect of holistic development. Academic freedom should thus be given to the teachers by the institution. The teacher in turn will give children opportunities to explore and find their interests and develop their minds in multiple dimensions which is the essence of true education as rightly stated by A.P.J. Abdul Kalam, "Learning needs freedom to think and freedom to imagine, and both have to be facilitated by the teacher."

Adequate and safe infrastructure, basic amenities and hygiene, computing devices, internet, libraries, and sports and recreational resources needs to be provided to all teachers and students so that the institution harbours vibrant, caring, and inclusive community of teachers, students, parents and principal.

Research related to policy implementation gaps has repeatedly documented that avoiding policy failures is about having robust vision, methods and implementation mechanisms. The establishment of an institutional mechanism for implementation of the policy is thus necessary. The institution thus needs to set up a task force which will work with micro planning to ensure reforms with sound principles of management and time bound implementation with fixed accountability. It will also ensure coordination and cooperation amidst all stakeholders, build reliable information repositories and develop credibility through transparent actions.

Contemporary subjects such as Artificial Intelligence, Holistic Health, Design Thinking, Environmental Education, Organic Living and Global Citizenship Education need to be taught by the institute at middle and secondary stages. Multidisciplinary study should be introduced in the institution which means that if the student wishes to learn Mathematics with Music, Physics with Economics, Chemistry with Geography, Biology with History he/she will be able to make choices. There will be no concrete separations leading to a holistic educational approach between Arts and Sciences, curricular and extra-curricular activities, vocational and academic streams thereby integrating the subjects and learning areas. The institutions need to offer flexible permutations and combinations for students to choose as per their interests, choices and career aspirations. There should be a reduction in the syllabus with a thrust on experiential learning and critical thinking. The key thrust behind the curricular and pedagogical restructuring across all stages is to move away from the traditional rote learning method. Innovative teaching methods adopted by teachers to improve the learning outcomes should be recognized and one bagless day should be introduced for hands on learning of vocational subjects.

A multi-dimensional report card needs to be introduced by the institution which should include self-assessment, peer assessment and teacher assessment. Such a progress card will reflect the progress and uniqueness of each learner in cognitive, affective and psychomotor domains.

Through NEP's strong thrust on vocational education it aims to give learners opportunities to build their repertoire of skills through innovative vocational courses, industry-integrated and entrepreneurial skills in order to prepare themselves for the job opportunities in 21st century. By developing in them the 4Cs viz. Critical thinking, Communication, Collaboration and Creativity. In order to gain mastery over these skills the students will need to work with tools, instruments, materials and equipment which will require investment. The institution should then have a budgetary framework and augmentation of financial resources for this purpose. Hiring

 ISBN: 978-81-[illegible]

professionals as part-time contracted faculties to help learners be trained by working professionals in the field should also be considered.

Dropouts should be identified and motivated to come back into the mainstream by creating awareness regarding the transformed and advantageous multifaceted system offering them education of choice. Induction programmes for older students rejoining the school after a gap of a year or two should be held which will alter the learning environment of the classes to more open, flexible, hybrid and professional models to learning.

In conclusion the NEP 2020 is visionary, practical, progressive and comprehensive which needs to be elaborately explained to all stakeholders. Every institution should organize FDP programmes, seminars/webinars, and workshops and use social media to communicate the advantages of NEP 2020 to all its stakeholders.

## IMPLEMENTATION OF NEP 2020 BY THE TEACHER

Despite the demographic size and variables there is one common factor that can turn the tide and lead the Indian education system out of its current quagmire of aimlessness and inflexibility to become a progressive, flexible, multidisciplinary, technology and skill based education system with the capability of producing creative, competent, skilled, employable and ethical learners. This common factor is "the Teacher". In 1966 the Kothari Commission declared "Of all the different factors which influence the quality of education and its contribution to national development, the quality, competence and character of teachers are undoubtedly the most significant." The NEP 2020 too exhorts, "Teachers truly shape the future of our children – and, therefore, the future of our nation". This implies that teachers play the most important role in nation-building by creating high quality of human resource within their classrooms.

The teacher first needs to orient the students about the welcome change in the curriculum, teaching learning models and the revolution in assessment methods. Considering the emphasis laid on 21st century skills and teaching techniques promoted by the NEP 2020 the teacher needs to use a holistic and multi-disciplinary approach to impart knowledge to the students, thereby paving the way to developing multifaceted personalities. Hybrid Classrooms, Interactive Classrooms and Technology based learning inclusive of Blended learning and Flipped classroom should be extensively used to make the learning experience stimulating for the students. Different online tools particularly AI-based learning tools and apps should be integrated with classroom learning. Emphasis should be laid on training students to use platforms such as Zoom Google meet, MS Teams, WebEx, etc so as to enable them to gain access to online lectures, webinars and workshops.

The New Education Policy (2020) emphasizes on problem-solving and critical thinking skills which will in the long run help the students to prepare for life. NEP 2020 is based on the ground reality of the country's education scenario that puts more emphasis on innovation, creativity and personality development of the students rather than expecting them to score high and memorize without conceptual understanding. Keeping this in mind all teaching-learning methodology, assigning activities and assessment should be based on stimulating the critical thinking of the students and motivating them to think 'out of the box' in an innovative manner.

The slow and fast learners, the weak and strong learners need to be identified by the teacher and the curriculum delivery and activity should comprise graded assignments so that learning takes place according to the students. Learning paths will thus be created which will be unique to each student. The strong learners need to be motivated to help the weak learners thereby stimulating peer learning as advocated by NEP 2020.Similarly on completion of assignments there should be peer assessment followed by teacher assessment.

Besides using an integrated and multi-disciplinary approach the teacher should also use multi-lingual approach so that the students gain mastery over more than one language which will enable them to communicate effectively with a variety of people and with different people in different regions. Separate language learning courses should also be organized by the teacher. This will be in keeping with the three language formula advocated by the NEP.

Emphasis has been laid on Value Education in NEP 2020. The teacher's endeavour should be to merge inculcating of values in day to day teaching as well as organizing activities such as Elocution, Poster making, Essay Writing, Short Story Writing, One Act Play Writing Competitions, etc to promote values. Besides the counselling of students should also be done to ensure a healthy mind in a healthy body. Values can also be inculcated by inspiring students to read good books. The National Book Promotion Policy promoted by MHRD envisages a multi-pronged approach to promoting books and developing reading habit in all segments of society. The vision is of a society empowered by knowledge and awareness created through positive ideas embedded in the books imparting knowledge. In order to motivate students to develop the habit of reading the teacher can start a 'Reader's Club' under the aegis of which he/she can organize activities such as 'Book Review Competitions' and have Discussion Forums. A Special section of books related to Self Development and Best Sellers should be made available in the General as well as Department Library by the teacher.

In accordance with Gender Equity promoted in NEP 2020, a 'Women's Forum' needs to be formed under the aegis of which the teacher can invite prominent women from varied fields who could create gender awareness and motivate the students through their success stories. The teacher should organize seminars, organize Debates, Sticker Collage making competition, organize Rallies and encourage students to write blogs related to gender equality and Women Empowerment.

Teachers have a major role to play in creating an environment that fosters a mindset of lifelong learning. In order to discourage rote learning and increase participation in the classroom the teacher should promote inquiry-based and discussion-based methods envisaged by NEP2020 and engage the students with hands on activities and assignments which will harness their creative talents providing them to use Higher Order Thinking as per Blooms Taxonomy that will relate to the Cognitive, Affective and Psychomotor domains.

Giving children opportunities to explore, to find their interests, and to develop their minds in multiple dimensions is the essence of true education. With NEP 2020 prescribing the play-way approach, the educational institutions would be in a better position to rationalize the curriculum and introduce age appropriate pedagogy to release the pressure, stress and anxiety on the early learners that were caused due to unreasonable expectations to perform beyond their normal capacity. With the child-centered approach at the heart of the learning experience the teachers will be able to allocate equal time for social-emotional development, creativity through arts and aesthetics and also focus on physical growth of the child. This process will be further facilitated by the use of mother tongue and local language as the medium of instruction in the foundational years. All these factors will go a long way in strengthening the literacy and numeracy of the young learners thereby fulfilling the promise the NEP 2020 holds for our nation.

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Department of English
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*National Conference on*

# English Language Teaching and Literature in 21st Century

24th January 2024


**DEPARTMENT OF ENGLISH**

Academy of Maritime Education and Training (AMET)
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| ISBN | : 978-81-[illegible] |
| Editors | : Dr. M. [illegible], Mr. S. [illegible], Ms R. [illegible], Mr K. [illegible] |
| Price | : [illegible] |
| Published by | : Department of English, AMET University, Kanathur - 603112<br>Tamil Nadu, India. |
| Website | : https://www.ametuniv.ac.in |
| Imprint at | : AMET University, Kanathur - 603112<br>Tamil Nadu, India |



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## 19. Exploring New Strategies For Teaching English Language And Literature

**Ms.Zeenat Merchant**, Head, Department of English, Poona College of Arts, Science and Commerce

**Abstract**

The recent education scenario involves innovative trends which embrace a multifaceted approach to English Language and Literature pedagogy. As educators continue to innovate, the field of teaching English Language and Literature evolves to encompass a wide range of creative, socially conscious, and technologically integrated approaches, providing students with a holistic and engaging learning experience. These trends indicate a shift towards more student-centered approaches to teaching language and literature to meet the changing needs of students in language and literature instruction. By embracing these innovative strategies, educators can create enriching learning experiences that prepare students for the challenges and opportunities of the 21st century. These trends showcase the dynamic and interdisciplinary nature of English Language and Literature education incorporating technology, diverse content, and innovative pedagogies to meet the evolving needs and interests of students. As education continue to explore and implement these trends, English classrooms become vibrant spaces for creativity, critical thinking, and cultural understanding.

**Keywords:** multifaceted, pedagogy, interdisciplinary, dynamic, critical thinking

**Introduction**

The current landscape in education reflects progressive trends that adopt a multifaceted approach to teaching. As educators strive for innovation, the realm of English Language and Literature instruction undergoes a transformation, embracing diverse, socially conscious, and technologically integrated methods. This evolution aims to provide students with a comprehensive and captivating learning experience. These emerging trends signal a move towards more student-centric, inclusive, and technology-infused approaches to teaching language and literature. With education in a constant state of flux, educators are poised to discover innovative techniques to address the evolving needs of students in language and literature education. By incorporating these groundbreaking strategies, educators can craft immersive learning encounters that equip students for the challenges and opportunities of the 21st century. These trends highlight the dynamic and interdisciplinary nature of English Language and Literature education, integrating technology, varied content, and inventive teaching methods to cater to the changing needs and interests of students. As educators continue to embrace and implement these trends, English classrooms transform into lively spaces fostering creativity, critical thinking, and cultural understanding.

**Enumerating Innovative Methods and Trends**

**1. Multimodal Literacy in English Language and Literature Instruction:** Multimodal literacy recognizes that communication involves various modes, such as text, images, and multimedia. Teachers are incorporating a variety of media into English Language and Literature lessons to enhance students' ability to understand and create content in different formats.

**2. Digital Resources and E-Learning Platforms:** The use of digital resources, e-books, and online learning platforms has transformed the way English Language and Literature are taught. Teachers can leverage various online platforms to provide interactive content, quizzes, and multimedia resources.

**3. Gamification Strategies:** Gamification involves incorporating game elements and principles into the learning process. In English Language and Literature, this can be achieved through

educational games, storytelling, and interactive activities that engage students in a more dynamic and enjoyable manner.

**4. Fostering Creativity and Exploration through Project-Based Learning:** Project-based learning encourages students to explore and create content related to English Language and Literature. Students can work on collaborative projects, such as creating their own stories, producing videos, or designing interactive presentations.

**5. Online Literary Magazines and Publishing in the Digital Age:** Students are increasingly involved in creating and publishing their own literary works through online platforms. This trend allows them to showcase their writing, contribute to virtual literary communities, and experience the process of publishing in a digital age.

**6. Interactive e-Books and Apps:** Interactive e-Books and educational apps provide a dynamic and engaging way to explore literature. These tools often include multimedia elements, annotations, and interactive features that allow students to interact with the content actively.

**7. Role-Playing and Simulation Games:** Role-playing games and simulations immerse students in language and literature by encouraging them to assume characters' roles or navigate story-driven scenarios. This hands-on approach fosters creativity, critical thinking, and language usage.

**8. Social Media Integration in English Language and Literature Education:** Leveraging social media platforms as part of the learning process can encourage students to engage with literature in new ways. Discussions, book reviews, and collaborative projects on platforms like Twitter or online forums can extend the learning beyond the classroom.

**9. Virtual Reality and Augmented Reality:** These technologies offer immersive experiences that can enhance the understanding of literary works. Students can explore historical settings, interact with characters, or even participate in virtual book clubs, creating a more engaging learning environment.

**10. Online Writing Tools:** Online writing tools and platforms help students improve their writing skills through real-time grammar and style suggestions. These tools provide instant feedback, allowing students to refine their writing and gain a better understanding of language conventions.

**11. Collaborative Online Annotation Tools:** Platforms that enable collaborative annotation of texts foster interactive discussions among students. These tools allow users to highlight, comment, and discuss specific passages, promoting a deeper understanding of literature through shared insights.

**12. Adaptive Learning Systems:** Adaptive learning platforms use artificial intelligence to tailor educational content to individual student needs. These systems can adjust the difficulty of tasks, provide personalized feedback, and track progress, allowing for a more customized learning experience.

**13. Literary Analysis Software:** Advanced software tools assist students in analyzing literature by offering insights into themes, character development, and stylistic elements. These tools can help students deepen their understanding of literary works and develop critical thinking skills.

**14. Digital Storytelling:** Digital storytelling involves using multimedia elements such as images, audio, and video to convey narratives. Students can create their own digital stories, enhancing their understanding of literary elements and fostering creativity.

**15. Literature and Social Media Challenges:** Engaging students through social media challenges related to literature is a creative trend. Teachers design challenges such as book recommendation contests, literary analysis tweets, or creative writing prompts shared on platforms like Twitter or Instagram.

**16. Literary Podcasts and Audiobooks:** Leveraging existing literary podcasts and audiobooks can be an innovative way to introduce students to diverse voices, genres, and styles. These resources make literature accessible in audio format, catering to various learning preferences.

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राष्ट्रीय संगोष्ठी

# महाराष्ट्र में हिंदी मराठी की समतुल्यता

प्रमुख वक्ता

**डॉ. शाकिर शेख**

पुणे

## ३१ वाँ अखिल भारतीय राष्ट्रभाषा प्रचार सम्मेलन

डॉ. शाकिर शेख

आदरणीय मंच और इस सभागार में उपस्थित सभी विद्वान मेरे भाई और बहनो। राष्ट्रभाषा प्रचार समिति, वर्धा के ३१ वें प्रचार सम्मेलन में हम सब यहाँ उपस्थित हैं। मुझे पहली बार अवसर मिला कि इतने बड़े मंच से बात करने का। मैं हार्दिक आभार व्यक्त करता हूँ वैद्य जी आपका। मुझ जैसे छोटे से आदमी को इतने बड़े मंच पर बात करने का अवसर दिया। मेरी शिक्षा तो वैसे मराठी मीडियम में हुई है, बी. ए. बी. एड्. तक मैंने मराठी से पढ़ाई की। लेकिन बाद में मैंने एम. ए. हिंदी पीएच. डी. वगैरेह सब पढ़ाई हिंदी में हुई है। सुबह जो बातें हुई हिंदी को लेकर और मराठी को लेकर उसे मैं दोबारा रिपीट नहीं करूँगा। केवल मैं राष्ट्रभाषा प्रचार समिति की ओर से १९७१ में एक ग्रंथ प्रकाशित हुआ था उसके बारे में बात करूँगा। पेज नं. ७ पर लिखा है राष्ट्रभाषा का विकास विस्तार १९७१ में प्रकाशित किया था सर आपने। भारत विभिन्न भाषा रूपी फूलों से सजा हुआ बाग है। राष्ट्रभाषा हिंदी का लक्ष्य इसके सौंदर्य को निखारना है। वह प्रादेशिक भाषाओं को बल देना चाहती है, उसके विकास में बाधा नहीं बनना चाहती। मातृभाषा रूपी पुष्प को पिरोकर सुन्दर हार बनाना ही हिंदी का लक्ष्य है। हिंदी और प्रादेशिक भाषाओं में कोई स्पर्धा नहीं। दोनों अपने-अपने स्थान पर आवश्यक है और एक दूसरे के पूरक है। जैसे कि आप सभी जानते हैं कि महाराष्ट्र में मराठी भाषा जो बोली जाती है जो यहाँ की राजभाषा है। उसकी जो उत्पत्ति हुई है, उसका जो विकास हुआ है, प्राकृत के महाराष्ट्री इस रूप से हुआ है। सर ने कहा था कि संस्कृत यह सभी भारतीय भाषाओं की जननी है, इसीलिए कहीं ना कहीं बहुत सारी जगह पर इन दोनों भाषाओं में हमें समानता मिलती है। कुछ शब्दों की समानता पर मैं सबसे पहले यह बताऊँगा कि किस तरह हिंदी भाषी और मराठी भाषी इनका आपस में लेनदेन व्यवहार होता है। हम सभी जानते हैं कि महाराष्ट्र में व्यवसाय के लिए, नौकरी के लिए या पढ़ाई के लिए बहुत सारे छात्र आते हैं। हमारे वर्धा में भी सर यूनिवर्सिटी में, हमारे राष्ट्रभाषा प्रचार समिति में बहुत सारे अन्य प्रदेशों से छात्र आते हैं पढ़ाई करने के लिए। पूरे महाराष्ट्र में देखा जाय तो रेलवे में, डिफेन्स में, पोस्ट ऑफिस में, बैंकों में, पूरे देश भर से हिंदी भाषी क्या अमराठी जिन्हें हम कहते हैं। हिंदी भाषी ऑफिसर आते हैं उनका क्या होता है, कि यहाँ पर लोकल मराठी बोलने वाले हैं, उनके साथ जब उनका वार्तालाप होता है, तो मराठी बोलने वाला उनकी भाषाओं के कुछ शब्द सिखता है और हिंदी भाषा के शब्द जैसे शर्मा सर ने कहा था कि हम जब आटो में बैठते हैं, तो आटोवाला भी उसे व्यवसाय करना है, तो यहाँ पर हिंदी सीख लेता है। अगर आप पुणे आते हैं तो आटोवाला आपसे हिंदी में बात करेगा। तो यह हो गया व्यवसाय के कारण। या नौकरियों के कारण यहाँ पर भाषाओं का मिलाप हो गया है। हमारे यहाँ पुणे विश्वविद्यालय में एम. आई. एल. एक सब्जेक्ट होता है - मॉडर्न इंडियन लैंग्वेज। उसमें जो छात्र है, जो विदेशी छात्र हैं जिसमें तुर्की विद्यार्थी ज्यादा है तुर्कस्थान के और उन्हें कम्पलसरी हिंदी लेना पड़ता है। जितने भी फॉरेन विद्यार्थी आते हैं उनके लिए लैंग्वेज का एक विषय कम्पलसरी किया है। हमारे जो छात्र हैं, जिनका हिंदी विशेष होता हैं उन्हें मैं कहना

**डॉ. शाकिर शेख का स्वागत करते हुए कोषाध्यक्ष श्री जगदीश जी पोद्दार**

चाहूँगा कि आप मराठी एम. आई. एल. लीजिए। दो क्रेडिट का एक विषय होता है। क्योंकि हिंदी तो वे जानते ही हैं। हिंदी तो वे पढ़ते ही हैं उन्हें मराठी भाषा में और पकड़ आ जाएगी। उसमें बेसिक चीजें, ग्रामर वगैरह सिखाई जाती हैं। दो से तीन भाषाएँ उसे आनी चाहिए। इसलिए हम छात्रों से यह अपेक्षा करते हैं। बॉम्बे में बॉलीवुड में जैसे देखा जाता है कि हिंदी फिल्मों की बहुत सारी रेलचेल लगी रहती है, मराठी फिल्म ऐसी आती हैं जिनमें एखाद पात्र हिंदी आता है। और वह हिंदी में वार्तालाप करता है। कुछ बहुत सारा हम नाटकों में भी देखते हैं। हिंदी भाषा का पात्र आता है और वह मराठी में भी हिंदी भाषा के डॉयलॉग वह सुनाते हुए चला जाता है। बहुत सारे शब्द ऐसे हैं जो उसके माध्यम से मराठी के शब्दों का हिंदी फिल्मों के माध्यम से किया जाता है। आईएएस, आईपीएस अधिकारी जो आते हैं उन्हें प्रादेशिक भाषाएँ सिखनी जरूरी होती है। जब किसी हिंदी भाषी अधिकारी की बदली महाराष्ट्र में होती, तो उन्हें कहा जाता है कि आप मराठी सिखो। और इसी के कारण हमारी जो भाषा और उनकी भाषा बहुत सारी मेल और समता वहाँ पर दिखाई जाती है। और सबसे बड़ा प्लस पॉईंट है सर कि हमारी जो लिपि है, देवनागरी लिपि, हिंदी और मराठी। कुछ केवल दो-चार ध्वनियाँ हैं जिसमें उच्चारण अलग होता है। बाकी हमने वही लिपि को अपनाया है। इसीलिए जब भी कोई हिंदी प्रदेश से महाराष्ट्र में आता है तो उसे बोर्ड वगैरे पढ़ने में किसी प्रकार की कोई कठिनाई नहीं होती। उसे ऐसा नहीं लगता कि हम लोग कुछ नई जगह पर आ गये हैं। अगर हम केरल में चले जाते हैं, कर्नाटक में चले जाते हैं, तो वहाँ पर जितने भी बोर्ड होते हैं हमें पढ़ने नहीं आते। लेकिन हम जब लोगों से वार्तालाप करते हैं जैसे बस के कण्डक्टर से जहाँ तक सिटी बस के तो वे लोग हमें जान जाते हैं कि हम महाराष्ट्र से आए हैं। या हम लोग हिंदी प्रदेश से आए हैं और उस तरह से हमें गाईड करते हैं, हिंदी में हमें बताते चलते जाते हैं और महाराष्ट्र में भी ऐसा ही है। जब आप बस में बैठते हैं और कंडक्टर आपको पहचान लेता है, तब वह आपसे हिंदी में बात करता है, टिकट लेने के लिए। हिंदी भाषी भी तब तक सिख लेता है। चला पुढे चला, पुढे चला मतलब आगे चलो। इस तरह के सारे शब्द भी बॉलीवुड की फिल्मों में लिये जाते हैं मराठी के। दोनों की पहले तो लिपि समान है, केवल कुछ ध्वनियों का अंतर है। और जो शब्द भंडार हैं हमारा तत्सम, तद्‌भव, देशज, विदेशी इनमें भी बहुत सारे ऐसे कम्बाईन शब्द हैं जो हिंदी और मराठी में समान रूप से प्रयोग में लाये जाते हैं। इस कारण भी मराठी जानने वाले को या हिंदी जानने वाले को ऐसा अलग भेदभाव नजर नहीं आता है। हाँ व्याकरणिक दृष्टि से जब हम बोलते हैं वाक्य रचना की दृष्टि से उसमें बहुत सारा बदलाव है। हिंदी भाषी अगर कोई देहात में चला गया। जहाँ पर शुद्ध मराठी बोली जाती है, तो मुश्किल होती है उसे समझने के लिए। क्योंकि वहाँ केवल मराठी बोली जाती है। लेकिन वह मराठी भाषिक हिंदी समझ लेता है। इसीलिए आपको कम्युनिकेशन में, आपको संपर्क बनाने में अगर कोई हिंदी भाषी महाराष्ट्र में आता है, तो किसी प्रकार की कठिनाई उसे नहीं होती। बहुत सारे ऐसे तत्सम शब्द हैं - अग्नि, हनुमान, अभिनय ऐसी बहुत लंबी लिस्ट है। ऐसे बहुत सारे तत्सम शब्द हैं जो संस्कृत भाषा से हमने जैसे के वैसे लिए हैं मराठी भाषा ने और वही शब्द हिंदी में भी चलते आ रहे हैं। कथानक, खण्डकाव्य, वंदन, जिज्ञासा, भंडार, ग्रंथ, वृक्ष बहुत सारी ऐसी लंबी लिस्ट है जो तद्‌भव शब्द हैं। उसमें भी दूध, कुछ शब्द बदल चुके हैं घोड़ा, गरजना ना का शब्द है ना का उच्चारण मराठी में

