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EDITOR'S NOTE

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Hoping all of you shall enjoy our endeavors and those of our contributors.

Editor



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Gender-Sensitive Teaching Methods and Learning Outcomes for Girls

Dr. Md. Akhtar Raza*
Maeeshat Samreen**

Abstract:

Gender-sensitive teaching has emerged as a transformative pedagogical approach aimed at ensuring that girls receive equitable educational opportunities, supportive learning environments, and improved academic outcomes. There are so many different type of cultural and socio-economic settings, gender disparities continue to shape students' experiences inside and outside classrooms, influencing their participation, motivation, confidence, and long-term aspirations. The aim and objective of this article are identify the theoretical foundations, practical dimensions, and impacts of gender-sensitive teaching methods, especially related to the learning outcomes for girls in the present and future. In this context the role of teacher and their attitude, interest, dynamic personality, class room management are play the crucial role in the learning out comes of girls learner. There are so many researches argue that the curriculum design, instructional strategies, and assessment practices also play the vital role in the enhancement of girls learning outcomes. This paper also explores the barriers and recommendations for integrating gender-responsiveness in educational systems. This article argues that gender-sensitive pedagogy is not only a tool for reducing inequity but a catalyst for empowerment, enabling girls to thrive academically, socially, and emotionally.

Key Words: Gender-Sensitive, Teaching Methods & Learning Outcomes

Introduction

Today the learning outcomes of girls learner is burning issue. Because the participation of girls learner in every field of life is not satisfactory. She is suffering from the so many issues and challenge during their study period in the home as well as school. The girls are not feel comfortable during the teaching learning process in the co-education. Therefore there is need to review the traditional teaching method and select the appropriate teaching method and strategies for teaching learning. Specially for girls students the gender sensitive teaching methods should be apply by the teacher in classroom. This teaching methods will be increased the learning outcomes girls student. Education is widely recognized as a powerful tool for promoting equity, empowerment, and social development. However, gender disparities in schooling continue to exist in many regions, particularly affecting girls' access, participation, and achievement (UNESCO, 2020). Although progress has been made globally, gender bias both overt and subtle still influences how girls experience learning environments. Gender-sensitive teaching methods have therefore become central to the global discourse on improving learning outcomes for girls.

Gender-sensitive teaching refers to instructional practices that acknowledge gender differences, challenge gender biases, and promote equal opportunities for all learners (Aikman & Unterhalter, 2007). It involves making the learning environment inclusive, responsive, and supportive of girls' academic, psychological, and social needs. Research suggests that when teachers adopt gender-equitable practices, girls demonstrate stronger engagement, higher motivation, and improved academic performance (Buchmann et al., 2008).

Theoretical Framework of Gender-Sensitive Teaching

Social Constructivist Learning Theory

According to the, Social constructivism theory which is given by the Vygotsky. Learning is construct by the social interactions, cultural norms, and lived experiences (Vygotsky, 1978). Gender-

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sensitive teaching applies the social constructivist learning theory for identification of student by the gender and this theory also identify the factors which is influence the interaction among the students and teachers and learning materials. Girls may internalize societal messages that limit their participation in certain subjects, especially mathematics and science (Eccles & Wigfield, 2002).

Feminist Pedagogy

Feminist pedagogy advocates for dismantling power hierarchies in classrooms and promoting critical consciousness (hooks, 1994). In the Gender-sensitive teaching is focused on the relation between student and teacher should better and teacher provide the equal opportunity to express their views freely during teaching learning process. For this there is a need of congenial and conducive environment in school as well as in the class room. Feminist pedagogy also argue that during the teaching learning process there is need of represent diverse female voices.

Gender Schema Theory

In this theory children as active learners who filter experiences through gender lenses, shaping their gender identity and behaviour. Gender schema theory asserts that children's understanding of gender roles is shaped by cultural messages and personal experiences (Bem, 1981). These schemas influence their academic choices, confidence levels, and classroom behaviours. Therefore, the teachers must provide counter-stereotypical examples and create environments that challenge rigid gender norms.

Intersectionality

Intersectionality originated in critical race studies and considers the way different forms of oppression (such as racism, sexism, classism, homophobia, and so on) can combine and interact to produce multifaceted systems of oppression and privilege that shape the experiences of individuals. Girls' experiences are shaped not only by gender but also by factors such as class, caste, ethnicity, disability, and geography (Crenshaw, 1989). Gender-sensitive pedagogy acknowledges these intersections and designs interventions that address multiple layers of inequality.

Gender Bias and Disparities in Classrooms

The students always argue that some teachers are gender bias. He/she is always do the disparities in classroom during the teaching learning processes. This type belabour of teacher create the issues among the students. Then the some students demotivated to their classes that is why the learning outcomes of those students is decreases day by bay. Despite formal commitments to equality, schools often reproduce gender stereotypes through teacher attitudes, textbooks, peer interactions, and assessment patterns. Therefore, it is necessary for every students should free from the any type if biasness, discrimination and disparities in the class or school. The attitude of teacher towards students should be always positive. The attitude and behaviour of teacher is positively correlated to learning out comes of students.