नहीं करते। करणे, गरजने इस तरह से होता है मराठी में। अँगूठा- अँगठा, आरती, गुँसाई ऐसे बहुत सारे शब्द हैं। विदेशी शब्द भी जो हिंदी भाषा में प्रयुक्त होते हैं, वह उसी तरह से ही मराठी में भी प्रयुक्त होते हैं। मराठी में केवल नुक्तायुक्त ध्वनियों का उच्चारण जो हम हिंदी में करते हैं, वह नुक्ता वहाँ से हटा दिया जाता है। उसका उच्चारण मराठी में नहीं किया जाता। हम कहते हैं ग़ाफ़िल, मराठी वाला कहेगा गाफिल। हम कहते हैं ज़लील हिंदी में। मराठी में उसे जलील कहते हैं। हम कहते हैं ज़रूर। मराठी भाषी उसे कहेंगे जरूर। हिंदी में जाकिर मराठी में झाकिर। कुछ ही शब्दों में केवल बदलाव है। नखरा, रुमाल, कारखाना, हकिम, वकील ऐसे बहुत सारे शब्द हैं जो मराठी में जैसे के वैसे प्रयुक्त होते हैं। अंग्रेजी के बहुत सारे शब्द मराठी में अपनाये गए। ट्रैफिक, जंक्शन, कलेक्टर, कमिशन, गैलरी, कार्ड, रिसर्च, यूनिवर्सिटी, मिनट, पेन, पेन्सिल। कुछ शब्दों के उच्चारण में थोड़ा सा अन्तर होता है। पुर्तगाली शब्द हैं, देशी शब्द जो हिंदी में अपनाये हैं। बहुत सारे शब्द आपको मराठी में मिलते हैं। नकाज, चतुर, बाबा, पानदान, पिचकारी, अटपट, झटपट, अटकना, पटपट इस तरह से बहुत सारे शब्द हैं मराठी में भी जैसे के वैसे प्रयुक्त करते हैं। ध्वनि का भी मैंने बताया है। लिंग के आधार पर । हिंदी में दो लिंग है, पुल्लिंग और स्त्रीलिंग। लेकिन मराठी में संस्कृत के समान उसमें नपुसकलिंग भी उसमें जोड़ा गया है। गुजराती में भी तीसरा लिंग वहाँ पर आता है। दो वचन हिंदी में भी प्रयुक्त किये जाते हैं। धातु के भी अन्त में अगर ना प्रत्यय लगा दिया जाता है तो मराठी में णे प्रत्यय लगता है। वहाँ थोड़ा सा रूप बदल दिया जाता है। लेकिन कहने का मतलब यही है कि दोनों भाषाओं में बहुत सारी समानता ऐसी देखी जाती है। जब हम वार्तालाप करेंगे, कम्युनिकेशन करेंगे, संवाद करेंगे, तो ज्यादा मुश्किलों का सामना नहीं करना पड़ता है। बहुत सारी समानता रहती है लिपि के कारण। और एक लिपि होने के कारण। मुझे यहाँ बोलने का अवसर दिया और आप लोगों ने मेरी बातों को ध्यान से सुना इसलिए मैं सभी लोगों का हार्दिक आभार व्यक्त करता हूँ। धन्यवाद।

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**(पृ. २५ का शेषांश ... डॉ. श्रीराम परिहार)**

ऐसा करेंगे तो राष्ट्र को बचाने का काम करेंगे। क्योंकि ये राष्ट्र पाँच बिन्दुओं को लेकर सत्ता संग्राम में भी चला था। पुराकाल में भी चलता आ रहा है और आज भी उन्हीं बिन्दुओं को लेकर हमारी समस्त भाषाओं का साहित्य चल रहा है। पहले तो स्वराज्य, दूसरा स्वदेशी, तीसरा स्वचिंतन, चौथा स्वभाषा और पाँचवाँ है हमारा स्वसाहित्य। हम पहले अपनी तरफ देखे न! हमारे पास शंकरदेव हैं। हमें क्या आईनस्टिन ही दिखता है क्या? जो यह कह रहा था अरे यह भारतीय लोग सच बोलते हैं कि ये कहते हैं कि पत्थर में भी जीव बसा हुआ है। ये सच बोलते हैं यह आईनस्टिन कह रहा है। सोफेनारन कहता है हे प्रभु! यदि पुनर्जन्म मिले तो मुझे भारतीय भूमि में जन्म मिले ताकि मैं उपनिषदों का अध्ययन करके मेरे जीवन की सार्थकता पा सकूँ। हमारे पास कालिदास हैं, हमारे पास तुलसीदास हैं, हमारे पास तुकाराम हैं, हमारे पास मीराबाई हैं, हमारे पास शंकर देव हैं। हमारे पास तिरुवल्लुवर हैं, हमारे पास सुब्रह्मण्यम हैं हम इनका नाम क्यों नहीं लेते? हमको विदेश के चिंतक दिखे, बाद में दिखे। उनका अध्ययन करना भी जरूरी है लेकिन हिंदी में आज सबसे जरूरी है कि हम स्वदेशी परंपरा को ध्यान में रखकर के युग की स्थिति, राष्ट्र की आवश्यकता, पीढ़ियों के पुनर्निर्माण और जीवन के उत्सर्ग और लोकमंगल के दृष्टि से किस तरह का साहित्य रच सके। निश्चित रूप से हमारी भारतीय भाषाओं के रचनाकार बन्धुओं को यह लक्ष्य प्राप्त होगा और वे इस दिशा में बढ़ेंगे। आपने मुझे यहाँ अपनी बात कहने का अवसर दिया, मैं आपका बहुत-बहुत आदर करता हूँ। साथियों प्रसाद जी का अंतिम गीत जो उन्होंने स्कंदबुक में कहा है

**वही है रक्त, वही है देश, वही साहस है वैसा ज्ञान।**
**वही है शक्ति, वही है शान्ति, वही हम दिव्य आर्य संतान।**
**जिये तो सदा इसी के लिए, यह अभिमान रहे या हर्ष**
**निछावर कर दे हम सर्वस्व, हमारा प्यारा भारत वर्ष**
**हमारा प्यारा भारत वर्ष।**

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# शोध दिशा

ISSN 0975-735X

विश्वस्तरीय शोध-पत्रिका

केंद्रीय हिंदी संस्थान, आगरा से अनुदान प्राप्त

UGC APPROVED CARE LISTED JOURNAL

विश्वविद्यालय अनुदान आयोग द्वारा मान्यता प्राप्त शोध पत्रिका

शोध अंक 62/B अप्रैल-जून 2023 400.00 रुपए



**संपादकीय कार्यालय**

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फोन : [illegible]

(सभी पद मानद एवं अवैतनिक हैं।)





**शुल्क**
आजीवन (दस वर्ष) : छह हजार रुपए
वार्षिक शुल्क : एक हजार रुपए
एक प्रति : चार सौ रुपए

[illegible]

स्वत्वाधिकारी, मुद्रक, प्रकाशक, डॉ. गिरिराजशरण अग्रवाल द्वारा [illegible] बिजनौर से मुद्रित एवं 16 साहित्य विहार, बिजनौर (उ.प्र.) से प्रकाशित। पंजीयन संख्या : UP HIN 2008èk25034

संपादक : डॉ. गिरिराजशरण अग्रवाल

## परामर्श-मंडल



 ISSN 0975-735X

# महात्मा कबीर

कबीर गीत हैं प्रेम का

कबीर दर्शन हैं एकत्व का, सद्भाव का

कबीर विशेषण हैं मस्त, फक्कड़ और निडर व्यक्ति का

कबीर संगम हैं दो संस्कृतियों का

कबीर का संगम प्रयाग के संगम से ज्यादा गहरा है। जहाँ कुरान और वेद ऐसे खो गए हैं कि रेखा भी नहीं छूटी।

कबीर एक मार्ग हैं सहजता का। ऐसा मार्ग जो सीधा और साफ है।

टेढ़ी-मेढ़ी बात कबीर को पसंद नहीं। इसलिए उनके रास्ते का नाम है सहज योग।

पंडित नहीं चल पाएगा इस मार्ग पर। निर्दोष चित्त, कोरा कागज जैसा मन ही चल पाएगा इस पर।

कबीर क्रांतिकारी हैं, क्रांति की जगमगाती ज्योति। जाति-पाँति के भेद-भावों से मुक्त एक सच्चा इंसान, मानवता के संकल्प से ओतप्रोत, ज्ञान की गंगा। ऐसी गंगा, जो अपनी संपूर्ण पावनता के साथ एक-एक मन को शीतल करती हुई निरंतर प्रवाहित रहती है।

कबीर का जन्म कहाँ हुआ? उनके जन्मदाता कौन थे? उनके गुरु का नाम क्या था? इस संबंध में प्रायः ऐतिहासिक तथ्यों में एकरूपता नहीं है।

इतिहासकार, साहित्यिक विद्वान और कबीरपंथी भी एकमत नहीं।

कबीर के संबंध में निश्चित नहीं कि वह हिंदू थे या मुसलमान। हिंदुओं का विश्वास है : हिंदू थे, मुसलमानों का दावा है : मुसलमान थे।

**जन्म की किंवदंतियाँ**

कबीर के जन्म के संबंध में कई प्रकार की किंवदंतियाँ प्रसिद्ध हैं :

लगभग छह सौ वर्ष पूर्व की घटना है। नीरू अपनी पत्नी नीमा के साथ काशी की तरफ आ रहा था। उसी दिन उसका गौना हुआ था। नीरू काशी का जुलाहा था। रास्ते में लहरतारा तालाब पड़ता था। नीरू ने सोचा कि हाथ-पैर धो लिए जाएँ। तभी उसने किसी बालक के रोने की आवाज सुनी। आस-पास उसकी पत्नी के अतिरिक्त कोई भी न था। फिर आवाज कहाँ से आई! जिज्ञासा हुई, चारों तरफ देखा। आवाज एक झाड़ी की तरफ से आ रही थी। वह उसी ओर भागा। वहाँ जाकर देखा कि एक प्यारा-सा बच्चा वहाँ पड़ा था। बच्चा इतना छोटा, जैसे कुछ देर पहले ही उसका जन्म हुआ हो।

इतना प्यारा बच्चा नीरू जुलाहे ने कभी देखा नहीं था। उसकी आँखें ऐसी थीं जैसे संगमरमर हों। उसकी आँखों में ऐसी रोशनी थी कि नीरू की आँखें चौंध से भर उठीं। नीमा डरी कि कुछ झंझट होगा। लोग क्या कहेंगे, बदनामी भी होगी। किंतु जैसे ही उसने बच्चे को देखा, उसका दिल

भी खोल गया

अंत में इन लोगों ने लोक-लाज की परवाह नहीं की और वे बच्चे को अपने साथ ले आए। काशी में जो नुरअली कबीर चौरा के रूप में आज प्रसिद्ध है, उसी में संभवतः नीरू का घर था। वे घर पहुँचे। अपने रिवाज के अनुसार, बच्चे का नामकरण करने के लिए उन्होंने काज़ी को बुलाया। उसने कुरान खोला। कहते हैं कि उसमें हर जगह कबीर, कुब्र, अकबर आदि शब्द मिले

अरबी में ये शब्द महान् परमात्मा के लिए आते हैं। काज़ी हैरान था। साधारण जुलाहे के बच्चे को किस तरह परमात्मा का नाम दिया जाए? अपना शक मिटाने के लिए उसने कई बार कुरान देखा। उसे हर बार यही शब्द मिले। यह समाचार पाकर कई काज़ी इकट्ठे हो गए। आखिर उन्होंने नीरू को सलाह दी 'इस बच्चे का क़त्ल कर दें, नहीं तो इसके कारण कोई बड़ी आफ़त आने वाली है।'

नीरू-नीमा इतना कुकर्म न कर सके और इस प्रकार बच्चे का नाम कबीर पड़ गया

वही बच्चा, जिसके असली माँ-बाप का पता दुनिया को आज तक नहीं हुआ, आगे चलकर भारत का महान् संत कबीर हुआ

कबीर के जन्म को लेकर एक किंवदंती हिंदू समाज में भी प्रचलित है। एक दिन एक ब्राह्मण अपनी विधवा कन्या के साथ स्वामी रामानंद के दर्शन के लिए गया। पिता के साथ ही कन्या ने भी रामानंद के चरण स्पर्श किए

रामानंद अपनी मस्ती में थे। उन्हें ध्यान ही नहीं रहा कि चरण कौन छू रहा है? अचानक उनके मुँह से निकला- 'पुत्रवती भव!'

आशीर्वाद दे दिया कि 'पुत्रवती होओ।'

महात्मा जी का आशीर्वाद असत्य नहीं हो सकता था। कुछ समय बाद उसके गर्भ से एक पुत्र ने जन्म लिया। लोकलाज स्वाभाविक थी। ब्राह्मणी ने मन को कड़ा किया और बच्चे को लहरतारा तालाब के किनारे छोड़ दिया। संभवतः इस बालक को ही नीरू और नीमा ने लहरतारा के किनारे से पाया था

ऐसा लगता है कि कबीर हिंदू घर में पैदा हुए और मुसलमान घर में पले। इसमें एक अपूर्व संगम हुआ, एक अपूर्व समन्वय हुआ

कबीर में हिंदू और मुसलमान संस्कृतियाँ जिस प्रकार मेल खा गई, इतना तालमेल तो गंगा और यमुना में भी प्रयाग में नहीं मिलता। दोनों का जल अलग-अलग मालूम होता है। कबीर में जल तनिक भी अलग-अलग मालूम नहीं होता

तीसरी कहानी और अधिक रोचक है, एक पुराणपंथी कहानी की तरह। इसके अनुसार, कबीर साहब शुकदेव जी के अवतार थे

कहा जाता है कि महादेव की आज्ञा से शुकदेव जी लोककल्याण के लिए पृथ्वी पर आए

पूर्वजन्म में वे बारह वर्ष तक गर्भवास का दुख भोग चुके थे। इसलिए इस बार गर्भवास से बचने के लिए उन्होंने अपने को एक सीपी में बंद कर लिया और उसे गंगा के किनारे बहाव में छोड़ दिया। वही सीपी बहते-बहते लहरतारा तालाब में पहुँच गई और संयोग से वहाँ एक कमल के पत्ते पर खुल गई। उसमें से एक सुंदर बालक प्रकट हुआ। यही बालक आगे चलकर कबीर के नाम से

प्रसिद्ध हुआ।

कबीर के जन्म के संबंध में जितनी कथाएँ ज्ञात हैं, उन सबको देखकर यही कहा जा सकता है कि इन महात्मा को जन्म देने वालों का पता किसी को नहीं है।

कबीर का जन्म किस सन् में किस तिथि को हुआ, इसे भी ठीक-ठीक बता पाना बहुत कठिन है।

उनकी जन्मतिथि के संबंध में एक छंद बहुत समय से प्रचलित है :

चौदह सौ पचपन साल गए, चंद्रवार इक ठाठ ठए।
जेठ सुदी बरसायत को, पूरनमासी प्रकट भए॥

अर्थात् विक्रम के 1455 साल व्यतीत होने पर, सोमवार को जेठ की पूर्णमासी के दिन कबीर साहब प्रकट हुए थे। वटसावित्री या बरसायत के दिन कबीरपंथी अब भी कबीर साहब का जन्मदिन मनाया करते हैं।

कुछ विद्वानों ने गणना करके पता लगाया कि सोमवार को जेठ पूर्णा संवत् 1455 में नहीं बल्कि 1456 में पड़नी चाहिए। इसलिए 1455 साल गए का अर्थ यह भी हो सकता है कि 1455 वाँ संवत् बीत जाने पर अर्थात् सं. 1456 में कबीर का जन्म हुआ होगा।

कबीर के जन्मस्थान के संबंध में भी तीन मत हैं : मगहर, काशी और आजमगढ़ में बेलहरा गाँव।

मगहर के पक्ष में यह तर्क दिया जाता है कि कबीर ने अपनी रचना में वहाँ का उल्लेख किया है : पहिले दरसन मगहर पाई, पुनि कासी बसे आई अर्थात् काशी में रहने से पहले उन्होंने मगहर देखा। मगहर आजकल तो वाराणसी के निकट ही है और वहाँ कबीर का मकबरा भी है।

कबीर का अधिकांश जीवन काशी में व्यतीत हुआ। वे काशी के जुलाहे के रूप में ही जाने जाते हैं। कई कबीरपंथियों का भी यही विश्वास है कि कबीर का जन्म काशी में हुआ, किंतु किसी प्रमाण के अभाव में निश्चयात्मकता अवश्य भंग होती है।

बहुत से लोग आजमगढ़ जिले के बेलहरा गाँव को कबीर साहब का जन्मस्थान मानते हैं। वे कहते हैं कि बेलहरा ही बदलते-बदलते लहरतारा हो गया।

फिर भी पता लगाने पर न तो बेलहरा गाँव का ठीक पता चल पाता है और न यही मालूम हो पाता है कि बेलहरा का लहरतारा कैसे बन गया और वह आजमगढ़ जिले से काशी के पास कैसे आ गया। आजमगढ़ जिले में कबीर, उनके पंथ या अनुयायियों का कोई स्मारक नहीं है।

**मसि कागद छूयो नहीं**

कबीर बड़े होने लगे। वे अपनी अवस्था के बालकों से एकदम भिन्न थे। उन्हें खेल में कोई रुचि नहीं थी। मदरसे भेजने लायक साधन माता-पिता के पास नहीं थे। जिसे हर दिन भोजन के लिए ही चिंता रहती हो, उस पिता के मन में कबीर को पढ़ाने का विचार भी न उठा होगा।

यही कारण है कि वे किताबी विद्या प्राप्त न कर सके। उन्होंने स्वीकार किया : 'मसि कागद छूयो नहीं, कलम गही नहिं हाथ।'

किंतु किताबी विद्या ही सब कुछ नहीं होती। जिसमें अनुभव नहीं, भावुकता नहीं, कर्म करने की शक्ति नहीं, वह तो पुस्तक पढ़कर भी मूर्ख बना रहेगा।

सब जानते हैं कबीर ज्ञान के भंडार थे, प्रतिभा के सागर थे, भावुकता के खान थे। वे बचपन

वे ही रामभक्ति का अमृतरस छककर पी गए थे

जुलाहा परिवार में पलने वाले बालक पर मुसलमानी रहन-सहन, आचार-व्यवहार का प्रभाव पड़ना चाहिए था। किंतु वे हिंदुओं की भाँति कंठी-माला धारण करते, तिलक लगाते और राम-नाम का जाप करते

**स्वामी रामानंद का शिष्यत्व**

कबीर ने अनुभव किया कि ज्ञान की परिपक्वता के लिए गुरु आवश्यक है, परंतु गुरु का महान् पद किसे दिया जाए? कौन गुरुमंत्र देगा!

काशी में उन दिनों सबसे प्रसिद्ध वैष्णव आचार्य स्वामी रामानंद थे। कबीर के मन में उन्हीं से दीक्षा लेने की इच्छा जाग्रत हुई

लेकिन इसमें एक भारी बाधा थी। वैष्णव आचार्य एक जुलाहे को दीक्षा किस प्रकार दे सकते थे? इस बाधा को दूर करने के लिए कबीर ने एक उपाय सोचा

स्वामीजी प्रतिदिन धुँधलके में ही अपने सेवकों के साथ गंगा-स्नान के लिए जाया करते थे कबीर प्रातःकाल चार बजे से पहले ही गंगाजी की सीढ़ियों पर जाकर लेट गए। स्वामी रामानंद गंगा में स्नान करके सीढ़ियाँ चढ़ रहे थे। तभी उनका पैर किसी से टकराया। वे झट पैर खींचकर और 'राम राम' कहकर अपना पैर हटा लिया

कबीर ने इसी राम नाम को गुरुमंत्र स्वीकार किया। अब वे गुरुहीन नहीं थे। उन्होंने उस समय के प्रसिद्ध आचार्य को अपना गुरु बनाया था। वे महान् गुरु के महान शिष्य थे

लोगों ने सुना कि स्वामीजी ने एक जुलाहे कबीर को अपना शिष्य बना लिया है। वे ईर्ष्या से जल उठे

लोगों ने जाकर रामानंद जी से पूछा, 'महाराज, आपने जुलाहे को भी अपना शिष्य बनाया है।'

स्वामीजी ने उत्तर दिया, 'भाई, हमने तो उसे शिष्य बनाया नहीं है।'

उपस्थित व्यक्तियों ने कहा, 'महाराज, वह तो जगह-जगह पर यही कहता फिरता है कि मैं स्वामी रामानंद जी का शिष्य हूँ।'

स्वामीजी आश्चर्यचकित थे 'यह कैसे हो सकता है? मैंने तो किसी जुलाहे कबीर को दीक्षा नहीं दी।'

दूसरे दिन स्वामीजी ने कबीर साहब को बुलाया और पूछा, 'क्यों भाई! मैंने तुम्हें शिष्य कब बनाया? कब मंत्रोपदेश दिया?'

कबीर ने विनम्रता के साथ उत्तर दिया, 'गुरुदेव, अन्य लोगों को तो आप कान में ही मंत्रोपदेश देते होंगे, मुझे तो आपने मस्तक पर पैर रखकर मंत्रोपदेश दिया था।'

इतना कहकर कबीर ने गंगाघाट का सारा वृत्तांत कह सुनाया

शिष्य की अगाध निष्ठा और अविरल भक्ति देखकर गुरु गद्गद हो उठे

शिष्य ने अपना शिष्यत्व प्रकट कर दिया था

गुरु का स्नेह छलक उठा। उन्होंने अपने प्रिय शिष्य को हृदय से लगा लिया

कबीर के काल में भारत पर मुसलमानों का राज्य था। हिंदुओं के ऊपर तरह-तरह के अत्याचार होते थे। ऐसी दशा में दोनों जातियों में पारस्परिक प्रेम के स्थान पर घृणा की अधिक फैली

हुई थी।

स्वाभाविक था कि मुसलमान परिवार के बालक को राम-राम करते देखकर 'बगावती' वाले उलझन में पड़ते। मुसलमान उनकी हरकतों को देखकर खीज से भर उठते। वे कहते : यह लड़का बड़ा काफ़िर होगा।'

कबीर इसका जवाब इस तरह देते : काफ़िर वह है, जो पराया धन लूटता है, धोखे से दुनिया को ठगता है, बेकसूर जीवों का वध करता है।

एक बार तो उन्होंने काज़ी से कह दिया : तुम कुरान का वास्ते हकीमत छोड़कर राम का भजन करो, नहीं तो भारी जुल्म करोगे। मेरे तो राम का ही आसरा रहता है, भले ही लोग मुझे सनसनाई समझते रह जाएँ।

कबीर के व्यवहार से नीरू-नीमा भी परेशान थे। यह कहाँ का पर-बालक पैदा हुआ है? अपनी बिरादरी के रीति-रिवाज छोड़कर हिंदुओं की तरह आचरण करता है। किंतु कबीर थे कि उनकी मस्ती बढ़ती ही जाती थी। इस मस्ती में वे कभी-कभी अपना कताई-बुनाई का धंधा भी भूल जाते थे। नीमा के लिए यह उलझन भरी बात थी, 'या खुदा! यह लड़का कैसे जिएगा।'
कबीर माता को समझाते थे, 'माँ, जब मैं नली के छेद में तागा डालने लगता हूँ तो मेरे प्यारे राम मुझे भूल जाते हैं।

क्या करूँ माँ! पर तू चिंता न कर। वह राम ही तीनों लोकों को सँभालता है। वही हमारी जरूरतें भी पूरी करेगा।

कबीर परम वैरागी थे। सांसारिक माया-मोह से उन्हें कोई वास्ता न था। धन-संपत्ति उनके लिए व्यर्थ थे। फिर भी वे गृहस्थ संन्यासी के रूप में जीवन-निर्वाह करते रहे। व्यवसाय से कार्य से जुलाहे का जीवन। यही उनकी जीविका का साधन था। वे कपड़ा बुनकर उसे बाज़ार में बेचने जाते और उससे जो भी लाभ होता, उससे अपना और अपने परिवार का जीवन-निर्वाह किया करते थे। इसी से भक्तों की भी सेवा करते।

एक दिन एक नई घटना घटी।

एक गरीब ब्राह्मण बाज़ार में ही कबीर के पास पहुँचा। उसकी स्थिति उसकी दरिद्रता को बताने के लिए पर्याप्त थी। अपना तन ढकने के लिए उसने दीनतापूर्वक कपड़ा माँगा। कबीर ने उसकी वाणी में छिपी दीनता को समझा। वे बोले : मैं तुम्हें आधा थान दे सकता हूँ। आज आधे से ही परिवार का खर्च चला लूँगा।

किंतु आधे थान से ब्राह्मण को संतोष नहीं हुआ। उसने पूरा थान दे देने की विनती की। कबीर को दया आ गई। उस दिन बनाया गया सारा कपड़ा उन्होंने दान कर दिया। किंतु उन्हें चिंता हुई कि घरवालों को क्या खिलाएँगे? शर्म के कारण उन्हें घर जाने का साहस न हुआ। वे आस-पास ही कहीं छिपे बैठे रहे। सात दिन बीत गए। घर के लोग भूख के कारण व्याकुल होने लगे। उसी समय एक अचंभा हुआ।

एक आदमी बैल पर खाने-पीने की चीज़ें लादकर लाया और जबरदस्ती कबीर के घर रख गया।

नीमा आश्चर्यचकित थी।

उसे अपने बेटे के स्वभाव का पता था। कोई लाख रुपए भी दे, लेकिन वह अपने परिश्रम

के अलावा एक पैसा नहीं लेता था।

लोई ने पूछा, 'ये सामान कहाँ से लाए?'