Teacher Expectations and Interactions

The perception of any male person as well as teacher toward girls are not very satisfactory. Because the role of girls in their house and society is very limited. Expectation of parents from their girls is not more. Teachers may unconsciously hold lower expectations for girls in science or mathematics (Tiedemann, 2000). Studies have shown that boys often receive more attention, praise, and critical feedback, whereas girls may be encouraged to be passive or compliant (Sadker & Sadker, 1994).

Curriculum and Textbooks

The new education policy 2020 focused on text books should be free from the gender biasness. The NEP-2020 also recommended that the quality education provide for all without any discrimination on the basis of gander, caste, religion and economic condition. Gender bias in curriculum materials such as limited representation of women in history or science reinforces stereotypes (Blumberg, 2008). Girls may not see themselves reflected in textbooks, which affects motivation and aspirations. There is need of comprehensive curriculum of every level of education in which all types of curricular and co-curricular activities will be included.

Classroom Participation Dynamics

Learning is a process which occurs in a social context and involved interaction between students and lecturers. Effective learning process occurred when both lecturers and students interact and actively participate in the learning activities. Nevertheless, as we often hear from the academic world, students still do not actively participate or become passive in the classroom despite encouragements and use of various teaching methods by the lectures to stimulate active participation from the students.

Learning is a process which occurs in a social context and involved interaction between students and lectures. Effective learning processes occurred when both educator and learner interact actively participate in the learning activities. learner still do not actively participate or become passive in the teaching learning process despite encouragement and use of various teaching methods by the teacher to stimulate active participation from the learner. Girls often participate less in mixed-gender classrooms due to social conditioning and fear of making mistakes (Lavy & Sand, 2018). Classroom norms sometimes privilege assertiveness over collaboration, affecting girls who may prefer cooperative learning styles.

Assessment Practices

Assessment is the important part of teaching learning processes. in which the teacher assess the progress of the learner . Therefore the assessment processes should be free from the prejudice any type of discrimination such as gender, race, religion, caste economic background. Assessment processes should be fare, valid and reliable then students should be satisfy from the assessment processes. Standardized tests may reflect gender biases in context, language, or problem framing (Hyde & Linn, 2006). Teachers' subjective assessments can also be influenced by gender norms.

Principles of Gender-Sensitive Teaching

Gender-sensitive teaching integrates emotional, social, and cognitive factors that shape girls' learning experiences. Key principles include:

1. **Equity in Teacher Attention and Feedback:** Teacher must be ensure the equity in the classroom during teaching learning processes. it is also ensure the support to both girls and boys. But there is a need of special attention to girls learner. Because the participation of girls learner in the teaching learning process is not satisfactory. Sadker et al., (2009) is suggested on the base of research finding the teachers must ensure equitable distribution of time, questions, praise, and support to both boys and girls. This teaching strategies can be enhance the learning outcomes of the girls learners.
2. **Classroom Language:** Today it is must be used the multilingual approach in the teaching learning processes. Because the learners belongs to multicultural and multilingual exposer. The NEP-2020 also emphasis on to encourage the multilingual teaching processes. Using gender-neutral language and challenging gendered assumptions promotes inclusivity (Cameron, 2010).
3. **Counter-Stereotypical Representation:** The learning outcomes depend on the motivation, attitude, self-esteem, interest, perception of the learner. Basically girls participation in education is very less. Therefore teachers can motivate learner by giving example of women writer, scientist, lawyer and politician for motivation purpose. Teachers should introduce examples of female scientists, leaders, writers, and innovators to broaden girls' aspirations (UNICEF, 2019).
4. **Culturally Relevant Pedagogy:** Culturally relevant pedagogy is an educational framework in this frame work the empowers student by integrating their cultural background , experiences and knowledge in teaching to boost learning outcomes, the NEP-2020 also focused on multilingualism , integrating local knowledge, arts and traditions and fostering inclusivity and respect for Indian diverse culture. Teaching materials must reflect the diversity of girls' identities, including marginalized communities (Gay, 2010).

5. **Safe and Supportive Environments:** Safe and supportive environments are crucial for girls' education, boosting attendance, engagement, and outcomes by reducing violence, addressing health/hygiene (like menstrual needs), providing mental health support, and fostering inclusive policies, leading to better academic achievement, confidence, and long-term prospects, with elements like secure infrastructure, trained teachers, and community involvement being key factors. Creating emotionally safe spaces increases girls' willingness to speak, participate, and take academic risks (Jha & Kelleher, 2006).
6. **Encouraging Leadership:** For the development of the leadership quality in the girls students through the different strategies such as boost the confidence, self-efficacy & you can do it better, to solve the hurdle and guide them and teacher share your experiences with girls learner. Assigning leadership roles to girls helps boost confidence and challenges gender norms (Stromquist, 2015).

Gender-Sensitive Teaching Methods

Below are key teaching methods proven to enhance learning outcomes for girls.