उस आदमी ने बताया, 'विश्वनाथ जी का दर्शन करने एक राजा आया हुआ है। तुम्हारे बेटे पर प्रसन्न होकर उसने बहुत सा धन दिया। तुम्हारे बेटे ने तो एकदम इंकार ही कर दिया।

तब राजा ने बड़ी विनती करके आपके घर का यह सामान भिजवाया है। आप इसे स्वीकार कीजिए। कुछ देर बाद आपका बेटा भी आता होगा।'

इतना कहकर वह आदमी अपना भेद बताए बिना चला गया। लोई को उसकी बात पर विश्वास हो गया। उसने सोचा, संभव है, यही बात सच हो। लोग कबीर को खोजने निकले और उन्हें यह खबर दी। वे तो आज सारा कपड़ा दान में दे चुके थे। घरवालों को खिलाने के लिए उनके पास कुछ न था। वे घर पहुँचे। लोई ने सारा हाल कह सुनाया।

कबीर के मन में यह विश्वास हो गया कि स्वामी परमात्मा के अतिरिक्त दूसरा कौन ऐसा कर सकता है?

इस घटना से उनके आत्मबल में और अधिक वृद्धि हुई। अब तो वे ताना-बाना पूरी तरह भूल गए। हरिभक्ति ही उनका एकमात्र आधार बन गई।

**ब्राह्मणों को भोज**

कबीर की यशगाथा अपने पंख फैला रही थी। जनसामान्य में उनके प्रति श्रद्धा और आदर का भाव बढ़ रहा था। जनता उनके दर्शनों के लिए उत्सुक रहती थी।

पूरी काशी कबीरमय हो रही थी। कबीर राममय हो गए थे।

एक जुलाहे का इतना आदर और सम्मान हो, यह बात न तो ब्राह्मणों को अच्छी लगी और न शहर के काज़ी को।

वे ईर्ष्या से जलने लगे। सभी के मन में एक ही बात थी। कबीर को किस प्रकार नीचा दिखाया जाए? ब्राह्मणों की एक सभा हुई। सभा में निर्णय लिया गया कि कबीर को काशी से बाहर निकाल दिया जाए। इसके बाद निर्णय की घोषणा कर दी गई। इस निर्णय से भक्तजन दुखी थे, किंतु उनकी बात कौन सुनता? तमाशा देखने के लिए नगर की भीड़ उमड़ पड़ी। कुछ ब्राह्मण कबीर के पास पहुँचे और क्रोध प्रकट करने लगे। कबीर ने सबको आदर से बैठाया। विनम्रता के साथ पूछा, 'पधारने की कृपा किसलिए की?'

ब्राह्मण बोले, 'तुम्हें आज ही काशी नगरी को छोड़ना होगा।'

'मेरा क्या अपराध है? आपके क्रोध का कारण क्या है?' कबीर ने पूछा।

'हम सबका यही निर्णय है।' ब्राह्मण समुदाय ने कहा।

कबीर बोले, 'न तो मैंने किसी का कुछ चुराया है और न किसी की बेइज्जती की है। राम का नाम जपता हूँ। मेरा अपराध बताएँ।'

ब्राह्मण क्रोधपूर्वक कहने लगे, 'तुमने पाप किया। शूद्रों को भोजन कराया। हम लोगों को पूछा तक नहीं। इसका प्रायश्चित यही है कि या तो हमारे भोज का प्रबंध करो अथवा इस नगरी को छोड़कर चले जाओ।'

यह तो घोर अन्याय था। कबीर के घर तो अन्न का दाना भी नहीं था। उन्होंने तो सब कुछ गरीबों में बाँट दिया था। अब वे इतने लोगों के लिए अन्न की व्यवस्था कहाँ से करें? ब्राह्मणों को

भूखा भेजना भी अधर्म था।

उन्होंने व्यवस्था करने का आश्वासन दिया और वहाँ से चले आए। ब्राह्मण कबीर के घर के बाहर जुटे थे।

'देखा जाएगा, कभी तो लौटकर आएगा ही। बहुत बड़ा भक्त बनता है। आज असलियत का पता चलेगा।' ब्राह्मणों ने विचार किया।

तभी किसी ने देखा, 'एक व्यक्ति कई मजदूरों के साथ इसी ओर आ रहा था। सबके सिर पर सामान लदा था।

मैदा, चावल, शक्कर की बोरियाँ घर के आगे उतारकर रख दी गईं। ब्राह्मणों में खलबली मच गई। सबको थोड़ी थोड़ी सी सामग्री देकर विदा कर दिया गया। प्रत्येक के मुँह से एक ही स्वर फूट रहा था, 'धन्य धन्य।'

तभी एक ब्राह्मण कबीर को खोजता हुआ उनके पास पहुँचा। कबीर तो अपना मुँह छिपाए हुए बैठे थे।

ब्राह्मण बोला, 'तुम यहाँ बैठे हो। वहाँ सभी ब्राह्मणों और संन्यासियों को भोजन सामग्री बाँटी जा रही है।'

'कहाँ भाई! कुछ तो बताओ।' कबीर ने आश्चर्य के साथ पूछा।

'अब बात न बनाओ, कबीर साहब। सामान तो घर भिजवा दिया और खुद यहाँ बैठे हो।' ब्राह्मण ने उत्तर दिया, 'देखते नहीं, मैं स्वयं आपके घर से यह गठरी बाँधकर ला रहा हूँ।'

कबीर चुपचाप सुनते रहे। वह राम का चमत्कार प्रत्यक्ष देख रहे थे। वह मन ही मन बोले, 'मेरा कर्ता महान् है। उसके बिना यह आदर कौन दे सकता है?' सभी ब्राह्मण कबीर के सम्मुख नतमस्तक हो गए थे।

**सिकंदर से शिकायत**

काज़ी थे कि ईर्ष्या से जले जा रहे थे। वह ऐसे अवसर की खोज में था कि कब कबीर से बदला लिया जाए! आख़िर वह दिन भी आ पहुँचा।

उन्हीं दिनों काशी में सिकंदर लोदी का आगमन हुआ।

लोदी वंश का यह सुलतान दिल्ली की गद्दी पर विराजमान था।

सिकंदर लोदी अत्याचारी तो था, किंतु खुदा और धर्म से डरने वाला शासक था। बनारस के काज़ी और वहाँ के मुल्ला उसके कान भरने लगे। उन्होंने सुलतान को समझाया, 'कबीर किसी को कुछ नहीं समझता। सभी को गालियाँ देता है। बड़ा ही घमंडी है। इस जुलाहे ने बड़ा ही तूफ़ान खड़ा कर रखा है। इसने मुसलमानों के रीति-रिवाज छोड़ दिए हैं। यह तो खुद खुदा बनने का दावा करता है।'

ब्राह्मणों ने भी इसे उचित अवसर समझा। वे भी शिकायत लेकर पहुँच गए। उन्होंने कहा, 'यह तीर्थ और वेद की निंदा करता है। यह इस्लाम को बेकार की बातें बताता है। हिंदू और तुर्क दोनों से अलग अपनी रीति चलाता है। आप ही हमारे माता-पिता हैं। आप ही हमारी रक्षा करें।'

सिकंदर लोदी ने सोचा, यह अजीब फ़कीर है, जो न तो किसी मस्जिद में जाता है और न किसी मंदिर में जाने को अच्छा समझता है।

बादशाह ने तुरंत दो सिपाहियों को भेजा और कबीर को दरबार में हाजिर होने का हुक्म

दिया

कबीर आए। वह आसन में बादशाह के सामने खड़े हो गए। उनके चेहरे पर किसी प्रकार का डर नहीं था। उन्होंने यह भी नहीं पूछा कि क्या बात है? बस खड़े रहे।

काज़ी ने कहा, 'बादशाह को सलाम कीजिए।' किंतु कबीर ने ऐसा भी नहीं किया। इस पर बादशाह गुस्से से भर उठा।

सुलतान के गुस्से को भाँपकर काज़ी ने कहा, 'तू काफिर है। तू हमारे धर्म के खिलाफ प्रचार करता है। तू मुसलमान और हिंदू दोनों को गालियाँ देता है। तेरे चेले भी यही सब करते हैं। इन शिकायतों की सफाई में तुझे कुछ कहना है।'

कबीर ने संक्षिप्त सा उत्तर दिया, 'नहीं।'

दरबार में सन्नाटा छा गया। सभी की आँखें सुल्तान की ओर थीं। कबीर के विरोधी मन ही मन खुश थे कि अब तो इसे मौत की सजा मिलेगी। सिकंदर लोदी को भी कम आश्चर्य नहीं था। उसने ऐसे फ़कीर को कभी न देखा था। उसने पूछा, 'तुम अपना जुर्म मानते हो?'

'अगर किसी के दुर्गुण को दुर्गुण कहना बुराई है तो मैं ऐसा जुर्म करता हूँ और बार बार करता रहूँगा। हिंदू और मुसलमान दोनों धर्मों को मानने वालों में ऐसी बहुत सी बुराइयाँ हैं, जिन्हें दूर करना जरूरी है। मैं यदि उनकी चर्चा करता हूँ तो मुझ पर दोष लगाया जाता है।' कबीर ने निर्भीकता के साथ कहा।

अपनी बात को साफ़ तौर पर बताओ। बादशाह ने हुक्म भरे लहजे में कहा। इस पर कबीर ने कहा।

जप सब झूठी बंदगी, बिरथा पंच निवाज
साँचै मारै झूठि पढ़ि, काजी करै अकाज

कबीर ने केवल काज़ी को ही नहीं, मुल्ला को भी खरी खरी सुनाते हुए कहा।

काजी मुल्ला भरमिया, चला दुनी के साथ
दिल थैं दीन बिसारिया, करद लई जब हाथ

कबीर की वाणी में स्पष्टता थी। जो कुछ भी मन में था, वह सब कुछ प्रकट था। कुछ भी तो नहीं छिपाया गया था। अब इसे स्पष्टवादिता कहें अथवा दोष। कबीर पर किसी प्रकार का बोझ नहीं था। उन्होंने बताया, 'मुझे हिंदुओं और तुर्कों से कुछ लेना देना नहीं है। गुरु के प्रताप से राम की भक्ति करता हूँ और उसी के गुण गाता हूँ। राम के भरोसे रहकर मैं राजा या रंक सबको एक बराबर मानता हूँ।'

काज़ी ने कबीर की बात सुनी और फ़ैसला दिया, 'कबीर ने इस्लाम की निंदा की है। यह काफ़िर है। इसकी माला छीन लो, तिलक मिटा दो। इसकी सजा है कि इसे पत्थरों से मार मारकर मार दिया जाए।'

कबीर ने कहा, 'काफिर मैं नहीं, तुम हो। कौनसी पुस्तक में बंदगी करके, मुर्गा और बकरा काटने की आज्ञा दी गई है?'

यह सुनते ही बादशाह क्रोध से पागल हो उठा। उसने आज्ञा दी, 'इस फ़कीर के हाथ पैर बाँधकर इसे गंगा में फेंक दिया जाए।'

जल्लादों ने बादशाह के हुक्म का पालन किया, किंतु पानी में डालते ही कबीर की जंजीरें

 ISSN 0975-735X

टूट गई। वे जल के ऊपर तैरने लगे। लोगों ने कहा, 'लगता है, यह कोई जादू टोना जानता है।'

दूसरी बार उनके हाथ पैर बाँधकर एक घर के अंदर डाल दिया गया। घर के चारों ओर आग लगा दी गई। मकान जलकर राख हो गया। राख तक हवा में उड़ गई। किंतु कबीर का बाल भी बाँका न हुआ।

सिकंदर लोदी का क्रोध भी अब तक शांत नहीं हुआ था। कबीर की मौत अहंकार को शांत करने के लिए आवश्यक थी।

उसने आज्ञा दी कि 'कबीर के हाथ पैर बाँधकर उन्हें मदमस्त हाथी के सामने डाल दिया जाए।'

आज्ञा का पालन किया गया।

हाथी भी ऐसा कि अपनी छाया को भी जीव समझकर कुचलता रहता था। ऐसा बिगड़ैल हाथी कबीर के सामने छोड़ दिया गया। लेकिन लोग अचंभे में भरे रह गए।

हाथी ने कबीर की ओर देखा और देर तक उन्हें निहारता रहा। ऐसा लग रहा था, जैसे उसके सामने कोई शेर खड़ा हो।

आखिर वह चिंघाड़ता हुआ वहाँ से भाग खड़ा हुआ।

कबीर के पद इस बात का प्रमाण हैं कि उन पर इस प्रकार के अत्याचार अवश्य किए गए होंगे और ईश्वर की कृपा ने उनकी रक्षा की होगी।

गंगा में फेंके जाने के प्रमाणस्वरूप निम्नलिखित पद प्रस्तुत किया जाता है

मन न डिगै तन काहे को डराइ, चरन कमल चित रह्यो समाइ
गंग गुसाइनि गहिर गंभीर, जंजीर बाँधि करि खरे कबीर
गंगा की लहर मेरी टुटि जंजीर, मृगछाला पर बैठे कबीर
कहे कबीर कोई संग न साथ, जल थल में राखे रघुनाथ

हाथी के सामने फेंके जाने की घटना के संबंध में कबीर की निम्नलिखित पंक्तियाँ स्वयं प्रमाण हैं

अहो मेरे ठाकुर तुम्हरा जोर, काजी बकिबो हस्ती तोर
भुजा बाँधि भिला करि डार्यौ, हस्ती कोपि मूँड मैं मार्यौ
भाग्यौ हस्ती चीसा मारी, या मूरति की हौं बलिहारी

समाज सुधार

दूसरे फकीरों और संन्यासियों की तुलना में कबीर का रास्ता बिलकुल अलग था। वे केवल अध्यात्म और मोक्ष की साधना में नहीं लगे रहे, समाज में फैली बुराइयों और विडंबनाओं को दूर करने का संकल्प भी उन्होंने लिया। ऐसा करने में कबीर अनेक स्थानों पर कठोर भी हो गए हैं।

उनका विचार था कि समाज की बुराइयों को दूर करने के लिए प्रत्येक व्यक्ति को सुधरना होगा।

कबीर का युग पराधीनता का युग था। वर्ण विद्वेष समाज के रक्त में मिल चुका था। अवर्ण सवर्ण की खाई बढ़ती जा रही थी। मंदिरों में पूजा, भक्ति, अर्चन और ज्ञानोपार्जन शूद्रों के लिए वर्जित कर दिया गया था।

कबीर की आत्मा इन पारस्परिक दुर्व्यवहार से आहत हो गई। अस्पृश्यता के इस कलंक को

मिटाने के लिए उन्होंने घोर संघर्ष किया

उन्होंने घोषणा की कि जन्म से ही कोई शूद्र अथवा श्रेष्ठ नहीं हो सकता। यह सब तो मनुष्य के स्वार्थ की करामात है

एक बूंद मौत एकै लेहू, एक जोति जीवन है मांहू
एकहि जननी जन्यौ संसार, कौन ग्यान ते भये निनारा

सबके अंदर एक ही रंग का रक्त प्रवाहित है, सबमें समान प्राण व्याप्त हैं। सबको एक प्रकृति ने पैदा किया है। फिर कोई अलग-अलग, ऊँचा-नीचा कैसे हो सकता है?

इसीलिए कबीर ने कहा है कि हमें साम्प्रदायिक भेदभाव का त्याग करना होगा। सबका कर्तव्य है कि वे मिल-जुलकर रहें, इसी में सबका कल्याण है

सर्वभूत एकै करि जान्यौं, चूके वाद विवादा
कहि कबीर मैं पूरा पाया, भये राम परसादा

कबीर का मन ऊँच-नीच की भावना से दुःखी था। इसके अतिरिक्त कबीर के हृदय में एक पीड़ा और भी थी

सांप्रदायिक वैमनस्य ने समाज को क्षत-विक्षत कर दिया था

हिंदू और मुसलमान दो ऐसे संप्रदाय थे जिनमें हमेशा तनाव बना रहता था। कबीर ने सांप्रदायिक एकता स्थापित करने का अथक प्रयास किया

उन्होंने समझाया : मंदिर, मूर्ति और मस्जिद को लेकर झगड़ा करना व्यर्थ है। ईश्वर तो एक ही है, चाहे उसे किसी भी नाम से पुकारा जाए। उसे किसी एक स्थान में खोजना मोटी बुद्धि का काम है :

जौर खुदाय मसीत बसत है और मुलिक किस केरा
तीरथ मूरति राम निवासा दुहु में किनहूँ न हेरा

तुम परमात्मा के हो सकते हो, यह बात तो समझ में आती है, लेकिन तुम उल्टा काम करते हो, तुम परमात्मा को अपना बना लेते हो। परमात्मा के हो जाओ, क्योंकि तुम बूँद हो, वह सागर है। समर्पण कर दो अपना। लीन हो जाओ सागर में। यह बात समझ में आती है लेकिन ऐसा तो कोई नहीं होता। लोग उलटे परमात्मा पर ही कब्जा कर लेते हैं। बूँद सागर पर कब्जा कर रही है परिणामत: 'हिंदू कहत है राम हमारा, मुसलमान रहमाना।'

परमात्मा तो तुम्हारा रक्षक है, किंतु तुम तो कि परमात्मा की रक्षा की ठेकेदारी कर रहे हो, कहीं मुसलमान आकर मंदिर की मूर्ति न तोड़ दे, कहीं मस्जिद में कोई हिंदू आग न लगा दे, कहीं कुरान का कोई अपमान न कर दे, कहीं गीता का कोई विरोध न कर दे

तुम परमात्मा की रक्षा में जुट जाते हो। इस प्रकार जैसे तुम्हारा परमात्मा बड़ा असहाय है जगह-जगह कुटेगा, पिटेगा, लोग आएँगे, मारेंगे, काटेंगे, तोड़ेंगे। तुम ही उसे बचा सकते हो

हिंदुओं और मुसलमानों की इस अज्ञानता पर कबीर ने खून के आँसू बहाए हैं। उन्होंने स्पष्ट रूप से कहा है कि न तो हिंदू के हृदय में दया है और न मुसलमान के मन में मेहर है, दोनों की करुणा समाप्त हो गई है। दोनों का प्रेम चुक गया है, किंतु खेद तो यह है कि दोनों ही खुद को समझदार और सयाना समझते हैं

साधो देखो जग बौराना

 ISSN 0975-735X

साँची कहौं तो मारन धावै, झूठे जग पतियाना
हिंदू कहत है राम हमारा, मुसलमान रहमाना
आपस में दोउ लरे मरतु हैं, मरम कोई नहिं जाना
बहुत मिले मोहि नेमी धरमी, प्रात करे असनाना
आतम छाड़ि पखानै पूजे तिनका थोथा ग्याना
आसन मारि डिंभ धरि बैठे, मन में बहुत गुमाना
पीपर पाथर पूजन लागे, तीरथ बर्त भुलाना
माला पहिरे टोपी पहिरे, छाप तिलक अनुमाना
साखी सब्दै गावत भूले आतम खबर न जाना
घर घर मंत्र जो देत फिरत हैं माया के अभिमाना
गुरुवा सहित सिष्य सब बूड़े, अंतकाल पछिताना
बहुतक देखे पीर औलिया, पढ़ैं किताब कुराना
करैं मुरीद कबर बतलावैं उनहूँ खुदा न जाना
हिंदू की दया मेहर तुरकन की दोनों घर से भागी
वह करै जिबह वो झटका मारे, आग दोउ घर लागी
या बिधि हँसी चलत है हमको, आप कहावै सयाना
कहै कबीर सुनो भाई साधो, इनमें कौन दिवाना

कबीर ने साफ-साफ कहा कि सांप्रदायिक व्यक्ति धर्म को नहीं जानता। वह कभी ज्ञानी भी नहीं हो सकता। इस परमात्मा की खोज कहीं और करने की आवश्यकता नहीं। वह तो तुम्हारे अंदर विद्यमान है। मृग की नाभि में कस्तूरी की तरह

कस्तूरी कुंडल बसै मृग ढूँढै बन माँहि,
ऐसे घट घट राम हैं, दुनिया देखै नाँहि

कबीर को ऐसे कृत्यों को देखकर आश्चर्य होता है, जो जीव हिंसा तक को धर्म कहते हैं यदि हिंसा ही धर्म है तो अधर्म क्या है? कबीर का कथन है

जीव बधत अरु धर्म कहत हो, अधरम कहाँ है भाई
आपन तो मुनि जन हैं बैठे कासन कहौं कसाई

कबीर का धर्म प्रेम का धर्म है। कबीर का दर्शन मानवता का दर्शन है। कबीर की विचारधारा समत्व से परिपूर्ण है। वहाँ पोथी ज्ञान व्यर्थ है प्रेम का झर झर झरता झरना उनके विचारों के बीच प्रवाहित है वे तो प्रेम के आखर को ही सब कुछ मानते हैं इसलिए तो कबीर ने कहा

पोथी पढ़ि पढ़ि जग मुआ, पंडित भया न कोय,
ढाई आखर प्रेम का पढ़ै सो पंडित होय

जो साधक संपूर्ण जीवों के प्रति आत्मीय एकत्व स्थापित कर लेते हैं, वही सब प्रकार के आनंद पाते हैं। मुक्तानंद अवस्था का आनंद उसमें ही प्राप्त होता है। इस अवस्था का वर्णन नहीं किया जा सकता कबीर की वाणी में

अकथ कहानी प्रेम की, कछु कही न जाई,
गूँगे केरी सरकरा, बैठे ही मुसकाई

ज्यों की त्यों धर दीनी चदरिया

कबीर ने स्वीकार किया है ; जो पहिरा सो फाटिसी, नाम धरा सो जाइ।' इसी प्रकार आत्मा भी शरीर रूपी जो चोला पहनती है, वह भी समय आने पर पंचतत्त्व में विलीन हो जाता है।

कबीर ने अनुमान किया कि उनका अवसान काल समीप है। अब इस शरीर को त्यागना होगा। आत्मा को परमात्मा में लीन करने का समय आ गया था।

वे काशी में थे। काशी मोक्ष की नगरी है। मृत्यु के समय हर व्यक्ति काशीवास की कामना करता है, किंतु कबीर तो क्रांतिकारी थे। उन्होंने घोषणा की, 'मैं अब मगहर में जाकर रहूँगा।'

मगहर के विषय में यह अंधविश्वास प्रचलित था कि वहाँ पर मरने पर मुक्ति नहीं मिलती। कबीर तो जीवन भर अंधविश्वास के विरुद्ध संघर्ष करते रहे थे। मगहर के इस कलंक को धोना आवश्यक था। अंधविश्वास का विरोध आवश्यक था।

इस घोषणा से कबीर के शिष्यों को बड़ा कष्ट हुआ। कबीर ने उन्हें समझाया।

लोगा तुम हो मति के भोरा
जो कासी तनु तजहिं कबीरा तो रामहिं कौन निहोरा
जो जन भाव भगति कछु जानैं ताको अचरजु काहे,
जैसे जल जलहिं ढुरि मिलियो त्यों ढुरि मिल्यो जुलाहो
कहे कबीर सुनहु रे लोगो भरमि न भूलो कोई,
क्या काशी क्या मगहर ऊसर हृदय राम जो होई

कबीर का विश्वास था कि मोक्ष के लिए स्थान नहीं, कर्म ही प्रधान होते हैं। भावभक्ति के भरोसे वे मगहर में प्राण छोड़ने पर भी अपने राम में इस प्रकार घुल मिल गए जैसे पानी में पानी मिल जाता है।

जिसके हृदय में राम का वास है, उसके लिए काशी और मगहर में कोई भी तो अंतर नहीं। अगर काशी में मृत्यु होने पर ही मोक्ष मिलता है तो फिर राम की कौनसी बड़ाई समझी जाए।

आखिर कबीर मगहर पहुँच गए। वहाँ पहुँचने पर उनके भक्तों का एक मेला सा लग गया। हर कोई उनके दर्शन की साध लेकर आता था। अंतिम दिवस उन्होंने सबको एकत्र किया। कबीर ने सबकी ओर देखा। सबने कबीर की आँखों में झलकते प्रकाश का अनुभव किया। तभी उनका मुख मुक्त गा उठा।

झीनी झीनी बीनी चदरिया
काहे के ताना, काहे के भरनी, कौन तार से बीनी चदरिया
साईं को सियत मास दस लागे, ठोक ठोक के बीनी चदरिया
सो चादर सुर नर मुनि ओढ़े, ओढ़ि के मैली कीनी चदरिया
दास कबीर जतन से ओढ़ी ज्यों की त्यों धर दीनी चदरिया

लोगों ने देखा कि एक ज्योति कबीर के शरीर से बाहर आई और आसमान की ओर चली गई। उपस्थित जनसमुदाय को विश्वास हो गया कि कबीर का महाप्रयाण हो गया है।

कबीर ने जीवन भर अंधविश्वासों का विरोध किया। उन्होंने एकता, मित्रता, सहिष्णुता, आत्मीयता का उपदेश दिया, किंतु उनके मृत्यु का समाचार मिलते ही एक विवाद छिड़ गया।

काशीनरेश वीरसिंह और उनके हिंदू भक्त चाहते थे कि कबीर का अंतिम संस्कार अग्नि से

जलाकर हिंदू पद्धति से किया जाए। दूसरी ओर मुस्लिम अनुयायियों की कामना थी कि उनका संस्कार मुस्लिम मजहब के अनुसार दफनाकर होना चाहिए।

बात इतनी बढ़ी कि दोनों ओर से तलवारें खिंच गईं।

तभी एक आकाशवाणी हुई : 'व्यर्थ में एक दूसरे के रक्त के प्यासे हो रहे हो। जाओ, कुटी का दरवाजा खोलकर देखो।'

लोगों ने जब कुटिया का द्वार खोला तो वे आश्चर्यचकित रह गए। वहाँ कबीर का शव नहीं था। उनके स्थान पर फूलों का एक छोटा सा ढेर पड़ा था।

दोनों संप्रदायों के भक्तों ने अपनी अपनी आस्था के अनुसार कबीर का अंतिम संस्कार किया।

कबीर समर्पण की सही पहचान हैं।

अहंकार से लाखों कोस दूर।

समर्पण की परिभाषा यह है कि जो भी दुर्गुण हैं वे मेरे हैं, जो भी सद्गुण हैं, वे तेरे हैं।

अब तो सब छोड़ रहा हूँ दुर्गुण, सद्गुण सब तेरे चरणों में अर्पित कर रहा हूँ। यही जीवन का रहस्य है।

जिस दिन कोई व्यक्ति परमात्मा में इस प्रकार समर्पित हो जाता है तो वह कबीर बन जाता है। एक ऐसा कबीर, जो कहता है :

मेरा मुझमें कुछ नहीं जो कुछ है सो तेरा,
तेरा तुझको सौंपते, क्या लागत है मोर।

डॉ. गिरिराजशरण अग्रवाल

# अनुक्रम



 ISSN 0975-735X

# चित्रा मुद्गल के कथासाहित्य में स्त्री शक्ति मूल्य

**संगीता रॉय** (शोधार्थी, पीएच.डी.)
डॉ. रामकृष्ण मोरे कला, वाणिज्य एवं विज्ञान महाविद्यालय, आकुर्डी, पुणे
(सावित्रीबाई फुले पुणे विश्वविद्यालय, पुणे से संलग्न)
**डॉ. मोहम्मद शाकिर शेख**
शोध निर्देशक एवं हिंदी विभागाध्यक्ष
पूना कॉलेज कला, वाणिज्य एवं विज्ञान महाविद्यालय, कैंप, पुणे

चित्रा मुद्गल के कथासाहित्य में 'स्त्री शक्ति मूल्य' को स्पष्ट करने से पहले यहाँ स्त्री शक्ति मूल्य का अर्थ स्पष्ट करना उचित होगा। मूल्य एक ऐसा गुण है जो हमारे व्यवहार, दृष्टिकोण, विश्वास और हमारी प्रेरणा का मार्गदर्शन करते हैं। स्त्रियों में शक्ति सीमित नहीं है, वह उनके भीतर शक्ति के अनंत स्रोत को जागृत करने, ऊर्जावान बनाने, प्रगति के पथ पर उन्नति करने की क्षमता को बढ़ा देती है। स्त्री शक्ति मूल्य हमारे जीवन के इर्द-गिर्द संभावनाओं के अनंत भंडार के प्रति जागृत होने, सजग होने और उसे सर्वश्रेष्ठ सफल बनाने की प्रयास में रहती है। यह मूल्य बेहतर होने, प्रतिस्पर्धा करने या किसी और से अपनी तुलना करने के संदर्भ में नहीं है। स्त्री शक्ति मूल्य के बारे में यह कहना उचित होगा कि 'शक्ति' किसी भी मनुष्य के भीतर ही विराजमान रहती है और एकमात्र प्रमाणिक संदर्भ इसके बारे में आपका दृष्टिकोण और विश्वास है।

रूबी मैकहेल्स इस संदर्भ में लिखती हैं कि 'स्त्री शक्ति मूल्य का मतलब महिलाओं द्वारा पुरुषों पर हावी होना नहीं है, और यह पितृसत्ता को कुचलने और मातृसत्ता को फिर से स्थापित करने के संदर्भ में भी नहीं है यह सभी को सशक्त करने के बारे में है।'[1]

यहाँ यह कहना गलत नहीं होगा कि 'शक्ति मूल्य' आत्मविश्वास है क्योंकि आत्मविश्वास के बिना हम स्थिर हो जाते हैं, झिझकते हैं, संदेह करते हैं, व्याकुल होते हैं और अपने भीतर उभर रहे सत्य का पालन करने से कतराते हैं और हम खुद को पूर्ण से स्वीकार करने में कतराते नहीं हैं। स्त्री शक्ति के भीतर ऊर्जा का एक कुआँ है जो हमारे जुनून, ज्ञान, प्रेरणा और आत्मबल को पोषित करता है। हमारे मन, मस्तिष्क के भीतर सभी भय को विसर्जित करता है। ऊर्जा की यह बाढ़ किसी भी संदेह या अवरोध से बहती है और यह हमारी प्रेरणा, रचनात्मकता और इस खूबसूरत दुनिया को उसके सभी स्वरूपों में अपनाने की इच्छा को बढ़ावा देती है।

चित्रा मुद्गल के कथासाहित्य में हमें भी स्त्री शक्ति मूल्य देखने को मिलता है। चित्रा जी अपने कथासाहित्य में नैतिक, मानवतावादी, प्रेम, ममता, स्वतंत्रता, बंधुता, त्याग आदि जैसे कई मूल्यों को उजागर किया है।

**उपन्यास साहित्य में स्त्री शक्ति मूल्य:** मूल्य साहित्य का मूल विषय है। मूल्य की अभिव्यक्ति करना साहित्य का मुख्य उद्देश्य होता है। साहित्य मूल्य के माध्यम से मानव के विकास में प्रयासरत रहता है। साहित्य मूल्य का निर्माण नहीं करता है, अपितु मूल्यों की व्याख्या करता है

चित्रा मुद्गल अपने उपन्यास साहित्य में टूटते बिखरते परिवार, शोषित स्त्री, अत्याचार आदि समस्याओं पर आधारित आज की वर्तमान व्यवस्था में मानवीय मूल्यों में स्त्रियों की सहभागिता, स्त्री शक्ति मूल्य को केंद्र में रखकर चित्रण किया है। 'स्व' के प्रति सजगता, अपने हक, अधिकार और अस्मिता की चेतना ही स्त्री शक्ति है

चित्रा मुद्गल ने 'एक जमीन अपनी', 'आवां' उपन्यासों में स्त्री शक्ति विषयक अपने प्रौढ़ चिंतन का परिचय देते हुए स्त्री शोषण के सभी रूपों और स्त्री के सामर्थ्य का समुचित चित्रण किया है। प्रस्तुत बिंदु में चित्रा मुद्गल के उपन्यासों में नैतिक, मानवतावादी, प्रेम, पारिवारिक, ममता, स्वतंत्रता, बंधुता, न्याय संबंधी आदि मूल्यों पर प्रकाश डाला गया है

**नैतिक मूल्य :** दार्शनिकों के अनुसार नीतिशास्त्र 'आचरण का विज्ञान' है। ऐसे मूल्य जो हमारा मार्गदर्शन करते हैं कि हमें कैसे व्यवहार करना चाहिए, नैतिक मूल्यों की श्रेणी में आते हैं, जैसे ईमानदारी, निष्पक्षता आदि। नैतिकता से उत्पन्न नैतिक मूल्य मानव की ही विशेषता है। नैतिक मूल्य ही व्यक्ति को मानव होने की गरिमा प्रदान करते हैं। नैतिक मूल्य मानव को परिपूर्णता प्रदान कर उसे ईश्वरीय रचनाओं में श्रेष्ठ बनाते हैं, परंतु आधुनिकता के नाम पर इन मूल्यों का निरंतर अवमूल्यन होता जा रहा है। बढ़ता भौतिकतावाद इन्हें लील रहा है। परिणामस्वरूप नैतिकता घुट घुटकर ही साँस ले रही है। यह स्थिति तब है जब नैतिकता को मानव समाज के अभिन्न अंग के रूप में मान्यता मिली है। नैतिकता के अभाव में मनुष्यता का आकलन संभव ही नहीं। नैतिकता व्यक्ति के विकास में एक सीढ़ी के समान है जिसके सहारे हम अपने जीवन में आगे बढ़ते हैं। नैतिक मूल्यों के अभाव में मनुष्य मानव जीवन को निरर्थक बना देता है। प्रख्यात विचारक अल्बेयर कामू ने भी कहा है कि 'नैतिकता के बिना एक व्यक्ति इस दुनिया में किसी पशु के समान है।'[2]

चित्रा मुद्गल के 'आवां' उपन्यास में मजदूरों के अधिकारों के लिए लड़ती स्त्री पात्र का चित्रण मिलता है। मजदूरों के प्रति होने वाले अनैतिक व्यवहारों, अनीतियों के विरोध करके अपनी आखिरी साँस तक मजदूरों के नैतिक अधिकारों के लिए लड़ती समाज सेविका कामरेड कुसुमबाई का सही रूप है उपन्यास की किशोरी बाई। किशोरी बाई भी कुसुमबाई की तरह मजदूरों की बुनियादी जरूरतों के लिए अंत तक उनके साथ रही। किशोरी बाई शिक्षित स्त्री नहीं थी। बावजूद इसके संगठन की अन्य सदस्य विमला बेन, अन्ना साहब, सिद्दू, पवार आदि के साथ अपना विचार व्यक्त करती रही। किशोरी बाई का जीवन एक श्रमिक स्त्री के साथ साथ निम्नवर्ग की स्त्री का पारिवारिक जीवन भी है। किशोरी बाई ने श्रमिकों के प्रति ठेकेदारों और मिल मालिकों की अनैतिकता का प्रतिरोध किया

चित्रा मुद्गल ने 'गिलिगडु' उपन्यास के माध्यम से नैतिक मूल्यों को भूलकर नई पीढ़ी कैसे अपने माँ बाप को छोड़कर शहर की ओर पलायन कर जाती है, बड़े ही मार्मिक ढंग से चित्रण किया है। अपने ही घर में वृद्ध लोगों को कूड़े में बदतर जीवन बिताने को विवश कर दिया जाता है। धर्म, त्याग, दया, सेवा, करुणा, सदाचार, मानवता, पवित्रता इन सभी को भूलकर आज की युवा पीढ़ी अनैतिकता, असामाजिकता, संवेदनशून्यता, स्वार्थता आदि बातों को हमारे समाज में पोषित कर रही है। 'गिलिगडु' का वृद्ध पात्र बाबू जसवंत सिंह पूछता है 'तुम कभी बूढ़े नहीं होगे नरेंद्र?'[3]

चित्रा मुद्गल ने 'एक जमीन अपनी' उपन्यास में विज्ञापन जगत में काम करने वाली स्त्रियों को किस तरह की समस्याओं से किस प्रकार को जूझना पड़ता है इसका यथार्थ चित्रण किया है। अर्थ और प्रतिष्ठा के लिए नीता जैसी पात्र अपने संस्कारों एवं जीवन मूल्यों को खो बैठती है। वहीं

अंकिता अपनी योग्यता तथा प्रतिभा के बल पर आगे बढ़ना चाहती है, किसी सिफारिश के बल पर नहीं। पर नीता की मान्यता है कि 'यह ग्लैमर की दुनिया है यहाँ जीने की, जी पाने की पहली शर्त है- विशिष्ट दिखना, विशिष्ट करना, विशिष्ट बनना, जो व्यावसायिकता नहीं है।'[4]

**मानवतावादी मूल्य:** चित्रा मुद्गल ने स्त्री के प्रति अपने विचारों को जिस साहस और निर्भीकता के साथ अपने उपन्यास साहित्य के माध्यम से प्रस्तुत किया है, वह वाकई प्रशंसनीय है। उन्होंने उपन्यासों में नारी का चित्रण किया है। उन्होंने स्त्री को स्त्री के रूप में ही स्थापित करने का प्रयास किया है। उनके उपन्यासों की स्त्रियाँ एक ओर समाज में संघर्षरत जीवन जीती हैं तो वहीं दूसरी ओर अपने अस्तित्व हेतु नई शक्ति के रूप में उदित होती हुई दिखाई देती हैं।

'आवां' उपन्यास में चित्रा मुद्गल ने नमिता पात्र के माध्यम से स्त्री शक्ति का परिचय देते हुए मानवतावादी मूल्य का मार्मिक चित्रण किया है। इस उपन्यास में नमिता घर के दायित्व सँभालने वाली एकमात्र सदस्य है। वह अकेले पूरे परिवार की देखभाल करती है। परिवार के भोजन से लेकर लकवाग्रस्त पिता की सेवा, भाई और बहन की शिक्षा तक को सँभालती है। काम की खोज पर निकली नमिता को कई सामाजिक अन्यायों का सामना करना पड़ता है। ट्रेड यूनियन नेता के कारण पवार के दफ्तर में उसे एक छोटी सी नौकरी मिली, लेकिन अन्ना साहब के अनैतिक व्यवहार से उसे नौकरी छोड़नी पड़ी। एक दिन रास्ते में मिली अंजना वासवानी नमिता को मॉडलिंग की दुनिया में ले जाती है। अंजना वासवानी जैसे लोग अपने प्रत्यक्ष लाभ हेतु नमिता जैसी लड़कियों को हमेशा तलाशते रहते हैं। अंजना वासवानी मानवताहीन विचारों से धन की ताकत के लोभरूपी जाल बिछाते हुए नमिता को फँसा लेती है। इस संदर्भ में वह कहती है कि 'पैसे की ताकत मनुष्य की सबसे बड़ी ताकत है। पैसे की ताकत से एक बुद्धिहीन, अपाहिज, असमर्थ व्यक्ति, बुद्धिमान का मस्तिष्क और सबल की शक्ति खरीदकर बड़ी आसानी से अपने हितों के लिए उसका उपयोग कर समाज और संसार का सर्वाधिक समर्थ व्यक्ति बन सकता है।'[5]

मानवीय मूल्यों की दृष्टि से उनका 'पोस्ट बॉक्स नंबर 203 नाला सोपारा' उपन्यास अनोखा है। मानवीय मूल्यों में स्त्री और पुरुष दोनों आ जाते हैं किन्तु तीसरा जो एक और वर्ग है जिसे हम हिजड़ा के नाम से जानते हैं। उनको भी मानवीयता से देखना या मानवीय व्यवहार करना आवश्यक है। हिजड़ा न स्त्री होते हैं न ही पुरुष। समाज में सब ओर से उनकी उपेक्षा की जाती है जो मानवीयता की दृष्टि से उचित नहीं है। हिजड़ा को न पिता स्वीकारता है न ही माता। बल्कि उनका नाम बदलकर छुटकारा पाने की कोशिश की जाती है। इतना ही नहीं, उनकी मृत्यु होने की घोषणा कर दी जाती है। जो मानवीयता के मुँह पर गहरी चोट है। जिसका वर्णन इस उपन्यास में मिलता है। स्त्री और पुरुष के बीच की कड़ी के रूप में मानवीय मूल्य स्थापित करते हुए चित्रा मुद्गल जी ने 'विनोद' का चित्रण किया है।

**प्रेम मूल्य :** स्त्री शक्ति प्रेम रूपी इस मूल्य के बगैर अधूरी है। स्त्री में बसा हुआ वात्सल्य प्रकृति की अनोखी देन है। प्रेम ही ऐसा मूल्य है जो परिवार, समाज और देश को बाँधकर रखता है। प्रेम ही है जो मनुष्य के जीवन में आनंद बिखेरता है। कहना उचित होगा कि प्रेम ही जीवन है, इसलिए मानवीय मूल्यों में प्रेम मूल्य अग्रिम पंक्ति पर है। स्त्री अपना बेटा, बेटी, परिवार और देश के प्रति अटूट प्रेम रखती है। वात्सल्य प्रेम स्त्री शक्ति मूल्य का दूसरा नाम है और इस वात्सल्य के आधार पर ही वह परिवार को बाँधकर रखती है।

चित्रा मुद्गल के साहित्य में भी यह स्त्री शक्ति प्रेम मूल्य अभिव्यक्त हुआ है। इस संदर्भ में

चित्रा जी अमर उजाला के अनूठे साहित्यिक जाल में उत्तर देते हुए कहती हैं कि 'प्रेम करना बहुत बड़ा गुण है। प्रेम करना चाहती हूँ, प्रेम बाँटना चाहती हूँ। लेकिन वो प्रेम उस चेतन में है, जिसकी कामना हर इंसान में हो, जो मेरे बेटे में भी हो और मेरी बेटी में भी हो।'[6]

चित्रा मुद्गल द्वारा लिखित 'आवां' उपन्यास में नमिता के व्यक्तिगत प्रेम को स्त्री शक्ति मूल्य के रूप में उकेरा गया है। इस उपन्यास की स्त्री पात्र नमिता अपने पति की मृत्यु के बाद भी अपने बच्चे और वृद्ध सास ससुर के साथ रहती है। इकलौते बेटे की मृत्यु होने के बाद भी सास ससुर नमिता को प्रेम से अपने घर में रखते हैं। नमिता और सास ससुर के बीच का यह प्रेम मूल्य परिवार की रीढ़ है। भारतीय स्त्री परिवार को बचाए रखने के लिए पूरी कोशिश करती है। यही सांस्कृतिक धरोहर भी है। पति पत्नी, बेटे बेटी, सास ससुर का अर्थ, परिवार को एक साथ बनाए रखने में स्त्री शक्ति प्रेम मूल्य बहुत महत्त्वपूर्ण है कोई भी परिवार बगैर स्त्री के अधूरा ही रह जाता है

चित्रा मुद्गल जी का 'गिलिगडु' उपन्यास में एक प्रेम वृद्ध पात्र बाबू जसवंत सिंह के जीवन का वर्णन किया है जिसमें अपने ही परिजनों द्वारा गैरों की तरह व्यवहार किया जाता है

**कहानी साहित्य में स्त्री शक्ति मूल्य :** स्वतंत्रता प्राप्ति के बाद स्त्री जीवन मूल्यों में तीव्र गति से परिवर्तन आए, स्त्री शिक्षित बनकर व्यक्तित्व विकास में उचित पथ का अनुसरण करने लगी। सदियों से उपेक्षित शोषित पीड़ित स्त्री की स्थिति पर चिंतन किया गया और उसे दयनीय स्थिति से बाहर निकलने का प्रयास किया गया, जिनमें महात्मा ज्योतिबा फुले, सावित्रीबाई फुले, डॉ. भीमराव अंबेडकर, राजा राममोहन राय, ईश्वरचंद विद्यासागर, महादेव गोविंद रानडे, महात्मा गांधी आदि विद्वानों ने स्त्री को मुक्त करने के लिए शिक्षा का द्वार खोल दिए। महात्मा फुले जी ने सावित्रीबाई को पढ़ाया और स्त्री समस्याओं पर हल खोजना प्रारंभ हुआ, फलस्वरूप स्त्री में आत्मविश्वास और आत्मसम्मान जाग्रत हुआ। वह विकास की ओर उन्मुख हुई। कभी इस धरा की बेटी बनकर वह झाँसी की रानी कहलाई तो कभी इंदिरा गांधी बनकर देश का प्रतिनिधित्व करने वाली, तो कभी प्रतिभा पाटिल के रूप में राष्ट्रपति पद पर विराजमान होकर स्त्री शक्ति मूल्य का अनूठा परिचय दिया। इतिहास रचते गए और स्त्री ने साबित कर दिया कि वह जमीन हमारी है और वह आसमां भी हमारा है

चित्रा मुद्गल के कहानी साहित्य में स्त्री पात्रों की खासियत है कि वे अपने भीतर का आत्मविश्वास और आत्मसम्मान जगाकर विपरीत परिस्थितियों में भी स्वयं को संबल देकर स्त्री शक्ति मूल्य साबित करती हैं। अपनी कमजोरियों से टकराकर, विषम परिस्थितियों से संघर्ष करके अपने ओजस्वी और कुशाग्र व्यक्तित्व द्वारा स्थितियों से लड़ने का हौसला रखती हैं

1. **नैतिक मूल्य :** नैतिक मूल्य मनुष्य, समाज और देश के बहुमुखी विकास में शिक्षा महत्त्वपूर्ण भूमिका निभाते हैं, शिक्षा एक ऐसी प्रक्रिया है जो मानवीय और नैतिक मूल्यों को गति एवं दिशा प्रदान करती है। शिक्षा के द्वारा मानव भौतिक, बौद्धिक तथा नैतिक विकास स्थापित करता है। आज आजादी के इतने वर्षों बाद भी देश के विभिन्न गाँवों की हालत में कोई अधिक सुधार नहीं दिखाई देता है। आज भी गाँवों में जातिगत छुआछूत, अशिक्षा और गरीबी, नैतिक मूल्यों के विकास में बाधा बने हैं, जमींदार अपनी शान शौकत के बल पर भोले भाले किसानों का शोषण करते रहते हैं। चित्रा मुद्गल ने प्रेमचंद की परंपरा का निर्वाह करते हुए, शैशवावस्था में अपने पैतृक गाँव में रहकर वहाँ के वातावरण को जिया, भोगा और जिन समस्याओं को अनुभव किया उसे अपने

 ISSN 0975-735X

कथासाहित्य के माध्यम से चित्रित किया है। 'जगदंबा बाबू गाँव आ रहे हैं' कथा में चित्रा मुद्गल ने पारिवारिक जमींदारों की विलासितापूर्ण जीवनशैली, अन्याय, अत्याचार, उत्पीड़न आदि का चित्रण किया है। ननिहाल परिवार में रहते वक्त चित्रा मुद्गल ने जमींदारों द्वारा किए जाने वाले अमानवीय व असहनीय अत्याचार को प्रत्यक्ष रूप में देखा है। उनकी अधिकतर कहानियाँ सत्य घटनाओं पर आधारित हैं। 'जिनावर', 'भूख', [illegible], 'बेईमान' आदि कहानियों में चित्रा मुद्गल ने यह स्पष्ट किया है कि व्यक्ति अपनी मूलभूत आवश्यकताओं की पूर्ति के लिए किस प्रकार अपराधी प्रवृत्तियों को ग्रहण कर नैतिक मूल्यों को भूल जाता है।

'लाक्षागृह' कहानी में चित्रा मुद्गल ने स्त्री मन की आंतरिक संवेदना को प्रस्तुत किया है। इस कहानी की मुख्य पात्र सुनी को मन के नैतिक मूल्यों का निर्वहन करते हुए दिखाया गया है। कुरूप होने के कारण सुनी का विवाह नहीं हो पाता है। सुनी के दफ्तर में काम करने वाला मिश्रा उससे विवाह करने का प्रस्ताव रखता है किंतु सुनी को जब यह मालूम होता है कि मिश्रा उससे विवाह पैसे और नौकरी के स्वार्थवश कर रहा है तो वह विवाह करने से इंकार कर देती है और अपने को अपमानित महसूस करते हुए नौकरी से भी इस्तीफा दे देती है। 'इस हमाम में' कहानी में दो स्त्रियों अंजा और दिवा के माध्यम से सामाजिक, पारिवारिक तथा व्यक्तिगत जिंदगी का यथार्थपूर्ण चित्रण किया गया है।

2. **मानवतावादी मूल्य :** चित्रा मुद्गल ने स्त्री के प्रति अपने अनुभवों को जिस साहस और निर्भीकता के साथ अपने कहानी साहित्य के माध्यम से वर्णन किया है वह वास्तव में प्रशंसनीय एवं सराहनीय है। उन्होंने 'प्रेतयोनि' कहानी में चेतना, संघर्ष और साहसी स्त्री का वर्णन किया है। चित्रा जी इस कहानी के माध्यम से स्त्री शक्ति को केंद्र में रखते हुए मानवतावादी मूल्य को स्थापित करती हैं। इस कहानी की स्त्री पात्र अनीता निम्न मध्यमवर्गीय परिवार की बेटी है। वह दिल्ली विश्वविद्यालय की एक मेधावी छात्रा भी है। अपनी बहन के घर भोपाल से लौटते हुए ट्रेन दुर्घटना से बचकर अनीता टैक्सी से घर लौट रही थी। रास्ते में अज्ञात स्थान पर टैक्सी चालक उसे अपनी हवस का शिकार बनाना चाहता है। वह उस दरिंदे के साथ बहादुरी से मुकाबला कर स्वयं को बचाती है और घर लौट आती है। जब अनीता के पिता को पता चलता है कि उनकी बेटी बलात्कारी से जूझने के बाद पुलिस में रिपोर्ट लिखा आई है और यह सारा वृत्तांत समाचार पत्र में छपा है, तो वह अपनी जाती हुई प्रतिष्ठा को बचाने के लिए एक से बढ़कर एक मनगढ़ंत झूठ रचकर पूछने वालों को बताते हैं कि उस हादसे की शिकार हमारी अनीता नहीं बल्कि कोई अन्य अनीता है। हमारी अनीता अपनी बहन के पास भोपाल में है। अनीता माँ को बार-बार समझाती है कि उसके साथ बलात्कार नहीं हुआ है फिर भी उसकी माँ उस पर यकीन नहीं करती और उसे जबरदस्ती गर्भनिरोधक गोली खिलाती है। जब अनीता गोली खाने से इंकार कर देती है तो उसे माँ चांटे मारती है। अनीता को अपने ही घर में कैद कर दिया जाता है। परिवार के इस अमानवीय व्यवहार से त्रस्त होकर अनीता आत्महत्या करने का निर्णय लेती है। अनीता को लगता है कि 'मुक्ति का यही रास्ता शेष है।'[7]

3. **प्रेम मूल्य :** मानवीय मूल्य के अंतर्गत स्त्री शक्ति मूल्य प्रेम, वात्सल्य के बगैर पूर्ण नहीं है। स्त्री के हृदय में बसा हुआ प्रेम, वात्सल्य की भावना प्रकृति का दिया हुआ अद्भुत उपहार है। प्रेम प्रकृति के आँगन में आनंद ही आनंद बिखेरता है। चाहे वह मनुष्य जीवन हो, जीव-जंतु हों, पेड़-पौधे हों, इन सभी को प्रेम एक धागे में बाँधकर रखता है।

चित्रा मुद्गल की 'सफेद सेनारा' कहानी भारतीय स्त्री का त्याग, बलिदान और प्रेम का

अद्भुत उदाहरण है। इस कहानी में शरद शुभा से प्रेम करता है। दोनों एक दूसरे से विवाह करना चाहते हैं। दोनों में अटूट प्रेम रहता है किंतु जब लेखक शरद का शुभा से मन भर जाता है तो उससे वह मुँह फेर लेता है। शरद का बच्चा शुभा के कोख में पल रहा था। शुभा के कोख में पल रहे बच्चे को जन्म देकर वह उसकी परवरिश में अपना पूरा जीवन बिता देना चाहती है। शेष बचा जीवन वह यादों के सहारे बिताती है। लेखिका इस कहानी में भारतीय स्त्री का हर विषम परिस्थितियों में भी अपने पुत्र के लिए त्याग एवं बलिदान सहित प्रेम मूल्य स्थापित करती हुई दिखाई देती हैं

चित्रा मुद्गल द्वारा लिखित कहानियाँ स्त्री शक्ति मूल्य व मानवीय जीवन मूल्यों को उजागर करती हैं। उनकी कहानियों की नायिका स्वतंत्रता, समता, बंधुता और न्याय की माँग करती हुई दिखाई देती हैं। इन मूल्यों से स्त्रियाँ लाभान्वित हो जाएँ तो स्त्री शक्ति मूल्य अपने आप उजागर हो जाएगा। अनेक कहानियों की नायिका जीवन मूल्यों को पाना चाहती है। चित्रा मुद्गल ने 'आवां', 'गिलिगडु', 'एक जमीन अपनी', 'पोस्ट बॉक्स नं 203 नाला सोपारा' जैसे उपन्यासों तथा 'लकड़बग्घा', 'बेईमान', 'मेंड', 'जंगल', 'लपटें', 'जगदंबा बाबू गाँव आ रहे हैं' जैसी कहानियों के माध्यम से मानवीय जीवन मूल्यों को उजागर किया है

**संदर्भ**


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पूना कॉलेज, कैम्प, पुणे ४११००१

**प्रकाशन** : [illegible] के उपन्यास [illegible] में प्रकाशित

संपादन कार्य : [illegible] राष्ट्रीय हिंदी [illegible] का [illegible] में संपादन.