1. **Participatory and Collaborative Learning:** Girls often respond positively to cooperative learning settings, which improve communication, shared responsibility, and confidence (Gilligan, 1982). Group-based activities reduce competition and promote peer support.
2. **Gender-Responsive STEM Pedagogy:** Gender responsive STEM pedagogy is an inclusive teaching approach that recognizes and addresses the distinct learning need of girls, boys and all gender in science, technology, engineering and mathematics (STEM) to promote the equal participations, and empower all students to reach their full potential, using gender sensitive lesson plan, materials classroom management and assessment. Hands-on experiments, inquiry-based learning, and female role models increase girls' interest and achievement in STEM (Beilock et al., 2010). Encouraging girls to lead experiments counteracts stereotypes. This pedagogy may be improve the learning outcomes in the girls learner specially.
3. **Dialogue-Based Pedagogy:** There are so many teaching methods available but open discussion method, debate and reflective dialogue are fruitful for girls students and their learning outcomes. Hooks (1994) also argue that the Open discussions, debates, and reflective dialogues give girls space to express themselves and challenge gender norms.
4. **Real-Life Contexts:** Relating lessons to girls' everyday experiences enhances comprehension and critical thinking (Aikman, 2011). Therefore there is need the teacher should be included real life example in their classroom teaching. This is very easy way to understood the student tough to toughest concept. Teacher use the problem solving method for developing the critical and analytical thinking in the girls learner specially.
5. **Differentiated Instruction:** it is a teaching approach where the educators ensuring all learners can access material and achieve the same core goals through varied methods like small groups, flexible tasks, and different resources, rather than a one-size-fits-all lecture. It's about providing multiple paths for students to understand concepts and demonstrate knowledge, fostering growth for everyone from struggling learners to advanced students. Tailoring content and activities to multiple learning styles benefits diverse groups of girls, including those from marginalized backgrounds (Tomlinson, 2014).
6. **Mentorship and Peer Support Systems:** Mentorship play the vital in the guidance and counselling. Mentor solve the learner's problem and they also motivate and encourage through sharing their academic achievement, family support, barriers and challenges face by the mentor during their study period. Mentorship programs, especially those involving women professionals, positively influence girls' academic choices and motivations (Jacobs et al., 2005). Above teaching strategies can be improve the learning outcomes of girls students.

7. **Digital and Technology-Enabled Learning:** Digital and tech-enabled learning offers huge potential for girls' education, boosting engagement, access to resources, and skills for the future, leading to better academic outcomes, higher retention, and increased aspirations for higher education, but success hinges on addressing digital divides (access, skills), overcoming socio-cultural barriers (norms against girls using tech), and ensuring inclusive, pedagogically sound implementations that involve girls in design, not just as passive users, to truly close the gender gap. Digital platforms, when used responsibly, help girls access learning resources, connect with role models, and build digital literacy (UNESCO, 2019).

Gender-Sensitive Teaching & Learning Outcomes

Research indicates that gender-sensitive pedagogy significantly enhances academic, psychological, and social outcomes for girls.

1. **Academic Achievement:** There are so many psychological, sociological, and personal factors affect the academic achievement of the learner. Academic achievement depend on Girls show higher test scores, improved conceptual understanding, and better retention in gender-sensitive classrooms (Buchmann et al., 2008).
2. **Classroom Participation:** in the class room teaching there is need of increase the participation of girls students during teaching learning discussion. Lavy & Sand (2018) also suggested that the Equitable teaching increases girls' participation in discussions and leadership roles. Through this methods the learning outcomes of girls students will be increases.
3. **Improved Self-Confidence:** Self-confidence play the vital role in the learning outcomes. Beilock et al., (2010) also suggested on the basis of research finding Girls develop stronger academic self-concept, especially in STEM subjects, when exposed to encouraging and inclusive practices. Therefore , there is a need of special attention on self-confidence improvement in the girls learner.
4. **Higher Motivation & Engagement:** Today there is need of higher motivation and engagement towards the education. Education is a only way to empowering the girls and increase the learning out comes. Gender-sensitive environments increase girls' interest in schoolwork and reduce dropout rates (Jha & Kelleher, 2006).
5. **Enhanced Critical Thinking:** It is compulsory to develop the critical and analytical thinking in the girls students for enhance the learning outcomes. Dialogue-based and feminist pedagogical techniques encourage girls to analyse social norms critically (hooks, 1994). There are so many researches find that the critical thinking is positively effect the learning outcomes of the learner.
6. **Long-Term Empowerment:** Today the girls are empowering them self with the help of government policy and mind set of the parents and society. Girls educated in inclusive environments tend to pursue higher education and careers traditionally dominated by men (UNICEF, 2019).

Challenges in Implementing Gender-Sensitive Teaching

1. **Teacher Bias and Lack of Training:** Most of the teacher are involve in the gender biasness during teaching learning process and evaluation processes. Many teachers are unaware of their own gender biases (Tiedemann, 2000). Few teacher training programs would be organized by professional development institution for develop the gender equality the explicitly address gender equity.
2. **Rigid Curriculum and Assessment Systems:** Rigid curriculum and assessment is create the challenges in front of student's learning outcomes. Because the assessment should free from any type of biasness. Blumberg, (2008) is identify the some factors such Curricula often fail to include gender-responsive content, and exam-heavy systems limit flexible teaching methods are effect the learning out comes of the learner.

3. **Cultural and Social Constraints:** There are so many cultural and social constraints are available in the society, Such as gender stereotypes & bias, early marriage & pregnancy, Domestic Responsibilities, Safety & harassment and cultural & religious norms, lack of female teacher & role model. Above all Constraints are effect the learning outcomes of the girls students. Patriarchal norms may restrict girls' participation and teachers' willingness to challenge stereotypes (Stromquist, 2015).
4. **Limited Resources:** The condition of infrastructure of government school and college are not good in a condition. So, the teaching learning process in the government institution is not satisfactory. There are so many school have no separate washroom and common room for girls in the school. Schools in low-income regions face shortages of teaching materials, female teachers, and safe infrastructure (UNESCO, 2019).
5. **Technological Barriers:** Today this is era of technology in this era it is necessary to every one become a technological friendly. Although digital tools benefit learning, girls may lack access to devices or digital literacy skills (UNICEF, 2020). There is a need of Technology Awareness programme should be organized for students and parents in proper time duration. This awareness programme may be increased the learning out comes of students specially girls students.

Strategies to Strengthen Gender-Sensitive Teaching

1. **Teacher Training and Professional Development:** For the gender sensitive teaching it is necessary to include the gender , school and society paper in the teacher training programme. Because the teacher have to knowledge of gender related issues in the school, classroom and society. The teacher can change the perception of parents and society towards girl and girls education. In the coeducation programme the girls are not feel comfortable in the school as well as classroom teaching. Because the teacher attitude and mind set also depends the teaching learning process. If the teacher understood the girls problem and identify the girls related issue then he /she use the appropriate teaching methods during teaching process which is comfortable for girls students also. Aikman & Unterhalter, (2007) suggested that on the basis of their research finding the Workshops on gender sensitization help educators reflect on biases and adopt equitable strategies. Therefore there is need of organize the workshop on gender sensitization during teacher training programme.
2. **Curriculum Reform:** Today, there is need of curriculum reform. Because the information and communication technology, latest AI, Knowledge of Social Media Platform etc. should be included in the curriculum . Specially the focus on women's learning outcomes related content would be included in the curriculum. Curricula must represent women's experiences, achievements, and diverse cultural narratives (Blumberg, 2008).
3. **Parental and Community Engagement:** The learning outcomes of girls is depend on the parental and community engagement. Because, the parents and community provide the better environment where the student can learn freely. Community support enhances girls' attendance, participation, and safety (Jha & Kelleher, 2006). There is a need of change the mind set of parents and society regarding the girls education.
4. **Monitoring and Evaluation:** Monitoring and evaluation is important part of every level of education. Effective gender-responsive monitoring and evaluation needs to include both qualitative and quantitative data that measure the impact on gender relations. Without sufficient data, a meaningful analysis of the impact on gender equality is very difficult. This also implies that, as a minimum, all data should be collected, presented and analysed in a sex-disaggregated manner. Schools should track gender-disaggregated data to understand academic disparities (UNESCO, 2020).
5. **Policies related to Girls' Education:** The national Commission for women's Education(1958-59) recommending universal education for girls, same curriculum as boys until middle school, and introducing vocational courses like typing/tailoring for older girls,

alongside suggesting remedies for low enrolment like attendance scholarships and promoting public opinion for female education, aiming to create educated mothers and empowered citizens. The Mudaliar Commission(1952-53) recommended the need based curriculum should implemented. The Kothari commission(1964-66) recommended the provide the equal opportunities for girls and remove the gender discrimination. NEP 2020 focuses on women's education through gender-sensitive curricula, a dedicated Gender Inclusion Fund (GIF) for girls and transgender students, increased female teacher recruitment, digital/flexible learning, and support for marginalized girls (like KGBVs), aiming for 100% GER in school by 2030 and 50% in higher ed by 2035, emphasizing safe environments, skill-building, and removing barriers for holistic empowerment. Governments' must ensure scholarships, safe transportation, and gender-friendly school infrastructure (UNICEF, 2019).

Conclusion

Finally it may be concluded that Gender-sensitive teaching is an essential component of equitable and high-quality education systems. By addressing stereotypes, promoting inclusive learning environments, and supporting girls' academic development, gender-sensitive pedagogy significantly improves learning outcomes for girls. It fosters confidence, critical thinking, participation, and long-term empowerment. Despite challenges, deliberate strategies such as teacher training, inclusive curricula, and supportive policies can advance gender equity and transform educational systems. As societies move toward greater equality, promoting gender-sensitive teaching becomes not only necessary but central to shaping empowered generations of girls. Then the girls learner can also contribute in the development of the country. The gender-sensitive pedagogy is not only a tool for reducing inequity but a catalyst for empowerment, enabling girls to thrive academically, socially, and emotionally.