हिंदी साहित्य में नैतिक मूल्य ग्रंथ का [illegible] में संपादन.

हिंदी कथा साहित्य में स्त्री विमर्श एवं आदिवासी विमर्श [illegible] ग्रंथ का संपादन.

हिंदी कथा साहित्य में स्त्री विमर्श एवं आदिवासी विमर्श: इक्कीसवीं सदी के संदर्भ में [illegible] ग्रंथ का संपादन.

हिंदी साहित्य में राष्ट्रीय एकता एवं सांप्रदायिक सद्भाव ग्रंथ का संपादन.

शोध आलेख प्रकाशन : विभिन्न अंतरराष्ट्रीय, राष्ट्रीय एवं राज्यस्तरीय संगोष्ठियों में [illegible] शोध आलेख प्रकाशित पुरस्कार, सम्मान, उपलब्धियाँ : विभिन्न संस्थाओं से [illegible] पुरस्कार प्राप्त

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ISBN: 978-93-93810-75-5



# अब्दुल बिस्मिल्लाह के उपन्यासो में स्त्री विमर्श

डॉ. बाबा शेख
सहायक प्रोफेसर एवं शोध निर्देशक, हिंदी विभाग,पुना कॉलेज कैम्प पुणे।

साहित्य समाज का दर्पन होता है। अतः समाज में जो घटित हो रहा है, उसकी प्रतिछाया साहित्य
में दृष्टिगोचर होती है। यही समसामयिकता है। साहित्यकार अपने समय का साक्षी होता है। अतः
समाज में जो कुछ अपने चक्षुओं से देखता है, साहित्य में उसकी अभिव्यक्ति करती है। यह
अभिव्यक्ति प्रत्यक्ष- परोक्ष रूप से उसके साहित्य में दिखाई देती है। इसलिए वैयक्तिकता की
प्रतिती में समसामयिकता समाहित होती है। सामाजिकता भी अपने में समसामयिकता को
समाहित किए होती है।

अब्दुल बिस्मिल्लाह के उपन्यासोमें स्त्री की समस्याओं का यथार्थ चित्रण किया है।

साहित्य एवं समाज पर समसामयिकता का प्रत्यक्ष-परोक्ष प्रभाव पडता है। "समसामयिकता से
साहित्य और समाज अछुता रहा हो ऐसा न कभी संभव था और न होगा ही। समसामयिकता
व्यापक धरातल पर साहित्य और समाज को प्रभावित कर नविन दिशा देती है। इसमें कोई संदेह
नही है। किसी भी देश की राजनीतिक, सामाजिक, धार्मिक या अर्थ-क्रांती की बात आप लीजिए
सांदर्भिक तत्वो के विवेचन पर समसामयिकता का प्रश्न उसके मूल से अति गहरा जुडा मिलेगा।
अपने संपूर्ण परिवेश की उपेक्षा कर कदाचित कोई साहित्य आज तक रचा नही गया।"2 (आठवें
दशक के संदर्भ में समसामयिक कविता में विसंगति-जगदिश नंदिनी-पृष्ठ-09)

समाज बोध का दायरा बहुत विस्तृत होता है।इसके अंतर्गत पारिवार, विवाह,अनमेल विवाह,नारी
शोषण,विधवा जीवन, भ्रष्टाचार आदि आते है। अब्दुल बिस्मिल्लाह के उपन्यासो में अभिव्यक्त
सामाजिक बोध क विविध आयामोको देखा जा सकता है।

आज वर्तमान समय में परंपरागत मूल्य संबंध टूटते जा रहे है।"समर शेष है" उपन्यास में अगर
देखा जाए तो वहाँ नायक 'मैं' के मन में अपने पिता के प्रति कतई आस्था नही है।पिताजी जब माँ
को पीटने लगते है। तब बालक बहुत भयभीत होता है। परंतु उसे अपने माँ के चरित्रहीनता का
पता चलता है तो वह माँ के सिर पर पत्थर मार देता है।इसलिए कमलेश्वर का कथन है कि-"पु
अब परलोक के लिए नही,इहलोक के लिए जरूरी हो गया है। क्योंकि वृद्ध की कोई सुरक्षा
के पास नही है।-"3 (कमलेश्वर नई कहानी की भुमिका-आधुनिकता और प्रमाणिकता कहानी
शीर्षक से उद्धत-पृष्ठ-158)

अब्दुल बिस्मिल्लाह के उपन्यासो की एक विशेषता है कि उनके सभी उपन्यासो में प्रमुख रूप से
आर्थिक समस्याओं को ही उठाया है। इसी तरह की समस्या झीनी झीनी बीनी चदरियाउपन्यास में
अब्दुल बिस्मिल्लाह ने आधुनिक नायक इक्बाल को प्रतिनिधिक रूप में प्रस्तुत किया है। इसी
बुनकर हाजी अमिरूल्ला तथा उनके भाईयोका व्यवहार इन बुनकरोके प्रति ठीक नही था। इस
बात का एहसास जब इक्बाल सभी बुनकरोको करता है-वह कहता है-"हम अपने सामाजिक
बुराईयोको खत्म करे-अगर अभी से हम चेतते नही तो यह सरमायदाराना निजाम हमें खत्म
करके दम लेगा।"4 (झीनी झीनी बुनी गयी जीवन कथा से उदधृत-खगेंद्र ठाकूर-पृष्ठ-21) इस
तरह आज का युवक शोषण के प्रती आवाज उठा रहा है।

 ISBN: 978-93-93810-75-5

आज आर्थिक विषमता के कारण जीवन के आदर्श मूल्योंमें परिवर्तन दिखाई देता है।"जहरबाद उपन्यास में नायक की माँ गाँव गाँव जाकर सामान बेचती है और अपने घर का बोझ उठाती है। परिवार की मुखिया" बनती है।इसी तरह झीनी झीनी बीनी चदरिया" में नारी के असहाय स्थिति का चित्रण किया किया। वह कहता है "कारीगरी रात दिन एक करके बजबजाती नालिया" और बेहद बदबूदार कोठरी में टी.बी.से परेशान पत्नी के साथ साड़ी को तैयार करने में लगता है।उसकी जिंदगी की असलियत क्या है "दुनियाभर के लिए साड़ी बीनकर देनेवालक घर के औरतों को एक सस्ते दामवाली बनारसी साड़ी भी नसीब नही हुई।"5 (झीनी झीनी बीनी चदरिया" -अब्दुल बिस्मिल्लाह-पृष्ठ-227 )

इसी तरह बेमेल विवाह की समस्या कोभी चित्रित किया है।'जहरबाद' उपन्यास में कथानायक ने कहता है- "अब्बा की चार शादिया" हो चुकी थी,और अम्मा चौथे बीवी के रूप में थी।"6 (जहरबाद -अब्दुल बिस्मिल्लाह-पृष्ठ-8 )

किसी भी समाज में धर्म या संस्कृति कोजानने के लिए उस समाज की प्रचलित रूढ़ी-परंपरा के अनुसार ही हम जान सकते हैं। आचार विचार, रहन-सहन,वेशभूषा खान-पान,व्यवहार शिष्टाचार,संस्कार रीति-रिवाजो को देखा जाता है।धर्म के प्रति दृढ विश्वास संस्कृति आदि झीनी झीनी बीनी चदरिया" उपन्यास में देखा जा सकता है।इस उपन्यास में पीर औलिया,दुर्गा, कब्र पर दृढ विश्वास है। जैसे यह मेला बनारस में जेठ महिने में लगता है। इस मेले में गाजी मियाँ के विवाह का आयोजन होता है। मियाँ पर उनका खून चढ़ता है। और उनका प्रताप देखिए यहाँ एक मुहल्ले का नाम ही पड गया है-गाजी मियाँ "7(झीनी झीनी बीनी चदरियाँ -अब्दुल बिस्मिल्लाह-पृष्ठ-23 ) इस प्रकार धर्म और संस्कृति का परिचय इस उपन्यास मे मिलता है।

पाप पुण्य के संबंध में बदलते विचार "-वर्तमान परिप्रेक्ष्य में वैज्ञानिक दृष्टिकोण के कारण पाप पुण्य में अविश्वास दिखाई देता है। इस तरह का परिवर्तन अब्दुल बिस्मिल्लाहजी के उपन्यास'समर शेष है' में दिखाई देता है। नायिका कहती है-"कोई भी नारी शरीर का धंधा करना नही चाहती किंतु वह अपना तथा अपने छोटे बच्चोका पेट भरने के लिए अपने सतित्व और चरित्र कोदूसरे के हाथोबेच देती है"8(जहरबाद- अब्दुल बिस्मिल्लाह-पृष्ठ-71 ) इस तरह पाप पुण्य की कल्पना में समय के साथ परिवर्तन दिखाई देता है।

अब्दुल बिस्मिल्लाहजी ने अनुभूति प्रवणता को संवेदना के माध्यम से पाठकोतक पहुचाने का प्रयास किया है। यह संवेदना समसामयिक परिप्रेक्ष्य से जुडी हुई होती हैं। इस दृष्टि से उन्होने झीनी झीनी बीनी चदरियाँ में व्यक्त किया हैं। वे कहते है-धर्म दो ही है-अमिर और गरिब। अमीर मुसलमान और अमीर हिंदु-दोनोमिलकर गरीबोका न सिर्फ शोषण करते है। बल्कि धार्मिक भावनाओं कोउभारकर दंगे करवाते है। यह अक्सर मोहर्रम और दुर्गा पुजा के अवसर पर होता है।

इसी तरह यह भी स्पष्ट है कि हिंदु-और मुस्लिमोमें एक-दूसरे के प्रति टकराहट के बावजुद भी दो संस्कृतियोका आदान प्रदान आदि के कारण हिंदू और मुस्लिम संस्कृतिया" एक दूसरे के निकट आ गयी है। लोकगीत, त्योहार, दीपावली, आदि अवसर पर दोनोएक दूसरे के पास जाते है। सुख-दुख में शामिल होते है। इस तरह का हिंदू-मुस्लिम एकता का चित्रण'मुखडा क्या देखे'इस उपन्यास में पाया जाता है।

इस तरह अब्दुल बिस्मिल्लाह के समग्र उपन्यासोमें स्त्री समस्या दिखाई देती है।

ISBN: 978-93-93810-[illegible]



## 5. हिंदी साहित्य में जीवन मूल्य

**शोध छात्रा** :- [illegible]

**शोध निर्देशक**: - डॉ [illegible] रसूल शेख

प्रो.रामकृष्ण मोरे कला,वाणिज्य एवं विज्ञान महाविद्यालय आकुर्डी अनुसंधान केंद्र हिंदी विभाग, पुणे-44

**प्रस्तावना**: -

मानव समाज ने सभ्यता और संस्कृति के क्षेत्र में जो मानव मस्तिष्क स्वभावतया मूल्य शोधक है। मूल्यों का अन्वेषण करना प्रगति की है उसकी द्वारा आधारशिला भी साहित्य का मूल्य ही है। साहित्य ही संस्कृति का विशेष का कार्य नहीं है। यह एक अनवर तक चलने वाली प्रक्रिया है। इसी से जीवन मार्ग निर्भर रहता है।भारतीय परंपरा मूल्य विशिष्ट वैशिष्ट्य प्रदान कराते है। संस्कृति संस्कार ही साहित्य है।जो समाज का दर्पण दिखाता है।

साहित्य जो समाज का प्रतिबिंब है। समाज के हर नियम,हर विचार संस्कृति, विश्वास और प्र वर्तमान तथा आगे की पीढ़ियोके लिए मार्ग सूची का काम करता है।

इतिहास इस बात की गवाह है कि जब भी ऐसी सोच लोगोके मन में आई है कि, आज का साहित्य जिस रास्ते पर जा रहा है शायद गलत मोड़ ले रहा है। तब साहित्यकारोने क्रांति मचाई है और साहित्य की ओर लोगोकी रुचि बढ़ा दी है। साहित्यकार अपने विचारोके माध्यम से समाज को उंगलियोतक लेकर जाता है जहां सर्व सामान्य मानव की सोच पहुंच नहीं सकती। यही एक साहित्यकार की खासियत है।

यही कारण है कि हिंदी साहित्य पुरातन से लेकर आधुनिक हिंदी तक समाज के हर एक जीवन मूल्य का चेहरा दिखाता आ रहा था, और आगे भी दिखाएगा। वैज्ञानिक प्रगति से लेकर संस्कृति परंपरा, अंधश्रद्धा, भक्ति भाव,प्रेम, सामाजिकरण, राजकीय विभिन्न विषयोको अपने साहित्य के माध्यम से जीवन का महत्व स्थान साहित्य दिखाता रहा है।

साहित्य में निहित जीवन मूल्योसे समाज को व्यापक रूप से प्रेरणा मिलती है इसमें कोई संदेह नहीं है। साहित्य ही वह भाव भूमि है जिसमें मनुष्य अपने जीवन में उचित मूल्योको स्थापित करके अपना जीवन सार्थक बनाता है। यूं तो मनुष्य अपने जीवन में अपने अनुभव द्वारा ज्ञान प्राप्त करता है और जीवन में आदर्श जीवन मूल्योकी स्थापना करता है किंतु साहित्य मनुष्य के जीवन में उन आदर्श मूल्योको स्थापित करने में अधिक कारगर सिद्ध हुआ है। भारतीय साहित्य में प्राचीन काल से ही जीवन मूल्योको महत्व दिया गया है भारतीय विद्वानोने मूल्योकी विवेचना मुख्यतः धर्म के संदर्भ में की है। जिन • को धर्म अनुकूल पाया गया है उन्हें जीवन मूल्योके अनुकूल बताया गयाहै।

धैर्य, क्षमा,दम, अस्तेय , इंद्रिय, निग्रह, बुद्धि ,विद्या, सत्य और आक्रोश यह धर्म के लक्षण है और यही मानवीय गुण मनुष्य गुण को श्रेष्ठ मनुष्य बनाने में पुरक है। यही माप नीय गुण मनुष्य के नैतिक जीवन मूल्य है। भारतीय साहित्य में उस ज्ञान और उस जीवन को महत्व नहीं दिया गया जिससे धर्म अर्थ काम और मोक्ष की प्राप्ति नहीं होती। इसलिए पुरुषार्थ स्वयं जीवन मूल्योके रूप में लक्षित होते हैं। मोक्ष को जीवन का चरम पुरुषार्थ बताया गया है। अर्थ और काम उस लक्ष्य तक पहुंचने के साधन है। पुरुषार्थ से जो जीवन मूल्य उभरते हैं उन्हें दो वर्गोमें बांटा जा सकता है ऐसा धनात्मक और दूसरा साध्य। धर्म अर्थ और काम साधन आत्मक जीवन मूल्य है जिन से मोक्ष

...कर पुरुषार्थ तक पहुंच जाता है। मुक्ष से ही जीवन का अंत है और उसी की प्राप्ति के लिए मनुष्य कर्म करने को विवश होता है। पुरुषार्थ में प्राप्त चारो जीवन मूल्य मनुष्य के लिए आवश्यक जीवन मूल्य है। इनके अभाव में मनुष्य अपने जीवन को सार्थक नहीं बना सकता है।

समय के अनुसार मूल्य चिंतन में परिवर्तन होता रहा है अब मूल्यों के चिंतन में धर्म और नैतिक संदर्भों में आगे बढ़कर मनुष्य के स्वाभाविक विकास और स्वतंत्रता के संदर्भों को शामिल कर लिया गया है। अब उसका क्षेत्र विस्तृत हो गया है। डॉक्टर देवराज के अनुसार मनुष्य वस्तु वह है जिसकी मनुष्य कामना करता है। सामाजिक आदर्शों नीति कृपा तथा गुणों आदि का महत्व में विशिष्ट उद्देश्य से संकलित करना ही मूल्य है। प्रत्येक देश स्थान में सब की संस्कृति सबका जीवन जीने का अलग अलग तरीका होता है। यह जीवन जीने का अलग तरीका ढंग और संस्कृति ही उसके स्थान या समाज के जीवन मूल्य कहलाता है। डॉक्टर जगदीश गुप्ता की अवधारणा है कि बिना मानवीय संवेदनाओं को केंद्र में रखे हुए रखे मूल्य की कल्पना नहीं की जा सकती। मूल्य और मानव जीवन के दो अभिनव पहलू है। मूल्य का दैनिक जीवन में अटूट संबंध है। प्रतिदिन मानव नई परिस्थितियों का अवलोकन अनुभव करता है। इनकी मूल में मूल्य की ही प्रबल सकता है। मूल्यों के अभाव में मनुष्य एक पल भी नहीं रह सकता। मूल्य का संबंध निर्णय से है और उसकी जरूरत मनुष्य को पकपक पर पड़ती है। निर्णय छोटा या बड़ा जानबूझकर किया जाए या अनजाने में वह किसी मूल्य का आधार लेकर किया जाता है इस संबंध में आज्ञा का कहना है कि।

"हम मानते है कि सब प्रतिमा न होता सब मूल्यों का स्रोत मानव का विवेक है,

वही उसे सदा सच का ज्ञान देता है फिर उससे और असद का क्षेत्र चाहे जो हो।"

पाश्चात्य विद्वान बरकर ने लिखा है कि वह कौन है जिसकी वजह से किसी की अपनी एक विशिष्ट महत्व या उपयोगिता निर्धारित होती है। जिसे अधिक व्यक्ति लंबे समय तक एकमत से स्वीकार करते हैं। आधुनिक युग के विचारकों में मूल्य का जीवन के साथ संबंध जोड़ कर नए जीवन दर्शन का निर्माण किया है। रामधारी सिंह दिनकर के अनुसार मूल्य में मान्यताएं है जिन्हें मार्गदर्शक ज्योति मानकर सभ्यता चलती रही है। जिसकी उपेक्षा करने वालों को परंपरा अनैतिक और उच्छ्रृंखल या बागी कहती है, किंतु अभी भी ऐसा भी होता है कि पुराने मूल्यों को मिटा कर उनकी जगह नए मूल्यों की प्रतिष्ठा करने वाले व्यक्ति भगवान बन जाते हैं। प्रेमचंद के अनुसार मनुष्य जिस समाज में रहता है, उसमें मिलकर रहता है जिन भावनाओं से वह अपने मेल के क्षेत्र को बढ़ा सकता है वही सत्य है जो वस्तुएं भावनाओं के प्रवाह में बाधक होती है सार्थक स्वाभाविक है। परंतु यदि स्वार्थ अहंकार और ईर्ष्या उनकी ए बाधाएं ना होती तो हमारी आत्मा को पक्ति कहा से मिलती जिससे हमारा विकास होता पक्ति तो संघर्ष में है। हमारा मन इन बाधाओं को परास्त करके स्वाभाविक कर्म को प्राप्त करने की चेष्टा करता है। यही चेष्टा सामाजिक जीवन मूल्यों का निर्माण कर उसे सामाजिक प्राणी बनाता है। इसी से उसकी पहचान बनती है। जो व्यक्ति अपनी पहचान बनाने के लिए प्रयास नहीं करता वह समाज में पिछड़ जाते है और पिछड़े हुए व्यक्ति का जीवन उद्दिष्ट हीन वह निराश हो जाता है। मनुष्य को अपनी पहचान बनाने के लिए समाज के साथ कदम से कदम मिलाकर चलना पड़ता है। और इस प्रकार समाज के साथ साथ चलने से समाज में आने वाले परिवर्तन के साथ-साथ मनुष्य के जीवन मूल्यों में भी परिवर्तन आता चला जाता है। पुरानी की जगह नए जीवन मूल्य स्थापित होते रहते हैं। क्योंकि परिवर्तन ही प्रकृति का नियम है इसलिए परिवर्तन एक स्वाभाविक प्रक्रिया है।

 ISBN: 978-93-93810-75-1

मनुष्य गतिशील जीवन जीता है मानव मूल्यो का उसके जीवन में महत्वपूर्ण स्थान है मानव मूल्य के माध्यम से मनुष्य स्वभाव उभरकर सामने आता है। मूल्य तो प्रत्येक वस्तु स्थिति एवं चिंतन का हो सकता है, लेकिन महत्वपूर्ण मूल्य मूल्य हो सकते हैं जो मानव के जीवन को गतिशील बना रखने में सक्षम होते है।

साहित्य क्षेत्र में मूल्यो की चर्चा जितनी बीसवीं सदी में हुई उतनी पहले कभी नहीं हुई। मान्यताएं सिद्धांत वे गुण जो अपनी अंतरित अहर्ता तथा अक्षमता के कारण मनुष्य को अच्छा बनाती है वह मूल्य कहलाते हैं। साधारण तौर पर मूल्य व्यक्ति के गुणो को ही नहीं कहा जाना चाहिए। जब तक व्यक्ति के गुणो का प्रभाव समाज पर नहीं होता और सामाजिक संबंधों में व्यक्ति के आचरण के मूल्य प्रस्फुटित नहीं होते तब तक उनको ठीक ठीक मूल्य मानना मुश्किल होगा। साहित्यकार पर तत्कालीन जीवन और युगीन आचार विचार रहन-सहन और आदर्श तथा सामाजिक परिवेश और मान्यताओं का प्रभाव पड़ता है। इन्हीं का संश्लिष्ट चित्र उसकी रचना में होता है। साहित्यिक मूल्य आगे चलकर समाज को प्रेरणादायक साहित्य के रूप में प्रस्तुत होते हैं। साहित्य समाज से ही प्रेरणा प्राप्त करता है। जो गुण मनुष्य को मनुष्य द्वारा प्रदान करते हैं उन्हीं गुणो को साहित्यकार आपने में सूचित करता है। एक अच्छे साहित्यकार का दायित्व यह है कि वह ऐसा साहित्य रचा जिससे जनता को प्रेरणा मिले। मनुष्य को साहित्य के द्वारा अपने जीवन में अच्छा आचरण आत्मसात करने का दायित्व साहित्यकार पर निर्भर होता है। एक अच्छे साहित्यकार अपने साहित्य में उचित जीवन मूल्यो को सूचित कर अपने कर्तव्य का पालन करता है।

इसीलिए कहा जाता है कि समाज को आईना दिखाता है साहित्य। बस में चल रहे भौतिक और अभौतिक घटनाओं का साक्षात्कार कराता है साहित्य। इसीलिए सामाजिक जीवन में साहित्य जीवन मूल्य को महत्वपूर्ण मूल्य कहा जाता है।

**संदर्भ:**

1 संस्कृति का विवेचन: डॉक्टर देवराज

2 साहित्य मुखी: रामधारी सिंह दिनकर

3 आलोचना के मान: मदन सिंह चौहान

4 मूल्य साहित्य संस्कृति और समाज: रत्ना लाहिड़ी

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ISBN: 978-81-19481-17-0

# GREAT SOULS: A CASE STUDY OF THREE DYNAMIC WOMEN

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## INTRODUCTION

The legacy of the Indian National Movement was that it had envisioned a secular, plural and democratic India. Racial segregation or gender-based discrimination was stoutly weeded out from its ideological framework. Before Indian National Congress was formed, the tumultuous years of the nineteenth century were brimming with the remarkable work being done by women. While reformers like Raja Ram Mohan Roy, Keshab Chandra Sen, Ishwar Chandra Vidyasagar and others had vigorously taken a positive and rather radical stand on women emancipation, by the closing years of the nineteenth century, women had started coming out on their own in diverse fields.