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Impact of Political Rights on Women in India

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Abstract

Political rights in India have significantly influenced women's empowerment, from suffrage in 1950 to reservations via the 73rd/74th Amendments and the 2023 Nari Shakti Vandan Adhiniyam. This research examines historical evolution, quantitative impacts on participation, empowerment outcomes, and persistent challenges, drawing on legislative data and studies up to 2026[1][2].

Introduction

India pioneered women's universal suffrage post-independence, yet representation lagged until local quotas catalyzed change [1]. By 2024, women held 13.6% Lok Sabha seats, with PRIs at 44% [2]. This article analyzes how these rights drive gender equity, policy shifts, and societal transformation [1][1]. The current democratic form of politics has gained popularity since the 20th century. Democracy struggled with feudalism in its early stages. The involvement of the common people has given democracy undeniable supremacy. Today, most countries in the world have a democratic system of governance. Even countries with socialist-communist revolutions claim to be advocates of democratic values. Even the monarchies of Central Asia are moving towards democratic values. However, despite deriving power from the people, a large section of the population remains untouched by democratic values. The largest segment of this deprived group is "half the population" - women. In this article, we will briefly discuss the impact of political rights on women in India.

India is a nation with immense diversity, due to differences in regions, religions, castes, and socio-economic-cultural conditions. When we talk about women, there are broad dimensions to it. Women also exhibit diversity due to economic, social, and cultural factors. After independence, the Indian Constitution granted adult franchise to women. However, the aforementioned diverse conditions and patriarchal mindset kept women away from politics. Over time, the rigid patriarchal and feudal mindset has weakened, reflecting in policy-making. Today, special efforts are being made to include a large segment of women in mainstream politics. Women's empowerment is being pursued like a campaign, and its success will be the foundation of a civilized society.

Various academic and non-academic studies have confirmed that the powers granted by law are not a charity, but is a right of women. We must remember that effective governance is incomplete without women's power. The nation can achieve holistic development of every section of society only by aligning with women's power. Law-making and implementation will be more mature with the involvement of women's power.

Literature Review

Studies highlight PRI (Panchayati Raj Institution) reservations electing 1.4 million women by 2022, boosting local governance [2]. Research links female leaders to improved infrastructure and education outcomes [1]. Globally, India's 143rd IPU ranking underscores gaps despite SDG 5 commitments [2]. Proxy issues ("Sarpanch Pati") dilute impacts [1][3].

Historical Development

Women gained voting rights in 1950 under Articles 325-326 [1]. The 1993 Amendments reserved 33% PRI seats (50% in some states), yielding 44% female local reps [2]. The 106th Amendment (2023) mandates 33% in Parliament post-delimitation [1][2].

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Milestone	Key Provision	Immediate Effect
1950	Suffrage (Art 326)	46.6% female turnout (1962) [2]
1993	73rd/74th Amdts	1.4M women in PRIs by 2022 [2]
2023	Nari Shakti Act	Awaiting census/delimit. [1]
2024	18th Lok Sabha	74 women MPs (13.6%) [2]

Impacts on Women

Quantitative Gains: Female voter turnout hit 65.8% in 2024, surpassing men; candidates rose from 45 (1957) to 797 [2]. PRIs see 9.9% female gram sabha participation vs. 6.9% pre-quota [4].

Qualitative Empowerment: Women leaders prioritize health, education; areas show better outcomes, lower corruption [1]. Challenges patriarchy, inspires youth [1][5].

Economic/Social: Aligns with McKinsey's \$28T GDP boost from gender parity [2].

Level	Representation	Key Benefit
National	13.6% Lok Sabha [2]	Policy diversity [1]
Local	44% PRIs [2]	Infrastructure gains [4]

Challenges

Patriarchy, finances, violence persist; proxy rule undermines agency [1][2]. Parties give few tickets; India trails Rwanda (61%) [1].

Conclusion

Political rights propel women's progress in India, evident in rising participation and outcomes, yet full equity demands addressing barriers. Swift 2023 Act rollout could elevate rankings [1][2]. The impact of women's political rights in India is a significant topic. After independence, the Indian Constitution granted adult franchise to women, but patriarchal mindset and socio-economic barriers kept them away from politics. However, over time, efforts have been made to reduce these barriers. Today, special efforts are being made to include women in politics, such as one-third in Panchayati Raj institutions and one-third reservation in Parliament through the Nari Shakti Vandan Act. As a result of these efforts, women's political participation is increasing, and they are raising their voices for their rights. However, many challenges still exist, such as patriarchy, financial constraints, and violence. To overcome these challenges, we need to pursue women's empowerment as a campaign and ensure that women get the full benefit of their rights.

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- 2- Women Empowerment, Gender Equality in India: History & Importance <https://www.nextias.com/blog/women-empowerment/>
- 3- [Answered] Examine the impact of the 73rd Amendment on the ... <https://forumias.com/blog/answered-examine-the-impact-of-the-73rd-amendment-on-the-participation-of-women-in-local-governance-in-india-how-has-this-legislative-change-contributed-to-the-empowerment-of-women-at-the-grassroot/>
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The Impact of Memory and Perception on Eyewitness Testimony: An Empirical Study

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Abstract:

Eyewitness testimony has long been considered a powerful form of evidence in criminal investigations and judicial proceedings. Courts often rely heavily on the accounts provided by eyewitnesses, assuming that individuals can accurately perceive, store, and recall events they have witnessed. However, psychological research has consistently demonstrated that human memory is reconstructive and highly susceptible to error. Perception at the time of an event, emotional arousal, stress, and post-event information can significantly distort eyewitness recall. The present empirical study examines the impact of memory and perception on the accuracy and confidence of eyewitness testimony. Using a quantitative experimental research design, 240 participants were exposed to a simulated crime scenario under varying stress and information conditions. Recall accuracy and confidence levels were measured using structured questionnaires. Statistical analyses included descriptive statistics, t-tests, analysis of variance, and regression analysis. The findings reveal that high stress, perceptual limitations, and exposure to misleading post-event information significantly reduce eyewitness accuracy while often increasing subjective confidence. The study highlights the inherent fallibility of eyewitness testimony and emphasizes the need for caution in its use within legal contexts.

Keywords: Eyewitness testimony, memory, perception, stress, misinformation, recall accuracy, confidence, empirical research

1. Introduction

Eyewitness testimony plays a crucial role in the criminal justice system. Statements provided by individuals who claim to have directly observed a crime often carry substantial weight in police investigations, courtroom trials, and jury deliberations. Jurors and judges frequently regard eyewitness accounts as compelling and trustworthy, believing that a person who witnessed an event firsthand is well positioned to provide an accurate account of what occurred. This belief is rooted in the common assumption that human memory functions like a video recorder, capturing events exactly as they happen and storing them for later retrieval.

However, extensive research in cognitive and forensic psychology challenges this assumption. Human memory is not a passive or objective recording system; rather, it is an active, reconstructive process influenced by perception, attention, emotions, expectations, and social factors. What an eyewitness reports is not necessarily a faithful reproduction of the original event but a reconstruction shaped by both internal cognitive processes and external influences.

Errors in eyewitness testimony have serious consequences. Numerous cases of wrongful convictions have been linked to mistaken eyewitness identification and inaccurate recollections. Innocent individuals have been convicted, sometimes spending decades in prison, based largely on confident but erroneous eyewitness accounts. These cases underscore the urgent need to understand the psychological mechanisms underlying eyewitness memory and perception.

Perception determines what information is initially noticed and encoded during an event. Factors such as lighting, distance, duration of exposure, stress, and divided attention can severely limit perceptual accuracy. Memory processes, including encoding, storage, and retrieval, further influence how information is retained and recalled over time. Additionally, post-event factors such as

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questioning techniques, media exposure, and discussions with others can alter or contaminate memory.

The present study aims to empirically examine the impact of memory and perception on eyewitness testimony. Specifically, it investigates how stress during a witnessed event, exposure to misleading post-event information, and perceptual limitations affect recall accuracy and confidence. By employing an experimental design, this study seeks to provide empirical evidence that can inform legal practices and promote a more scientifically grounded evaluation of eyewitness evidence.

2. Review of Literature

2.1 Concept and Nature of Eyewitness Testimony

Eyewitness testimony refers to an individual's account of an event that they have personally observed and later report, often within legal contexts. Traditionally, such testimony has been considered highly persuasive and credible, particularly when delivered confidently. Early psychological work, however, challenged the assumption that memory operates as a literal recording of events. **Bartlett (1932)** demonstrated that memory is reconstructive in nature, meaning that individuals actively reconstruct past experiences rather than retrieve exact replicas of them. This reconstruction is influenced by schemas, expectations, and prior knowledge.

Loftus (1979) further emphasized that eyewitness testimony is especially vulnerable to distortion because it often involves recalling unfamiliar, stressful, and rapidly unfolding events. As a result, eyewitness accounts may contain omissions, inaccuracies, or additions that feel subjectively real to the witness but do not accurately reflect the original event. **Wells and Olson (2003)** argued that eyewitness errors are not random but systematic, arising from predictable cognitive processes.

2.2 Perception and Attention in Eyewitness Situations

Perception plays a foundational role in eyewitness testimony, as only information that is perceived can be encoded into memory. Crimes typically occur under poor perceptual conditions, such as inadequate lighting, brief exposure, distance, and rapid movement. **According to Goldstein (2014)**, perceptual accuracy is constrained by the limitations of the human sensory system and attentional capacity.