### Annie Besant

In this respect the first name which comes to mind is of *Annie Besant* (1847-1933), an Irish woman who had developed a great interest in eastern faiths and the occult. She came to India in 1897 and helped in strengthening the Theosophical Society of which she became the President in 1907. She accepted Indian ethos, the Sanskrit flavoured ancient Indian texts on Hinduism and philosophy as world's most complete annals on wisdom. Her outlook and temperament influenced Bal Gangadhar Tilak, then the most popular and firebrand of Congress leaders. The Home Rule Movement, which can be said to be the precursor of Gandhian mass movements, such as *Non-Cooperation*, *Civil Disobedience* and *Quit India* was largely her and Tilak's brainchild. She had the honour of becoming the first woman President of the Indian National Congress (1917). In 1914 when the First World War had started, she was fiercely articulating her views in her paper *New India* which reprimanded Britain for its colonial rule and asked the government to grant self-rule to the Indians. Her pioneering role in the establishment of Central Hindu School, which later developed into Banaras Hindu University (BHU) and Hyderabad (Sind) National Collegiate Board or HSNC Board in 1922 reflect on her progressive outlook and of an encompassing trait. Of course, the Theosophical Society with which she remained associated till the last day needs no introduction. In 1907, after the passing of Col. H. S. Olcott, Annie Besant became the second International President of the Theosophical Society, an office which she held until her death in 1933. Clear explanations of the many enigmas of life and the universe were presented in her outstanding books such as *A Study in Consciousness*, which is used in some universities as a textbook. Her over enthusiasm with Hinduism had led her to attack Christianity and this remains somewhat a problematic discourse but her love and commitment to Indian values and ancient Indian philosophy was genuine.

### Pandita Ramabai

Our discussion doesn't end over here. As the nineteenth century was a century of unrest and reform it is very apparent that there were also other dynamic women figures who carried their work with great mettle and a resolve unthinkable before. Here we came across another brilliant lady, Pandita Ramabai (1858-1922), a champion for the emancipation of women, and a pioneer in education. Women espousing the cause of women was a novel feature of the time and she along with the redoubtable Savitribai Phule, was perhaps the pioneer of the time who solely dedicated her life for the cause of the women. She was called Pandita because of her early and excellent command over Sanskrit. She is unique also because she was one of the ten women

# New Horizons:
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# Statistical error analysis of neutron induced activation cross-sections for Bromine

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## Introduction

The neutron activation cross-section at 14.77 MeV neutron energy holds significant importance in fusion reactor technology, particularly in the context of nuclear transmutation calculations and addressing challenges related to induced radioactivity [1]. The cross sections of Bromine isotopes induced by 14 MeV neutrons have been measured by many laboratories but there is significant discrepancy. Bromine can be used as a neutron absorber or a neutron poison in nuclear reactors. Its ability to capture neutrons makes it useful in controlling reactor power and preventing excessive neutron flux, contributing to reactor safety [2]. In the present work we have measured the formation cross-section of $^{79}$Br(n,2n)$^{78}$Br nuclear reactions at 14.77 MeV neutron energy using offline gamma spectroscopy.

## Experimental details

A 1-gram sample of LiBr, with natural isotopic abundance and a purity level of 99.9%, in powdered form, was employed for the experiments. To monitor the neutron flux, the samples were enveloped in 0.3 grams of aluminum foil. The neutron irradiation was carried out utilizing the 14 MeV neutron generator situated at the Department of Physics, Savitribai Phule Pune University, Pune. The samples were positioned at an angle of 0 degrees, corresponding to the incident deuterium beam, where the neutron energy amounted to 14.77±0.17 MeV. The irradiation process continued for a duration of 3600 seconds. Following the irradiation process, the samples were moved to the gamma spectrometry counting area. The cooling time for the samples was around 360 seconds and the counting time was 3600 seconds for sample. Gamma ray activity in the samples was quantified using a high-purity germanium (HPGe) detector, which was pre-calibrated and shielded with lead. This HPGe detector has good 1.5 keV energy resolution at 1.33 MeV gamma energy. Data acquisition was performed using an Ortec Manufactured Easy MCA 8k, which was coupled with PC-based Maestro software.

**Table 1: Nuclear spectroscopic data for reaction products.**

| Product Nuclei | Half-life | Eγ (keV) | Iγ (%) |
|---|---|---|---|
| $^{78}$Br | 6.45 ± 0.004 min | 613.68 | 13.6 |
| $^{27}$Mg | 9.458 ± 0.012 min | 843.76 | 71.8 |

## Data Analysis

The cross section was determined using the neutron activation equation:

$$\sigma_s = \sigma_m \frac{F_S C_S M_m a_m A_S \epsilon_m I_{\gamma m} f_{\lambda S}}{F_m C_m M_S a_S A_m \epsilon_S I_{\gamma S} f_{\lambda m}} \quad (1)$$

the parameters of the sample reaction, denoted as subscript 's', and those of the monitor reaction, indicated as subscript 'm'. The parameters are ε for detector efficiency, C for photo peak counts, a for isotopic abundance, A for atomic mass, M for mass, Iγ for the branching ratio of γ-ray as obtained from Ref. [3], and f for the timing factor. The timing factor 'f' is determined by the following formula:

$$f_\lambda = \frac{\lambda}{(1-e^{-\lambda t_1})e^{-\lambda t_2}(1-e^{-\lambda t_3})} \qquad (2)$$

λ representing the decay constant, $t1$ as the irradiation time, $t2$ for the cooling period, and $t3$ denoting the counting duration. The correction factor (F), resulting from factors like coincidence summing effects $(fc)$ and gamma ray self-attenuation $(fa)$, is expressed as $F = fc \times fa$. Detailed information concerning HPGe detector calibration, detection efficiency curve along with its uncertainty, as well as insights into coincidence summing effects and self-attenuation, can be found in our prior research. The cross-section data is adopted from IRDFF-II library [4]

The uncertainty in the measured cross sections was estimated following the procedure described in literature [5,6]. The error $\Delta\sigma$ in the measured cross section $\sigma$ can be obtained by quadratic summation of attributes of Eq.1.

| Parameter | fractional uncertainty (%) |
|---|---|
| $\sigma_m$ | 1.45761 |
| $C_s$ | 2.129278 |
| $C_m$ | 1.436614 |
| $I_{\gamma s}$ | 0.294118 |
| $I_{\gamma m}$ | 0.0015 |
| $M_s$ | 0.345794 |
| $M_m$ | 0.345794 |
| $a_s$ | 0.17769 |
| $\eta_{m,S}$ | 1.37826 |
| $f_{\lambda s}$ | 0.003321 |
| $f_{\lambda m}$ | 0.106047 |
| **Total** | **3.315177** |

## Results and discussion

The measured cross section of $^{79}$Br(n,2n)$^{78}$Br reaction was found to be 754.71 ± 25.02 mb at 14.77 ± 0.17 MeV neutron energy. The present result is in good agreement with TALYS-1.96 calculations. The present study lists the various sources of uncertainty and the total uncertainty in the present measurement is **3.315**%. The details about uncertainty quantification will be presented during the conference.

The figure 1 shows the current measured cross sections compared with the EXFOR data, TALYS 1.96 calculation and other evaluated data for $^{79}$Br(n,2n)$^{78}$Br reaction.

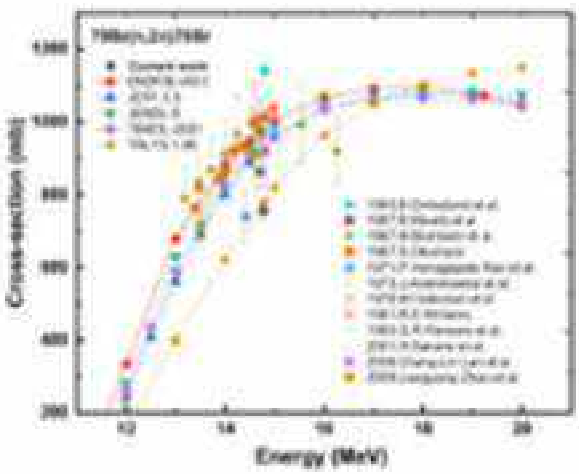


**Fig. 1. Comparison of present $^{79}$Br(n,2n)$^{78}$Br reaction cross-section with literature and evaluated data**

**Conclusion**

In this study, we have documented the cross-sections for Bromine activation caused by neutron exposure. Our findings align well with existing literature and theoretical predictions. These results hold significance for enriching the nuclear EXFOR database.

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First Impression: July 2023

**New Horizons in Social Sciences**

**ISBN : 978-81-19481-17-0**

**Rs. 1000/- ( $80 )**



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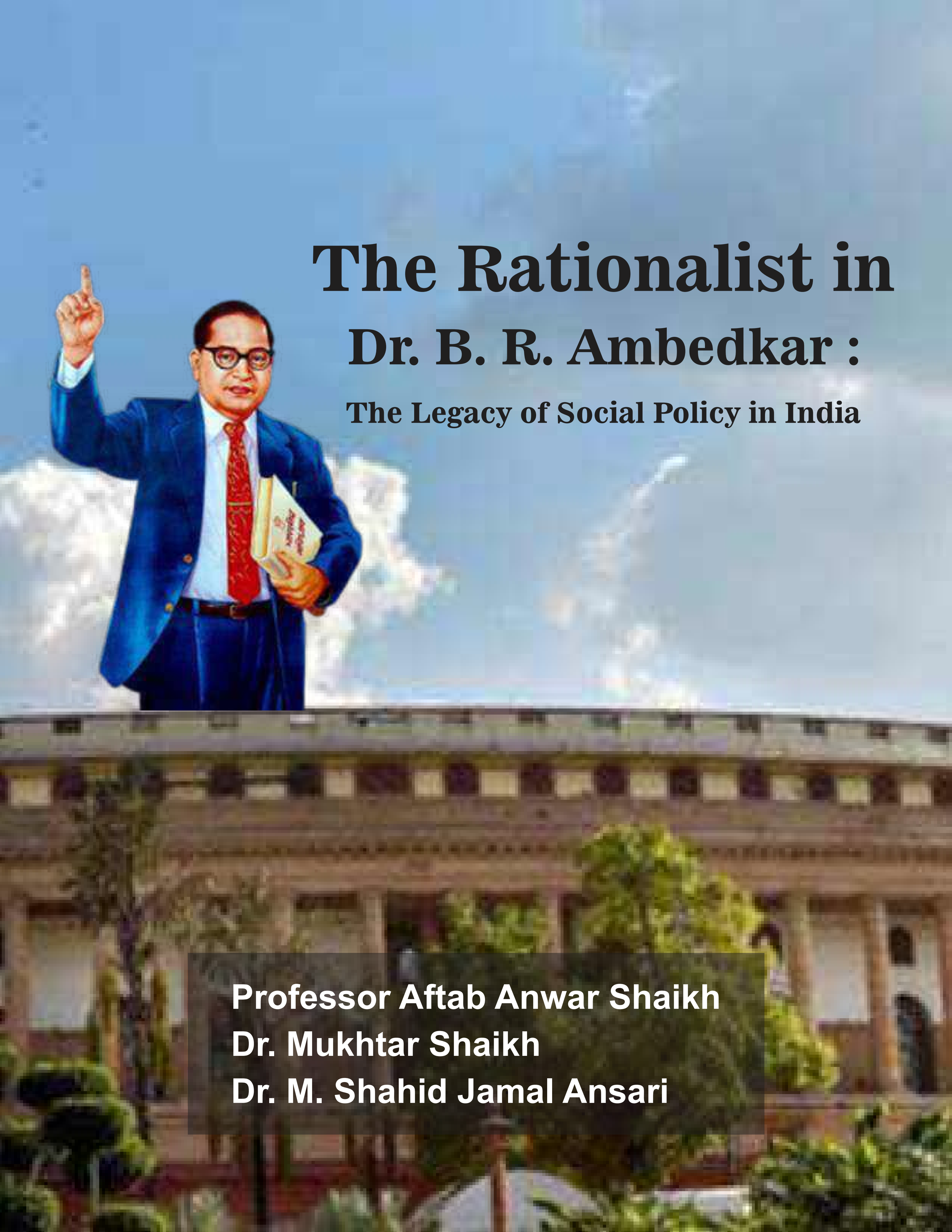

# The Rationalist in Dr. B. R. Ambedkar :

## The Legacy of Social Policy in India


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**लोकप्रशासनातील प्रवाह–भाग २**
**Book Code : PAD5102**

पुस्तक २

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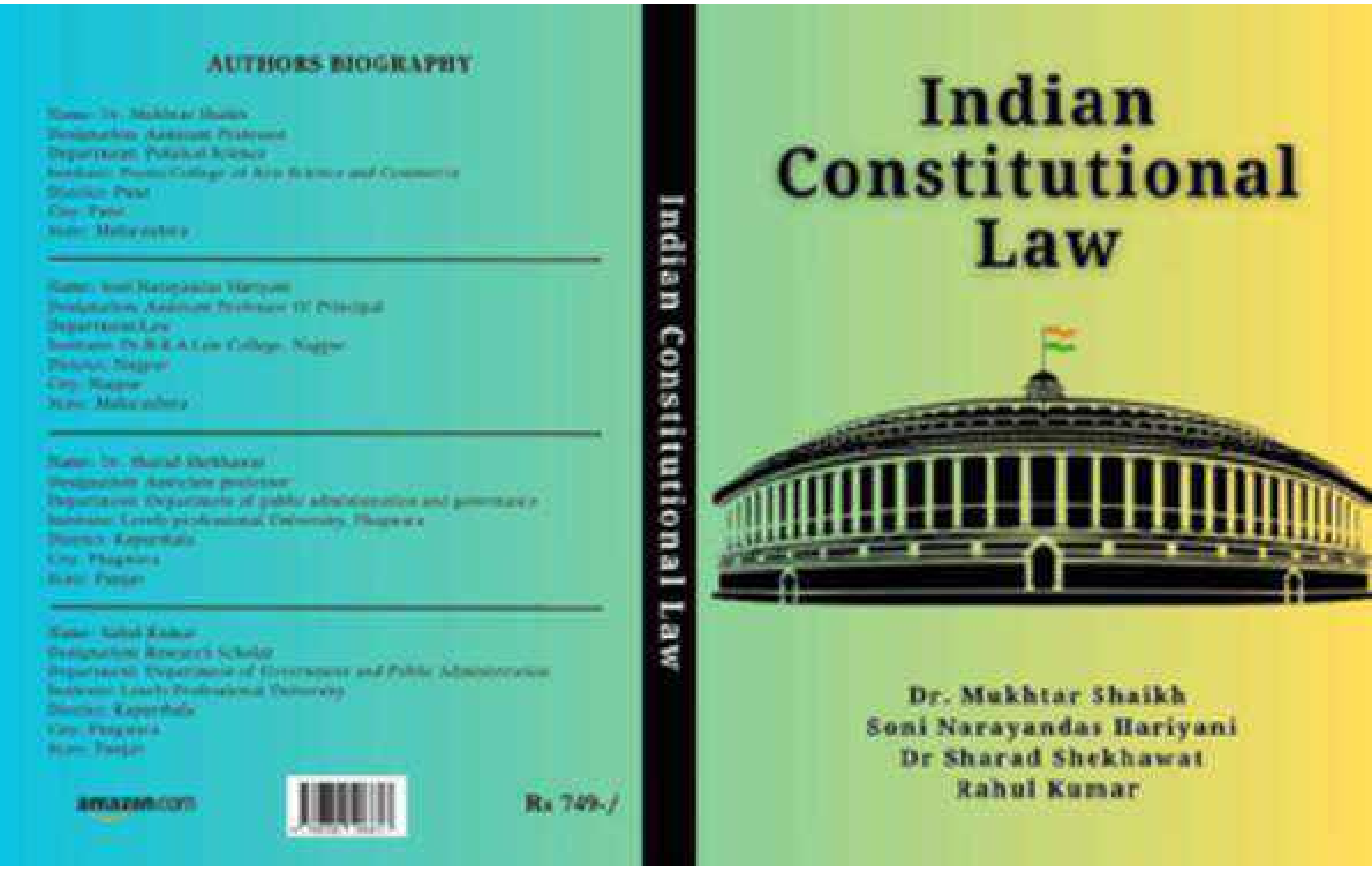
- **मुद्रक** :
- **प्रकाशक** : श्री. भटूप्रसाद पाटील, कुलसचिव(प्र.), यशवंतराव चव्हाण महाराष्ट्र मुक्त विद्यापीठ, नाशिक

**ISBN 978-81-19453-92-4**

**B23-24-18**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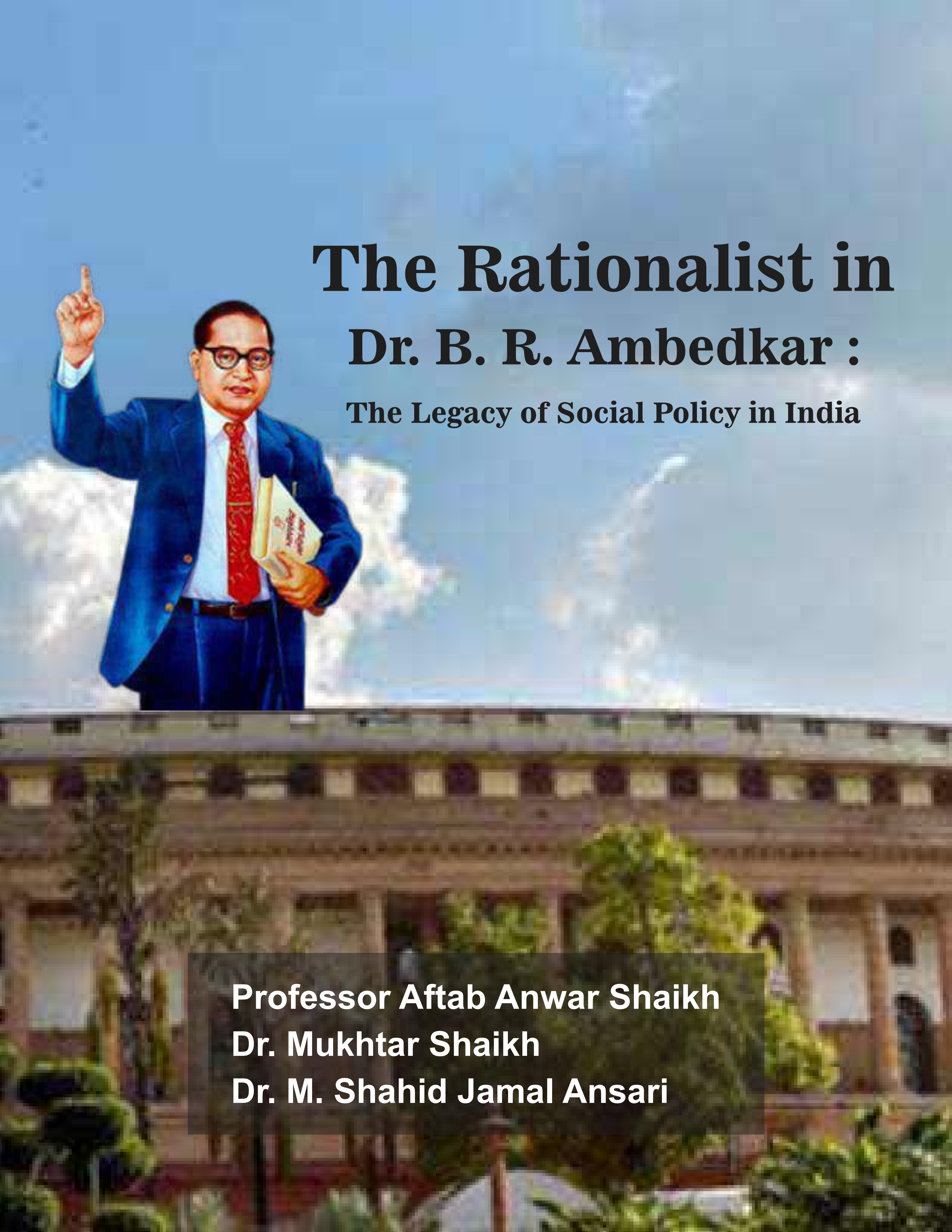

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First Impression: November 2023

**The Rationalist in Dr. B. R. Ambedkar: The Legacy of Social Policy in India**

**ISBN: 978-81-19585-79-3**

**Rs. 1000/- ($80)**



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# DR. B.R. AMBEDKAR'S PIVOTAL CONTRIBUTION IN THE FORMATION OF THE INDIAN CONSTITUTION

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## INTRODUCTION

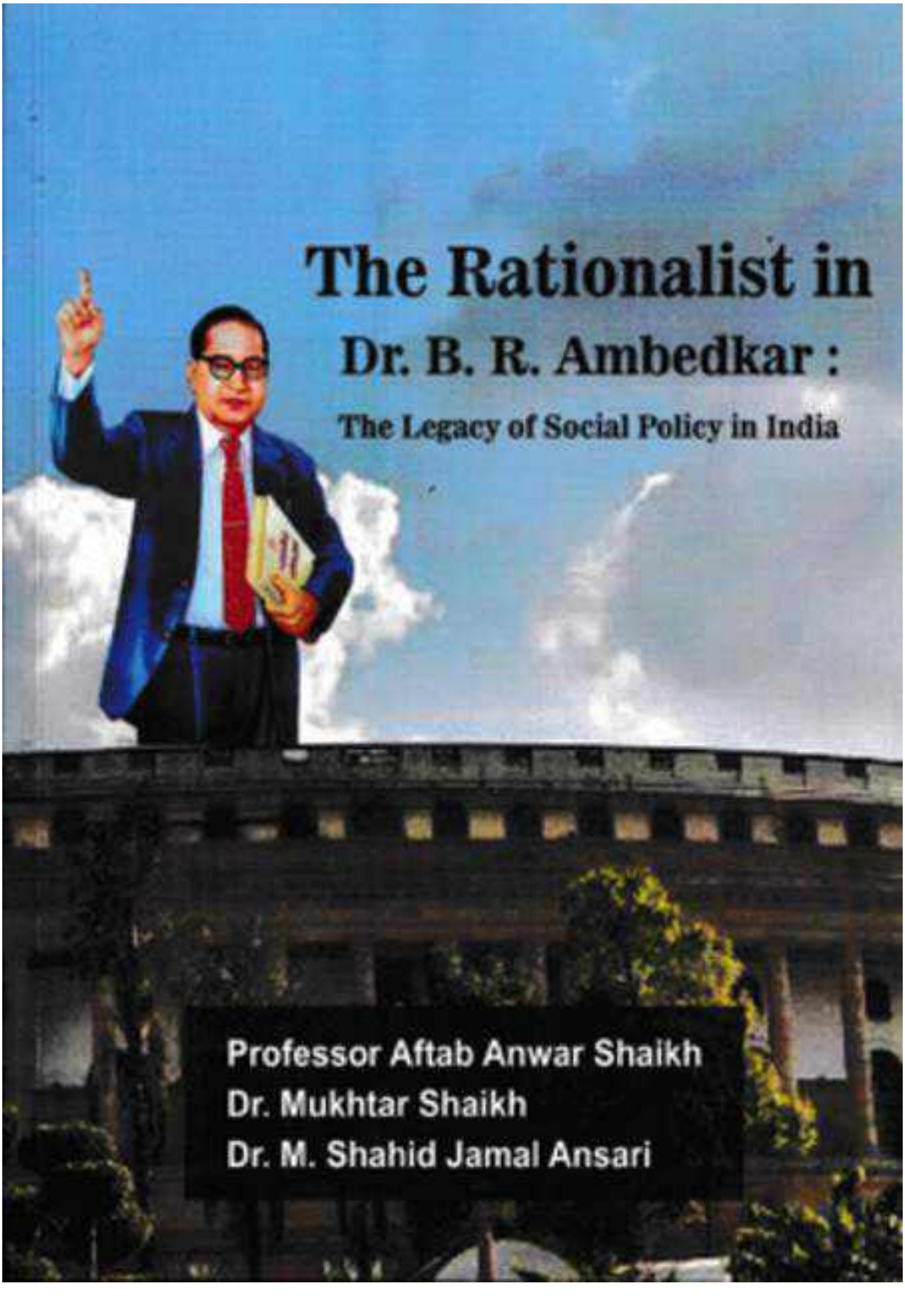
"*We must note that our political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life.*" – Dr. B.R. Ambedkar

Dr. B.R. Ambedkar's statement illuminates his profound understanding of the multifaceted nature of democracy in post-independence India. He emphasizes that political democracy alone is insufficient and underscores the critical need for social democracy, which is founded on the principles of liberty, equality, and fraternity. Ambedkar's notion of liberty extends beyond mere political freedoms to include individual rights and identity expression. His vision of equality encompasses not only legal parity but also socio-economic equity, particularly in dismantling the caste system. Additionally, he stresses the importance of fraternity, emphasizing unity and mutual respect among diverse communities. Ambedkar asserts that the success of political democracy hinges on addressing deep-rooted social injustices, making his statement a timeless reminder of the holistic transformation required for a just and inclusive society.

Dr Bhimrao Ambedkar has been an outstanding contribution by drafting the Constitution of India and he become a champion of human rights. Dr Ambedkar was born on 14th April, 1891 in Mhow (now in Madhya Pradesh). After graduating from Elphinstone College, Bombay in 1912, he joined Columbia University, USA where he was awarded Ph.D. Later he joined the London School of Economics & obtained a degree of D.Sc. (Economics) & was called to the Bar from Gray's Inn. On the 14th October, 1956, Babasaheb Ambedkar embraced Buddhism. It required the highest statecraft, statesmanship, scholarship, and intellectual acumen endowed with a flood of knowledge of the history of nations in the given context, and the working of Constitutions in the democratic, totalitarian, dictatorship and other forms of governments. Owing to his seminal role in the framing of the Indian Constitution, Dr B. R. Ambedkar is popularly known all over India as the chief architect of the Indian Constitution.

Times of London wrote, "In the social and political life during the last period of the British Empire in India, Dr Ambedkar's name occupied a prime position. His face reflected his courage and resoluteness, and his intellect had no parallel in the world, he was not too proud. We never did a better thing than having Dr Ambedkar on the Drafting Committee and selecting him as its chairman."

Recognizing the exceptional contribution of Babasaheb Ambedkar in drafting of the Constitution, Pandit Jawaharlal Nehru remarked: "Dr Ambedkar had played a most important part in the framing of India's Constitution. No one took greater trouble and care over Constitution-making than Dr Ambedkar." He carved a unique and impregnable pride of place and honor in the history of the free Indian nation. So long as the Indian Constitution survives, the name of Babasaheb Ambedkar will remain immortal. He lives forever in the hearts of every downtrodden. The first President of India, Dr Rajendra Prasad, praised for the services rendered by Dr Ambedkar in the constituting the Indian Constitution: "I have carefully watched the day-to-day activities from the presidential seat. Therefore, I appreciate more than others with how much dedication and vitality this task has been carried out by the Drafting Committee and by its chairman Dr Bhim Rao Ambedkar in particular. We never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# DR. B. R. AMBEDKAR'S VIEWS ON DEMOCRATIC SOCIALISM

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## INTRODUCTION

Various philosophers, political scientists and writers have given numerous definitions of democracy. A relentless champion of human rights and staunch believer in democracy, Dr Ambedkar says: "Democracy is not a form of government, but a form of social organisation." Dr Ambedkar firmly believed that political democracy cannot succeed without social and economic democracy. In his talk given on the Voice of America he argued that: "Democracy could not be equated with either republic or parliamentary form of government. The roots of democracy lay not in the form of government, parliamentary or otherwise. A democracy is a model of associated living. The roots of democracy are to be searched in social relationship, in terms of the associated life between the people who form the society." Dr Ambedkar laid much emphasis on the term moral and said: "The Declaration of Independence does not assert that all men are equal; it proclaims that they are created equal." He further argued: "For the successful working of democracy there must not be glaring inequalities in the society. There must not be an oppressed class. There must not be a suppressed class." In case of inequalities "State intervention is a must". Right to treatment as an equal must precede the right to equal treatment as a state policy. Equality of opportunity is a misleading term. There should be opportunity for equality.

### Ambedkar's views on Democracy

Ambedkar believes political democracy is not an end in itself, but the most powerful means to achieve the social and economic ideals in society. State socialism within the framework of parliamentary democracy can defeat dictatorship. Fundamental rights without economic security are of no use to the have-nots. "Social and economic democracy are tissue and the fibre of a political democracy." Ambedkar viewed democracy as an instrument of bringing about change peacefully. Democracy does not merely mean rule by the majority or government by the representatives of the people. This is a formalistic and limited notion of democracy. We would understand the meaning of democracy in a better fashion if we view it as a way of realizing drastic changes in the social and economic spheres of society. Ambedkar's idea of democracy is much more than just a scheme of government. He emphasizes the need for bringing about an all-round democracy. A scheme of government does not exist in vacuum; it operates within the society. Its usefulness depends upon its relationship with the other spheres of society. Elections, parties and parliaments are, after all, formal institutions of democracy. They cannot be effective in an undemocratic atmosphere. Political democracy means the principle of 'one man one vote' which indicates political equality. But if oppression and injustice exist, the spirit of political democracy would be missing. Democratic government, therefore, should be an extension of a democratic society. In the Indian society, for instance, so long as caste barriers and caste-based inequalities exist, real democracy cannot operate. In this sense, democracy means a spirit of fraternity and equality and not merely a political arrangement. Success of democracy in India can be ensured only by establishing a truly democratic society.

Along with the social foundations of democracy, Ambedkar takes into consideration the economic aspects also. It is true that he was greatly influenced by liberal thought. Still, he appreciated the limitations of liberalism. Parliamentary democracy, in which he had great faith, was also critically examined by him. He argued that parliamentary democracy was based on liberalism. It ignored economic inequalities and never concentrated upon the problems of the downtrodden. Besides, the general tendency of the western type of parliamentary democracies

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has been to ignore the issues of social and economic equality. In other words, parliamentary democracy emphasised only liberty whereas true democracy implies both liberty and equality. This analysis becomes very important in the Indian context. Indian society was demanding freedom from the British. But Ambedkar was afraid that freedom of the nation would not ensure real freedom for all the people. Social and economic inequalities have dehumanized the Indian society. Establishing democracy in such a society would be nothing short of a revolution. This would be a revolution in the social structure and attitudes of the people. In the place of hereditary inequality, the principles of brotherhood and equality must be established. Therefore, Ambedkar supported the idea of all-round democracy.

For Ambedkar, like Dewey, democracy is not just a governmental form and citizenship not merely the relationship between the citizen and state. What he advances is a horizontal understanding of citizenship which values the relationship between individuals across different groups. This has roots in the republican tradition of political thought which emphasises civic virtue and participation in furthering the common good. While liberalism is predisposed towards individual autonomy and non-interference by the state, republicanism construes liberty as the absence of any form of domination, be it from the state, social groups or individuals.

The Constitution, which Ambedkar helmed in drafting, recognises that the source of domination need not be state power but can also be private power. While fundamental rights are principally exercised against the state, the Constitution also guarantees certain rights horizontally applicable across private persons. Article 15(2) prohibits any restriction on access to public places like shops, wells and roads on the ground of religion, caste, sex, etc. Article 17 abolishes untouchability, Article 23 prohibits human trafficking and forced labour and Article 24 prohibits child labour. While the spheres of social life they cover are limited, their inclusion shows the Constitution recognises the significance of annihilating domination and discrimination from our social life world.

**Dr. B.R. Ambedkar & Democratic Socialism**

In the period of Dr. B.R. Ambedkar, two varieties of socialism were prominent. One was Marxist Socialism and another was Democratic Socialism. Ambedkar studied various aspects of Marxism and favoured some Marxist principles. He generally subscribed to the material view of history and agreed to the need for a total change for bringing about equality. He also accepted the idea of public ownership of property. However, he did not become a Marxist. The other important variety of socialism was Democratic Socialism. Ambedkar's firm belief in democracy attracted him to this ideology. He felt that socialism must function within a democratic framework. Democracy and socialism need not be opposed to each other. Thus, in 1947, Ambedkar propounded the idea of 'State socialism'. Even earlier, when he established the Independent Labour Party in 1937, he had adopted a broadly socialist programme. The name of the party itself indicates that it was to be a party of all depressed classes. Its programme included state management of important industries and bringing about a just economic system. The party wanted to ensure minimum standard of living for agricultural and industrial workers. What was the basis of Ambedkar's ideology? He was deeply influenced by the principles of liberty, equality and fraternity. These are the guiding principles in all his writings. He visualized a new society based on these principles. He was aware that liberty alone would not be sufficient. Liberty and equality must exist simultaneously. This alone will ensure that the quality of moral and material life of all individuals will improve. Economic disparity and social injustice are negations of liberty. Therefore, as we have seen earlier, political democracy without social democracy and economic justice is meaningless. But equality and liberty will be realized only when there is a strong sense of unity among members of the society. People must first realize that they have common interests, a common future. In a society divided by caste and class barriers, people of one caste or class will be suspicious of people of other castes or classes. A

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society can have a common goal only when its members share the sorrows and joys of their fellow beings. This sense of brotherhood - a feeling that we belong to the same social fabric - must emerge in the society. Fraternity, thus, becomes a necessary condition for equality and liberty. Ambedkar made it clear that the ideal society of his conception would be a society based on liberty, equality and fraternity.

In 1947, Ambedkar suggested that the Constitution of India should incorporate the principle of State Socialism. State socialism means that the state would implement a socialist programme by controlling the industrial and agricultural sectors. There are two major aspects of Ambedkar's State socialism. (a) Key industries and basic industries will be owned by the state. There will be no private ownership of such industries. This will help in rapid industrialization and at the same time, benefits of industrialization will be distributed among all the sections of the society by the state. Insurance will also be entirely under state control; (b) Agriculture will be treated as a state industry. This means that the state will initiate collective farming. Farmers will be allowed to enjoy part of the agricultural produce and the state will get some share in the form of levy. Food grains procured by way of levy will be used for distribution at fair prices. In other words, the state will actively control both the industry and the agriculture. This will ensure equitable distribution of wealth and protect the needy and the poor. Rapid industrial progress and welfare of all the sections of the society will be the responsibility of the state. However, the democratic institutions such as the parliament will also remain intact.

In the parliamentary form of government, the same party may not remain in power permanently. Different parties with different programmes may come to power. Therefore, Ambedkar suggested that the programme of State Socialism should be made an unalterable part of the constitution', so that any party which comes to power will have to implement that programme. This idea of State Socialism shows that Ambedkar was aware of the problems of poverty and economic inequality. He laid great emphasis on industrialization. He believed that India needed rapid industrial growth. This will help to ease out the burden on agriculture. But merely of wealth, the menace of capitalism had to be avoided. This was possible only if the state functioned as a major partner in the field of industry. Ambedkar believed that the state operating through government will be a neutral agency looking after the interests of the entire community.

Therefore, he attached much importance to the role of the government. Government, according to him, has to perform the role of a welfare agency. It has to ensure rapid progress and just distribution of the fruits of that progress. The role of the government was not restricted to industry only. It was expected to be active in the area of banking and insurance. Moreover, the government must also control the agriculture. By owning major industries and controlling agriculture, the government will curb economic injustice. In other words, changes of a revolutionary nature are to be brought about through the efforts of the government. Therefore, he emphasises that mere liberty cannot be an adequate goal. Liberty is meaningful when accompanied by equality. We want a democratic government which will uphold the idea of equality also. The western ideas of liberal democracy and parliamentary form of government do not ensure equality, so Ambedkar turned to democratic socialism.

**Equality, Liberty and Fraternity**

Dr. Ambedkar was a great social liberal. His vision was to produce a new social order based on the principles of justice, liberty, equality and fraternity. Thus, the idea of justice, equality, liberty and fraternity was the crux of his activities. Although he talked of equality before law and considered it as a major contribution of British rule in India, he was not satisfied with this notion and advanced stronger notions such as equality of consideration, equality of respect and equality of dignity. Dr. B. R. Ambedkar reminded people of the grand universal law that liberty was never received as a gift; it has to be fought for. Self-elevation is not achieved by the blessing of others but only by one's own struggle and deed. Justice is the value of treating

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everybody equal without any privilege or prejudice. It ensures equal opportunities for everyone and gives everybody his due.

He argued that freedom, equality and fraternity are essential conditions for good life and a regime of discrete rights need to be constructed on them as the foundation. He understood rights not merely within the narrow confines of liberal individualism but as individual and group-rights. He defended both types of rights in the Constituent Assembly debates. Further, he argued for both civil and political rights and social and economic rights. He did not see them in opposition but as reinforcing one and other. If there is a conflict between them, they have to be negotiated through civic and political forums He also subscribed to the rights of minorities and cultural groups to maintain their distinctive beliefs and identities while at the same time affording them proper conditions to take their rightful place in public affairs. He defended preferential treatment accorded to disadvantaged communities not only for reasons of equality but also on grounds of egalitarian social structures, and for the pursuit of a sane and good society.

Dr. Ambedkar regarded the principle of justice as a compendious which included most of the principle of what has become the foundation of a moral order. In fact, Justice has always evoked ideas of equality of proportion, of 'compensation'. If all men are equal, then they are of the same essence and their common essence entitles them to the same fundamental rights and equal liberty. Equality to him was not merely theoretical; it had to be achieved first by recognizing the existing inequalities. Thus, the unequal communities are to be brought to the level of equality, by adopting the principle of inequality and giving favoured treatment to those who are below the level. He wanted a society based on 'liberty, Equality and Fraternity'. His Western education and libertarian thought helped him to evolve as a visionary. In addition to this, his political and philosophical ideas were inspired from the teachings of the Buddha, Kabir and Mahatma Phule whom he considered as his 'Gurus', revered teachers. He made it clear that the words, liberty, equality, fraternity have not been borrowed from the French Revolution but from the teaching of his master, the Buddha.

Dr. Ambedkar has view that justice is the foundation of moral order and justice is related with equality. Justice is to be secured through Liberty, Equality and Fraternity. Equity signifies equality. Rules and regulations, right and righteousness are concerned with equality in value. In a nutshell, justice is simply another name for liberty, equality and fraternity as far as Ambedkar was concerned.4 In Ambedkar's philosophy, liberty and equality had a place, but he added that unlimited liberty destroyed equality and absolute equality left no room for liberty. In his philosophy, law had a place only as a safeguard against the breaches of liberty or equality. He gave the highest place to fraternity as the only real safeguards against the denial of liberty or equality. For Ambedkar, justice could be understood in relation to liberty, equality and fraternity which he recognizes as a way of life.

He emphasised on the need for liberty of movement, liberty of speech and liberty of action and political liberty to choose his government for securing "unalienable rights such as life, liberty and pursuit of happiness. Political liberty is really a deduction from the principle of human personality and equality." Liberty and equality exist together. One without the other is absurd. Commenting on failure of democracy in some countries, he said: "Parliamentary democracy developed a passion for liberty. It failed to realise the significance of equality and did not even endeavour to strike a balance between liberty and equality, with the result that liberty swallowed equality and has made democracy a name and a farce."

Liberty has a significant role to play in shaping human personality. It is grounded in freedom of thought, expression, belief, faith and worship, and with it, man becomes and grows rich when he expresses himself in various ways. It gives opportunities for development of human personality and even shapes one's destiny. To restrain absolute liberty, equality comes in picture. It knits man to man, groups to groups, and brings them in mutual ties, cooperation and social sympathy. Equality depends upon, acknowledges and gives effect to the consciousness of mutual obligations and mutual reorganization of right that binds the members of a society together. Equality recognizes equal basic rights of people. It may be said that equality is the original notion, and respect for human personality is reflection of it. So where equality is denied, everything else may be taken to be denied. Fraternity is the in-depth feeling to provide an atmosphere wherein people could enjoy the values of liberty and equality. "Fraternity, to Ambedkar, is the name for the disposition of an individual to treat men as object of reverence and love and desire to be in unity with his fellow beings". Dr Ambedkar believed that in democracy revolutionary changes in the economic and social life of the people are brought about without bloodshed. Social unity can be achieved by coercive methods. For true democracy to flower and flourish, social union is must. For that he suggested safeguards for the minority. In democracy, minority does not become the victim of the tyranny of the majority. He suggested certain safeguards for the protection of the minority. "The State should guarantee to its citizens the liberty of conscience and the free exercise of his religion including the right to profess, to preach and to convert within limits compatible with public order and morality." In Ambedkar's social and political scheme of things, though liberty, equality and fraternity have prominent place, yet to him, it is not unlimited liberty, because it destroys the true sense of equality; and similarly, it is not absolute equality, because it leaves no room for liberty. Only the proper relation between liberty and equality can help both the individual and the society. Ambedkar has emphasized the need that liberty should provide grounds for equality; and equality, too, should protect liberty; both tough to be textured together for the wellbeing of the weaker sections of society. In brief, the three words: liberty, equality and fraternity form a trinity in his social thought, and it is an ethical standard to measure the conduct of human beings living in society. Dr. Ambedkar saw freedom, equality and fraternity as essential conditions for a good life and argued that they should be understood and pursued as one entity. It was only on their foundation that comprehensive regime of rights could be built. While different moral and religious pursuits might be reasonable, the premises of liberty and equality suggest that they are unavoidable. Fraternity was particularly a value Ambedkar drew on in this speech as well as in his other writings. Fraternity, according to him, is the principle which "gives unity and solidarity to social life", without which "liberty and equality could not become a natural course of things". This "sense of common brotherhood of all Indians" was something he felt India desperately lacked. India was not "yet a nation in the social and psychological sense", especially because of the presence of castes which "bring about separation in social life". Ambedkar hence dubs castes "anti-national".

**Concluding Observations**

Ambedkar was one of the pioneers of social justice in India. It was Ambedkar who provided new dimensions to the concept of justice. We regard him as the 'Champion of Social justice.' He was himself a victim of social injustice, faced its difficulties; and he not tolerated the injustice, but boldly fought against them. Ambedkar had a liberal concept of justice. Like Gandhi, for Ambedkar, justice is simply another name of liberty, equality and fraternity.' In this sense, the core value of Ambedkar concept of justice is human equality, equal distribution of the welfare materials and discrimination less society. Thus, the spirit of social justice, according to Ambedkar, gives a significant place to mutual sympathy and respect whose memory will ever guide the nation on the path of justice, liberty and equality. If we are to judge the concept of equality and democracy from the standpoint of Ambedkar, we should not be merely looking at whether electoral procedures are fair, or whether electoral outcomes are reasonable or even whether the state is meeting the needs of citizens. What is also important is to examine whether we inhabit a society which is democratic in spirit, respects fellow humans and promotes fraternity between different social groups. When members of particular castes and communities are lynched for what they eat, 73 years after the Constitution's adoption and when people are labelled anti-nationals, the constitutional vision of fraternity seems elusive. Hence, bridging the gap between political democracy and social democracy remains one of the biggest challenges for the Indian republic. At the time of adoption of the Constitution, Dr Ambedkar warned: "On 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequalities. In politics we will be recognising the principles of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one vote. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of our political democracy." In conclusion, it can be said that this research gives closer and analytical insight into the thoughts of Ambedkar on equality and freedom and provides an answer to the question of whether we achieve religious tolerance, human equality and freedom, true democracy in the society, justice and peace in the light of political philosophy of Ambedkar.

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# BOOK OF ABSTRACTS

# Inter-Generational Occupational Mobility among Muslim Minorities in Maharashtra: Understanding Challenges and Resilience in Changing Professions

**Dr. Gulab Pathan**, Head, Department of Sociology, Poona, College of Arts Science and Commerce Camp, Pune.
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This research paper delves into the sociological dimensions of inter-generational occupational mobility within the Muslim minority community in Maharashtra, India. With a focus on the challenges and resilience exhibited by individuals navigating shifts in professions across generations, the study aims to provide a nuanced understanding of the complex factors influencing career trajectories within this specific socio-religious group. The research employs a qualitative approach, incorporating in-depth interviews, participant observations, and archival analysis to capture the multifaceted experiences of individuals and families. Key areas of investigation include the impact of historical and contemporary socio-economic conditions, educational opportunities, and discriminatory practices on the occupational landscape of the Muslim minority in Maharashtra. Additionally, the paper explores the role of family dynamics, community networks, and individual agency in mediating the challenges associated with transitioning between professions over generations. By shedding light on the resilience displayed by individuals within the Muslim minority community, the research aims to

contribute to a more comprehensive understanding of the adaptive strategies employed in response to external pressures. Furthermore, the study offers insights into the potential role of education, policy interventions, and community support systems in fostering positive occupational mobility and addressing systemic barriers. Finally, this study adds to the larger sociological conversation about occupational mobility and minority experiences. It gives policymakers, educators, and community leaders useful information they can use to make plans that promote fair opportunities and social inclusion within Maharashtra's Muslim minority population.
**Keywords:** Inter-Generational, Occupational, Mobility, Muslim, Minority, Challenges

 ISBN: 978-81-19585-79-3

# DR. B.R. AMBEDKAR'S MULTIFACETED CONTRIBUTIONS TO INDIAN SOCIETY: EMPOWERMENT OF WOMEN AND DALITS

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## INTRODUCTION

Dr. B.R. Ambedkar, a prominent figure in India's history, is widely recognized as the architect of the Indian Constitution. However, his legacy extends far beyond his role in drafting the Constitution. He was a multifaceted personality who contributed significantly to various aspects of Indian society, including his efforts to empower women and uplift Dalits. This research delves into Dr. Ambedkar's diverse roles as a freedom fighter, political leader, philosopher, economist, and social reformer, with a focus on his advocacy for women's rights and the eradication of caste-based discrimination. Beyond his monumental role in shaping the legal framework of India, Dr. Ambedkar exhibited an unwavering dedication to challenging societal norms that perpetuated gender disparities. This research aims to illuminate the various facets of Dr. Ambedkar's approach towards gender equality and provide an in-depth analysis of his impact on women's rights in India.

Dr. Ambedkar's vision encompassed various aspects of social reform, ranging from political leadership and social justice advocacy to philosophical insights and economic expertise. In this context, his efforts towards the empowerment of women and the liberation of Dalits stand as shining examples of his commitment to building a more equitable and just society. This exploration delves into the multifarious roles Dr. Ambedkar assumed and his enduring impact on reshaping the societal landscape of India through his dedicated work for the advancement of women and marginalized communities.

**Dr. B.R. Ambedkar's Remarkable Contributions to Indian Society:**

1. **Dr. Ambedkar's Vision for Gender Equality:** Beyond his constitutional endeavors, Dr. Ambedkar championed a comprehensive vision of gender equality that extended beyond token political representation. His perspective encompassed economic empowerment, access to education, social welfare, and the eradication of deeply entrenched patriarchal norms. Drawing inspiration from Western philosophies, he translated his visionary ideas into pragmatic policies aimed at dismantling the oppressive structures of Hindu society.

Dr. B. R. Ambedkar's quest for gender equality stands as a testament to his profound commitment to social justice and reform. His multifaceted contributions encompass advocacy, scholarship, and policy-making, aimed at dismantling patriarchal norms and advancing women's rights. This research underscores the significance of Dr. Ambedkar's role in shaping India's pursuit of gender equality, highlighting the relevance of his insights in contemporary discussions on women's empowerment and social transformation.

2. **Critique of Caste-based Gender Inequities:** Dr. Ambedkar's prolific writings, including "Women and Counter Revolution" and "The Riddle of Women," critically examined the construction of gender relations within the Hindu Brahminical order. He challenged the relegation of women to subordinate roles, perpetuated by texts like Manusmriti and the orthodox interpretation of Hindu religion. Dr. Ambedkar contrasted these norms with Buddhist values that advocated for gender equality, education, and autonomy for women.

3. **Inclusion of Women in the Ambedkarite Movement:** Dr. Ambedkar's social justice movement actively engaged women as agents of change. Figures such as Venubai Bhatkar and Renubai Shambharakar participated in satyagrahas and established women's associations to disseminate education and awareness among marginalized women. These initiatives

empowered women to articulate their demands assertively, challenging oppressive norms and advocating for their rights.