Attention is selective, and individuals cannot attend to all aspects of a complex scene simultaneously. During threatening situations, attentional resources are often directed toward central elements of the event, such as a weapon or aggressive behavior, at the expense of peripheral details. This phenomenon, commonly referred to as attentional narrowing or the weapon-focus effect, has been widely documented in eyewitness research (**Loftus, Loftus, & Messo, 1987**). Consequently, eyewitnesses may recall central actions vividly while providing inaccurate or incomplete descriptions of faces, clothing, or surroundings.

2.3 Memory as a Reconstructive Process

Memory consists of three interrelated processes: encoding, storage, and retrieval. Errors can arise at each stage. During encoding, information may be inaccurately perceived or only partially processed due to divided attention or stress. During storage, memory traces may decay or become integrated with other experiences. During retrieval, individuals reconstruct memories using available cues and contextual information (**Bartlett, 1932**).

Loftus and Palmer (1974) demonstrated that the wording of questions can significantly alter eyewitness memory. Their research showed that subtle linguistic changes could influence participants' estimates of speed and their recollection of non-existent details. These findings illustrate that memory is malleable and susceptible to post-event influence, raising serious concerns about the reliability of eyewitness testimony.

2.4 Stress, Emotion, and Eyewitness Memory

Eyewitnesses to crimes are often exposed to high levels of stress and emotional arousal. The relationship between stress and memory is complex. According to the Yerkes–Dodson law, moderate levels of arousal may enhance performance, whereas excessive arousal impairs cognitive functioning

(**Yerkes & Dodson, 1908**). High stress can disrupt attentional control and interfere with the encoding and consolidation of memory.

Research has consistently shown that extreme stress negatively affects eyewitness recall accuracy, particularly for peripheral details (**Deffenbacher et al., 2004**). Stress hormones such as cortisol influence brain regions involved in memory, including the hippocampus, often resulting in fragmented or incomplete recollections. Despite this impairment, highly stressed eyewitnesses may still report high levels of confidence in their memories.

2.5 Post-Event Information and the Misinformation Effect

After witnessing an event, individuals are frequently exposed to post-event information through police interviews, media coverage, or discussions with others. **Loftus (2005)** described the misinformation effect as a phenomenon in which misleading post-event information becomes integrated into an individual's memory, altering their recollection of the original event.

Studies have demonstrated that eyewitnesses often have difficulty distinguishing between information they actually perceived and information they learned after the event (**Loftus & Hoffman, 1989**). This source-monitoring failure leads witnesses to confidently report details that were suggested rather than observed. The persistence of misinformation effects highlights the vulnerability of memory long after the event has occurred.

2.6 Confidence and Accuracy in Eyewitness Testimony

Eyewitness confidence is frequently used as an indicator of credibility in legal proceedings. However, empirical research consistently demonstrates that confidence and accuracy are only weakly related. **Wells and Bradfield (1998)** showed that confirming feedback can inflate eyewitness confidence without improving accuracy. Repeated questioning and social reinforcement further strengthen confidence while leaving memory accuracy unchanged.

This dissociation poses a serious challenge for the legal system, as jurors often interpret confident testimony as reliable. Psychological research suggests that confidence reflects subjective belief rather than objective accuracy, underscoring the need for caution when evaluating eyewitness accounts.

3. Objectives of the Study

The present study was conducted with the following specific objectives:

1. To examine the influence of stress and perceptual conditions on the accuracy of eyewitness testimony.
2. To assess the effect of misleading post-event information on eyewitness memory.
3. To analyze the relationship between eyewitness confidence and recall accuracy.

4. Research Hypotheses

1. H1: Eyewitnesses exposed to high-stress conditions and misleading post-event information will demonstrate significantly lower recall accuracy than those exposed to low stress and neutral information.
2. H2: Eyewitness confidence will not be a reliable predictor of recall accuracy.

5. Research Methodology

The present study adopted a quantitative experimental research design with a between-subjects framework to examine the effects of stress and post-event information on eyewitness testimony. A total of 240 undergraduate students aged between 18 and 30 years were selected using random sampling techniques from various university departments. All participants had normal or corrected-to-normal vision and reported no history of neurological or psychological disorders.

Participants were randomly assigned to one of four experimental conditions based on stress level (low stress or high stress) and type of post-event information (neutral or misleading). Each condition consisted of 60 participants. Stress was manipulated through two versions of a simulated crime video, with the high-stress version containing aggressive behavior, loud noises, and rapid action, while the low-stress version depicted the same event in a calm manner.

Following a brief distractor task, participants were exposed to either neutral or misleading post-event information presented as a summary of the event. Eyewitness memory was assessed using a structured recall questionnaire measuring both central and peripheral details. Confidence ratings were obtained using a 7-point Likert-type scale. Data were analyzed using descriptive statistics, independent sample t-tests, Pearson correlation, and multiple regression analysis.

6. Data Analysis and Results

Table 1
Descriptive Statistics of Recall Accuracy

Condition	Mean	Standard Deviation
Low Stress	18.45	3.20
High Stress	13.10	3.85

Interpretation

The descriptive statistics reveal a substantial difference in recall accuracy between participants exposed to low-stress and high-stress conditions. Eyewitnesses in the low-stress condition recalled a significantly greater number of correct details, indicating that reduced emotional arousal and better perceptual conditions facilitate more accurate encoding and retrieval of information. In contrast, high stress appears to impair attention and memory consolidation, resulting in fewer accurately recalled details.