4. **Dr. Ambedkar's Vision for Women's Empowerment:** Dr. Ambedkar's vision for women's empowerment extended beyond mere political representation. He emphasized the need for comprehensive economic and social rights for women. He believed in providing women with access to education, well-being, and socio-cultural rights. Dr. Ambedkar's deep understanding of Western philosophies contributed to his visionary thinking, allowing him to translate his ideas into policies that aimed to emancipate women from the oppressive structures of Hindu society.
5. **Critique of Hindu Social Order and Gender Relations:** Dr. Ambedkar's writings, such as "Women and Counter Revolution" and "The Riddle of Women," analyzed the construction of gender relations by the Hindu Brahminical order. He critiqued the oppressive norms that relegated women to passive and submissive roles, perpetuating a stereotype that hindered their progress. His analysis attributed this inequality to texts like Manusmriti and Hindu religion. He contrasted this with Buddhism, which he saw as promoting equality and education for women.
6. **Women's Participation in Ambedkar's Movement:** Dr. Ambedkar's movement for social justice actively involved women. Women like Venubai Bhatkar and Renubai Shambharakar participated in satyagrahas and formed women's associations to spread education and awareness among untouchable women. The movement provided a platform for women to voice their demands assertively, challenging oppressive norms and advocating for their rights.
7. **Ambedkar's Contribution to the Constitution:** As the Chairman of the Drafting Committee, Dr. Ambedkar integrated women's rights into the Indian Constitution. He introduced provisions like Article 15(3), Article 51(A) (c), and Article 16, which aimed to ensure equality and protection for women in various spheres. His focus on social democracy laid the foundation for a harmonious development of individuals in society, emphasizing liberty, equality, and fraternity.

**Challenges and Ongoing Struggles:**

Dr. Ambedkar's efforts, challenges persist in achieving gender equality and eradicating caste-based discrimination. The prevalence of issues like domestic violence, female foeticide, and sexual harassment underscores the need for continuous advocacy and legislative measures. While significant progress has been made, ongoing societal changes are necessary to fully realize Dr. Ambedkar's vision of a just and equal society.

## CONCLUSION

Dr. B.R. Ambedkar's contributions to Indian society go beyond being the father of the Indian Constitution. His advocacy for women's rights and the eradication of caste-based discrimination exemplifies his commitment to social justice and equality. His insights, policies, and efforts continue to inspire contemporary discussions on feminism, caste, and social reform in India. As India progresses, it is essential to reflect on Dr. Ambedkar's teachings and work to ensure a more inclusive and just society for all.

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Annals of the Bhandarkar Oriental Research Institute

ISSN: 0378-1143

# EXPLORING THE SOCIOLOGICAL IMPLICATIONS OF DIGITAL INDIA: A PROMISING FRONTIER IN INDIAN SOCIAL RESEARCH

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## ABSTRACT

This research paper aims to provide a comprehensive analysis of the impact of digital and social media in both India and the global context. With the rapid proliferation of internet access and smartphone usage, digital platforms have become significant contributors to social dynamics worldwide. By examining the multifaceted implications of digital and social media, this paper explores their influence on social relationships, political participation, identity construction, and societal changes. Drawing from diverse studies and scholarly research, this paper offers valuable insights into the emerging field of digital sociology and highlights the unique characteristics and challenges faced by India in this digital age.

One emerging research area in sociology in India is the study of digital and social media. With the rapid expansion of internet access and smartphone usage, digital platforms have become an integral part of Indian society. Researchers are examining how social media platforms like Facebook, Twitter, Instagram, and WhatsApp shape social relationships, influence political participation, and contribute to the construction of identities.

**KEYWORDS:** digital media, social media, India, global context, social relationships, political participation, identity construction, challenges, future direction.

## INTRODUCTION

The introduction provides an overview of the rise of digital and social media platforms, highlighting their transformative effects on communication, information dissemination, and social interactions. It establishes the relevance and significance of studying digital and social media in the Indian and global context, setting the stage for the subsequent sections.

## DIGITAL AND SOCIAL MEDIA LANDSCAPE IN INDIA

This section offers a comprehensive overview of the digital and social media landscape in India, including statistics on internet penetration, smartphone usage, and popular social media platforms. It examines the role of digital platforms in shaping Indian society, economy, and politics, emphasizing the unique challenges and opportunities posed by India's diverse cultural and linguistic landscape.

## SOCIAL MEDIA AND SOCIAL RELATIONSHIPS

This section delves into the impact of social media on social relationships, exploring how digital platforms influence friendship networks, family dynamics, and community engagement. It examines both positive and negative aspects, such as increased connectivity, social support, but also potential risks of isolation, addiction, and cyberbullying.

## POLITICAL PARTICIPATION AND ACTIVISM IN THE DIGITAL AGE

This section investigates the role of digital and social media in shaping political participation, activism, and social movements. It examines case studies from India and around the world to illustrate how digital platforms facilitate political mobilization, influence public opinion, and challenge traditional power structures.

## IDENTITY CONSTRUCTION IN DIGITAL SPACES

This section focuses on the ways in which digital and social media platforms contribute to the construction and negotiation of identities. It explores how individuals navigate multiple identities, present themselves online, and engage in self-expression, while also addressing the issues of privacy, surveillance, and the impact of online interactions on offline lives.

## GLOBAL PERSPECTIVES ON DIGITAL AND SOCIAL MEDIA

This section broadens the scope to examine global perspectives on digital and social media, drawing comparisons and contrasts between India and other countries. It explores the similarities and differences in the adoption, usage patterns, and social implications of digital platforms across diverse cultural, political, and economic contexts.

## CHALLENGES AND FUTURE DIRECTIONS

This section highlights the challenges and ethical considerations associated with digital and social media, such as misinformation, privacy concerns, and the digital divide. It also discusses potential avenues for future research, emphasizing the need for interdisciplinary approaches and collaborative efforts to address the evolving dynamics of digital and social media in India and the world.

## CONCLUSION

The conclusion summarizes the key findings of the research paper, emphasizing the transformative impact of digital and social media in India and globally. It underscores the importance of continued research in understanding the complex interactions between technology, society, and culture, and the implications for individuals and communities.

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# *Futuristic Trends in*

# BIOTECHNOLOGY

***Volume 3, Book 22, 2024, IIP Series***

**Title of the Book:** **Futuristic Trends in Biotechnology**

**Edition: Volume 3, Book 22, 2024, IIP Series**



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**E-ISBN: 978-93-6252-925-1**

**Publisher, Printed at & Distribution by:**
Selfypage Developers Pvt. Ltd.,
Pushpagiri Complex,
Beside SBI Housing Board,
K.M. Road Chikkamagaluru, Karnataka.
Tel.: +91-8861518868
E-mail: info@iipseries.org

**IMPRINT:** I I P Iterative International Publishers

# PREFACE

Biotechnology is one of the emerging fields that can add new and better application in a wide range of sectors like health care, service sector, agriculture, and processing industry to name some. This book will provide an excellent opportunity to focus on recent developments in the frontier areas of Biotechnology and establish new collaborations in these areas. The book will highlight multidisciplinary perspectives to interested biotechnologists, microbiologists, pharmaceutical experts, bioprocess engineers, agronomists, medical professionals, sustainability researchers and academicians. This technical publication will provide a platform for potential knowledge exhibition on recent trends, theories and practices in the field of Biotechnology. Aim of the research articles are invited in the following areas of interest, but not limited to

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# CONTENTS

# BIOREMEDIATION: A SUSTAINABLE APPROACH TOWARDS ENVIRONMENTAL DETOXIFICATION

**Abstract**

Environmental pollution reached to alarming level in past few decades due to various anthropogenic activities and industrialization. Pollution caused by xenobiotics and other refractory substances are now recognized as major issue to both humans & the environment. A variety of toxicants, such as heavy metals, hydrocarbons, aromatic compounds, plastic material, and other chemical compounds, are the predominant pollutants in the environment due to their non-biodegradability and adverse effects. Bioremediation is a rapidly growing remediation method for eliminating toxicants from contaminated sites. In order to detoxify harmful pollutants, bioremediation uses a variety of bacteria that can act simultaneously or sequentially. Bioremediation also referred as an acceleration of the normal degradation by microorganisms, plants and with the help of their enzymes degradation or conversion of toxicants into less toxic compounds including CO2, water, microbial biomass, inorganic salts, and other by-products (metabolites). It is a process that eliminates, degrades, detoxifies, and immobilizes potentially hazardous contaminants and pollutants. The basic purpose of bioremediation is to degrade pollutants and transform them to less harmful forms. Based on criteria such as expenses, type of pollutant, and its quantity, appropriate strategy of bioremediation may be applied. Present article reveals comprehensive glance about the process of various types of bioremediation with its merits and drawbacks.

**Keywords:** Bioremediation, toxicants, pollutants, environment, detoxification, pollution

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## I. INTRODUCTION

Global industrialization has led to environmental pollution. Due to anthropogenic activities, such as mining, release of heavy metal effluents from steel factories, manufacturers of battery, energy production adversely affect the environment. As a result of this vast quantities of inorganic and organic pollutants are added into the environment every year. Sometimes, such discharges are intentional and well monitored (e.g., emissions from industry) on the other hand it can be accidental which includes oil spills, chemical spills, gas leak, etc. Such substances are often harmful and less biodegradable which results in accumulation and biomagnification. Many of these contaminants can cause mutations in the humans and harm environment. The brain, liver, and kidney accumulate heavy metals via absorption. Animals may also experience damage to the nervous system, cancer, growth retardation, other negative effects as well as death. Heavy metal in soil inhibits absorption of nutrients, metabolism process, and plant growth which reduces production quality as well as quantity. Removal of such environmental contaminants using bioremediation techniques is a practical and affordable solution. The term "remediate" refers to "to fix a problem," while "bioremediate" implies to solve an environmental issues like polluted soil, contaminated groundwater with the help of living organisms. Soil polluted by xenobiotics or heavy metals can be remediated via physical, chemical & biological process. But, physical & chemical approaches generates much of the waste and pollution, making them ineffective. Bioremediation is a environmentally responsible method that uses natural biological methods to completely eliminate dangerous or toxic contaminants. Any process which recovers original environment affected via contaminants to its natural state using microorganisms, plants, or enzymes is called bioremediation. Ex-situ & in-situ are the two kinds of bioremediation technique. The process of ex-situ bioremediation involves removal of pollutants or contaminants from the area and treating it somewhere else, while in-situ bioremediation process cleanses the contamination at its actual location. Examples of bioremediation techniques include landfarming, bioslurries biofiltration, bioventing, biopiles, compositing, natural attenuation, bioaugmentation, bioslurping, and biostimulation. Microorganisms that carry out the bioremediation process are known as bioremediator. For effective bioremediation, microbes should enzymatically react on contaminants and transform them into less toxic compounds. Since bioremediation can be successful in favorable environmental conditions that support microbial growth and activity, its application often requires modification in environmental conditions in order to promote microbial proliferation and rapid degradation. Bioremediation procedures are often less expensive than conventional methods like combustion, and certain contaminants can also be remediated at its actual location, that reduces exposure hazards to the cleaning workers or broader exposure due to transportation mishaps. As bioremediation is works on natural attenuation, it is more acceptable to the public than other techniques.

## II. PRINCIPLE OF BIOREMEDIATION

"Bioremediation" means the biological metabolism of organic wastes under regulated conditions and by providing favourable conditions to the living organism or their enzymes to work efficiently. The hazardous compounds can be destroyed or detoxified through bioremediation. Each step of metabolism process requires enzymes from classes - oxidoreductase, transferase, hydrolase & lyase. Most other enzymes may break down a variety of substrates due to affinity for both specific and nonspecific substrates. For the efficiency of bioremediation, contaminants need to be subjected to the enzymatic activity. Environmental factors frequently need to be changed during bioremediation in order to hasten microbial growth and breakdown .This is due to the fact that bioremediation only functions when the conditions are favourable for bacteria to grow and disperse. The natural and encouraged process of bioremediation can be aided by organisms and fertilizers. Biological degradation of toxicants is the key component of bioremediation technique. It is the process of biotransformation of toxic substances or pollutants into harmless compounds or safe inorganic substances that exist naturally.

## III. TYPES OF BIOREMEDIATION

According to Marykensa (2011), there are two categories of microbes mediated bioremediation process: ex-situ and in-situ. In-situ bioremediation is the process of cleaning up polluted water and soil at its actual location. This process is incredibly effective yet economical. In order to perform bioremediation, it entails the use of nonpathogenic microorganisms (Gomes et al., 2013).Remediation of petroleum-contaminated environment is the predominant application of in-situ bioremediation. Because microbes can enter the contaminated region via their chemotactic capacity, chemotaxis is important (Jorgensen, 2007). To boost proliferation of microbes, in-situ approach requires an aerobic technique that involves introducing oxygen in soil via bioventing & hydrogen peroxide injection (Brown et al., 2017).In-situ bioremediation has certain significant drawbacks, including the slow rate of decomposition and the ability of microbes to survive on waste materials in soil. (Hao Chang et al., 2013).In-situ bioremediation is more appealing and affordable as it is less disruptive and does not need soil extraction and transportation of the polluted soil. Amongst the most often used in-situ approaches include natural attenuation, bioventing, bioslurping, biostimulation and bio-augmentation..

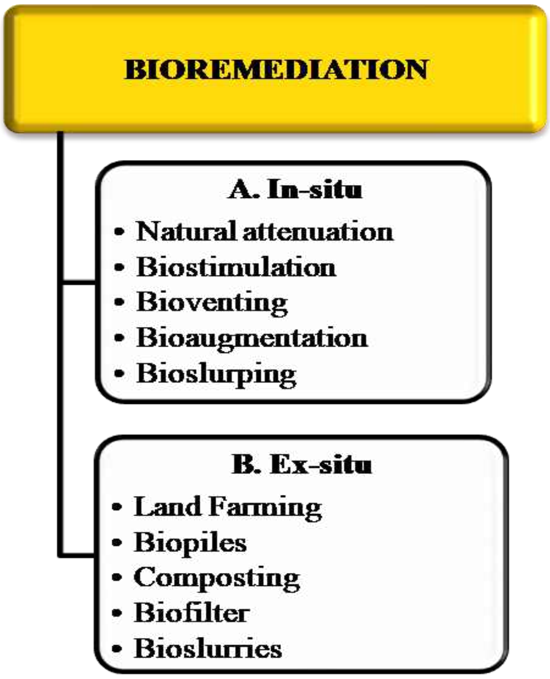


**Figure 1:** Various Bioremediation approaches

1. **Natural Attenuation:** Natural attenuation refers to a natural method to remove pollutants. While considering this method to remediate affected sites (contaminated sites) typically requires modelling and assessment of pollutant degradation rates, pathways of exposure , effects on sensitive receptors, an estimate of the concentration of pollutants downgradient to the polluted plume in case the plume migrates. This strategy's suitability is often assessed on a case-by-case basis. This strategy isn't a straightforward process, it needs interdisciplinary abilities in hydrogeology, chemistry, microbiology, and geochemistry**.**

2. **Biostimulation:** For the growth and survival of naturally occuring communities of microbes, biostimulation provides an appropriate nutritional and physiological environment. As a result, the pollutants are reduced by metabolic activity rapidly.

3. **Bioventing:** Bio-venting is also an approach of designed in-situ remediation technique that increases the naturally occurring biological degradation of a few degradable contaminants under aerobic conditions, including non-chlorinated VOCs (volatile organic compounds) and SVOCs (semivolatile organic compounds), like petroleum hydrocarbons located in the vadose (unsaturated) zone by providing oxygen to pre-existing microbes that are aerobic (USEPA 2006). It uses low air flow & offers a little oxygen amount essential for biological degradation while reducing volatilization and release of pollutants into the ecosystem. This approach is more efficient when the polluted sites are hot and water level is lesser than the surface.

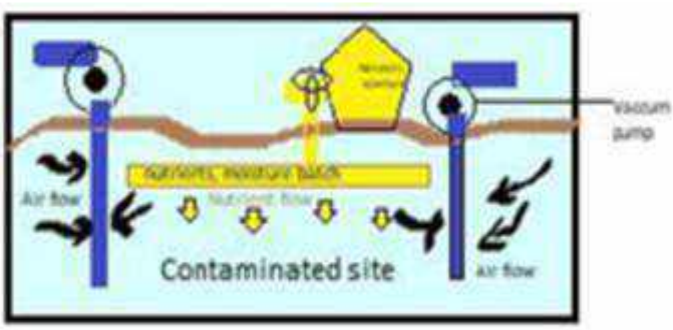


**Figure 2:** Bioventing

4. **Bioaugmentation:** The incorporation of strains or cultures to contaminated sites to accelerate contaminant degradation is known as bioaugmentation. This approach can target specific chemicals, such as refractory organics. Microorganisms that are already present in the environment can break down contaminants, but only at a very slow rate. This technique is utilized to overcome the problem of a slower rate.

5. **Bioslurping:** It is a multiphase separation approach, an effective in in-situ bioremediation technique which combines vacuum-augmented free product recovery through bioventing of soil beneath the surface to concurrently restore soil, sediment, and groundwater polluted by Poly aromatic hydrocarbons (PAHs). Bioventing encourages the aerobic decomposition of pollutants that remain in contaminated soil, vacuum-enhanced recovery, on the other hand, uses a negative pressure for creating a sort of vacuum and draws water and free product from underground.

6. **Ex-situ** technique requires extraction and elimination of polluted soil for on-site treatment or transportation to appropriate locations prior to the treatment. Bio-slurries, land farming, and biopiles are commonly used ex-situ bioremediation techniques. Ex-situ bioremediation is the process that treats pollutants, contaminated soil, or water after it has been removed from the original location.

7. **Land farming**: Land farming is an ex-situ remediation technique where polluted soil, sludge, or sediment is dug and spread upon a previously prepared bed, then repeatedly turned over (tilled) so as to aerate the entire mixture till pollutants are degraded by using stimulated aerobic microbes in the soil triggered by aeration and by the provision of nutrients , minerals, and moisture. This method is only suitable for treat top 10 to 35 centimeter of soil.

8. **Biopiles:** It is an ex-situ biological remediation procedure that combines buried soil, sludge, and sediment with soil amendments, deposited over the site of treatment, subsequently remedied through forceful aeration. The technique entails layering polluted soil, dry sediments or sludge in pile and boosting aerobic microbial community biodegradation activity by providing favourable conditions inside the pile (Germaine et al. 2012).The contaminated soil, sludge, or silt is often dumped on top of the treated soil in biopiles, that are typically 2-3 meters tall.

9. **Composting:** Composting (windrows) is a regulated biological procedure where polluted soil after excavation is blended with bulking ingredients and organic compounds (such as shredded wood, dried grass, other foliage, manure, and biodegradable organic waste) in appropriate quantities to maintain balance between nitrogen (N) & carbon (C) required for thermophilic microbial activity maintenance. Organic pollutants like DDT (1, 1, 1-trichloro-2,2-bischlorophenyl ethane), PAHs (polycyclic aromatic hydrocarbons), are transformed to non-toxic or less toxic products (stable) by microbes activity throughout the composting process. The exothermic processes carried by existing bacteria while degrading organic material causes rise in temperature to 55°-65° C (thermophilic conditions) throughout the procedure, this is essential for proper biotransformation of harmful pollutants.

10. **Biofilter:** This technique is an oldest and mostly used to remove gaseous contamination. Columns embedded with microorganisms are employed in this technology to eliminate gaseous contaminants (Boopathy, 2000). It is an important isolation technique for removing organic pollutants from air and water. The efficacy of biofilters is determined by the time that wastewater remains inside the system as well as particle size distribution in filter material. (Van Os et al., 1998).

 

11. **Bioslurries:** This remediation is a combination of different bioremediation processes. As compared to compost method, in which polluted soil has water just in a trace quantity, whereas this method blends affected soil & water to form a slurry which has higher quantity of water than soil, that merely lowers amount of toxicants to minimize pressure on microbes and also improves organic pollutants diffusion rate to increase pollutants & microbes interaction .This whole process is done in a reactor, that prevents emission of organic compounds through volatization & thereby protects the environment.

## IV. MERITS & DEMERITS OF BIOREMEDIATION

A serious public health problem is environmental pollution, since it negatively affects living organisms including environment. Available chemical and physical remediation procedures are expensive to completely remove contaminants. Both strategies mayincrease pollution and destabilize the site, which could have a detrimental impact upon ecosystem including the local people. Therefore, the techniques of remediation that rely on physical and chemical force aren't considered as environmentally sustainable.

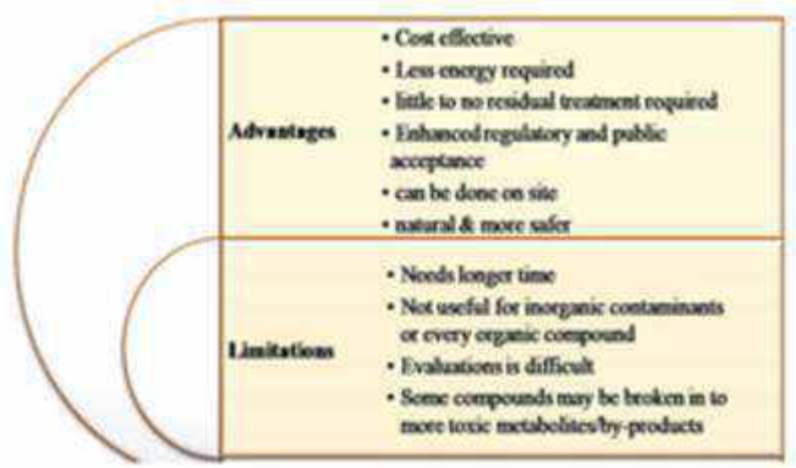


**Figure 3:** Advantages & Disadvantages of Bioremediation Technique

Contrary to these techniques, bioremediation depends on biological processes (through various kinds of organisms) to eliminate various persistent pollutants. Each method of bioremediation has a distinct set of applications due to their own pros and flaws. Unlike several other techniques; bioremediation too has few disadvantages. Few pollutants, including organic chlorinated compounds or aromatic hydrocarbons are resistant to microbial degradation. They may degrade at a slower rate or may not undergo degradation. There are no standards for determining whether a pollutant may be degraded, making it difficult to estimate the rate of bioremediation.

**Table 1: Case studies on bioremediation of various contaminants**

| Contaminated Site / Sample | Pollutant | Method of Clean Up | Inference | Reference |
|---|---|---|---|---|
| Soil (Borhola oil fields) | Petroleum hydrocarbon | micro slurry reactor | Within a year, the components of crude oil were reduced by 75% using nutrient and microbe-enriched solutions with adequate aeration. | B.K. Gogoi et. al (2001) |
| River Water (Mutha RIVER, Pune) | heavy metals- Lead (Pb), arsenic (As), Mercury (Hg) and Zinc (Zn), chlorides, phosphates and nitrates | Bioaugmentation> biostimulation | Bioaugmentation was more effective than biostimulation with aeration and nutrient in eliminating a variety of organic pollutants from lake sediments. | G S Anaokar et.al (2012) |
| Liquid waste oil | Aliphatic & aromatic hydrocarbon compounds | Bioreactor | With adequate oxygen supply, the speed and acceleration of microbial growth rates increase. It increases rate of bioremediation. | Hasmway (2013) |
| Synthetic wastewater | Selenium | Jar fermenter (From the aqueous phase, bio volatilization.) | In a simple gas trap with nitric acid, 82% of the selenium (Se) volatilized by variant NT-I was obtained along with minor impurities, revealing that variant NT-I is a promising bio catalyst for Se recovery. | _Kagami et.al (2013) |
| Soil | Pentachlorophenol (PCP) Pesticide | Microorganism mediated | Flavobacterium sp. cultures degraded PCP more efficiently in Columbia soil than Arthrobacter sp. cultures. The mixed culture proved the most effective at degrading PCP. | SujataRay (2014) |

| | | | | |
|---|---|---|---|---|
| Aqueous stock solution of 10 ppm for MO (methyl orange), Cr (chromium) and Pb (lead) | MO (methyl orange), Cr (chromium) and Pb (lead) | Biosorption by dead fungal biomass of *Aspergillus flavus.* | After 5 cycles of desorption processes, biosorption capacity towards Pb, Cr, and MO at 76%, 72%, and 53% respectively was observed by *Aspergillus flavus* dead fungal biomass | Mahmooda Takey et. al (2014) |
| Kulv river water | ($NH_3$-N) Ammonia nitrogen , SS (suspended solid) , TN (total nitrogen), and TP (total phosphorus) | mussel-microalgae-bacteria system | After several months of treatment, the aquatic environment was improved by the mussel- microalgae-bacterial system and had a low operating cost. | Bing Geng et.al (2021) |

## V. CONCLUSION

Pollutant deposition in the environment has reached a critical point in recent years due to urbanization, growth of population, and expansion of industries. The only environmentally responsible solution to solve such issues is biological remediation, which can be accomplished in two different methods called in-situ and ex-situ. Area characterization is the initial stage for efficient bioremediation since it helps to opt for the most effective and practical ex-situ or in-situ bioremediation method. Under controlled conditions this technique can be utilized to treat a wide spectrum of contaminants. As compared to various other techniques which are frequently utilized to clear noxious waste or toxic compounds. Bio-remediation is one of the less expensive, safe and more acceptable technique of remediation which has a number of economic or efficiency benefits. Hence, geological features of the contaminated area(s), including the type of soil, pollutant depth and type, site proximity to human habitation, along the criteria of each bioremediation approach, should be taken into account if one wants to treat contaminated sites efficiently.

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