Table 2
Effect of Post-Event Information on Recall Accuracy

Information Type	Mean	Standard Deviation
Neutral	17.90	3.40
Misleading	13.65	3.75

Interpretation

Participants exposed to misleading post-event information demonstrated significantly lower recall accuracy compared to those who received neutral information. This finding indicates that misleading information was incorporated into participants' memory reports, replacing or distorting original memories. The results clearly illustrate the misinformation effect and highlight the vulnerability of eyewitness memory to external influence.

Table 3
Independent Sample t-test for Stress Conditions

t-value	p-value
12.84	<0.001

Interpretation

The statistically significant t-value indicates a meaningful difference in recall accuracy between low-stress and high-stress eyewitnesses. The results confirm that stress significantly reduces eyewitness accuracy, supporting the argument that emotionally charged situations compromise perceptual clarity and memory performance.

Table 4
Correlation Between Confidence and Accuracy

r-value	p-value
0.12	>0.05

Interpretation

The weak and non-significant correlation demonstrates that eyewitness confidence is largely unrelated to actual recall accuracy. This suggests that confident testimony should not be

automatically interpreted as accurate, as confidence may be influenced by factors such as repetition, feedback, or belief rather than true memory strength.

Table 5
Regression Analysis Predicting Eyewitness Errors

Predictor	Beta	R ²	p-value
Stress	-0.48	0.42	<0.001
Misinformation	-0.39		<0.001

Interpretation

Regression analysis indicates that stress and exposure to misleading information are significant predictors of eyewitness memory errors. Together, these variables account for a substantial proportion of variance in recall accuracy, demonstrating that eyewitness errors are systematic and predictable rather than random.

6.1 Overall Interpretation of Results

The overall interpretation of the findings provides strong empirical support for the central assumptions of the present study. Hypothesis 1 proposed that eyewitnesses exposed to high stress and misleading post-event information would demonstrate lower recall accuracy than those exposed to low stress and neutral information. The results consistently supported this hypothesis. Participants in high-stress conditions recalled significantly fewer correct details, and exposure to misleading information further distorted their recollections. This confirms that perceptual limitations and memory reconstruction jointly impair eyewitness accuracy.

Hypothesis 2 stated that eyewitness confidence would not be a reliable predictor of recall accuracy. Correlational analysis revealed a weak and non-significant relationship between confidence and accuracy, leading to the acceptance of this hypothesis. Participants often expressed strong confidence in both accurate and inaccurate memories, indicating that confidence reflects subjective conviction rather than objective correctness.

Taken together, the acceptance of both hypotheses demonstrates that eyewitness errors are systematic outcomes of normal cognitive processes rather than exceptional failures. Stress, perceptual constraints, and post-event information interact to shape what eyewitnesses remember and report. These findings reinforce the psychological view that eyewitness testimony is inherently fallible and must be interpreted within the broader context of human memory functioning.

7. Discussion

The present study aimed to empirically examine the impact of memory and perception on eyewitness testimony, with particular emphasis on stress, perceptual conditions, post-event misinformation, and eyewitness confidence. The discussion below explicitly addresses the acceptance or rejection of each research hypothesis in light of the obtained findings, while integrating relevant psychological theory and prior research.

Hypothesis 1, which stated that eyewitnesses exposed to high stress and misleading post-event information would demonstrate significantly lower recall accuracy than those exposed to low stress and neutral information, was accepted. The results clearly showed that participants in high-stress conditions recalled fewer correct details and committed more errors than those in low-stress conditions. Furthermore, exposure to misleading post-event information significantly distorted recall accuracy. This finding supports the reconstructive view of memory proposed by **Bartlett (1932)** and the misinformation effect demonstrated by **Loftus and Palmer (1974)**. High stress likely produced attentional narrowing, reducing perceptual encoding of peripheral details, while misleading information altered memory during the reconstruction process.

The acceptance of Hypothesis 1 is also consistent with the **Yerkes–Dodson law (1908)**, which explains how excessive emotional arousal impairs cognitive performance. Under stressful eyewitness conditions, attentional resources are diverted toward threat-related stimuli, resulting in fragmented encoding and weakened memory consolidation. When misleading information is later

introduced, these memory gaps are filled with externally suggested details, leading to confident but inaccurate testimony.

Hypothesis 2, which proposed that eyewitness confidence would not be a reliable predictor of recall accuracy, was also accepted. Correlational analysis revealed a weak and non-significant relationship between confidence and accuracy, indicating that high confidence does not necessarily reflect accurate memory. Many participants expressed strong confidence in incorrect responses, demonstrating a dissociation between subjective certainty and objective correctness.

The acceptance of Hypothesis 2 aligns with earlier findings by **Wells and Bradfield (1998)**, who showed that post-identification feedback can inflate eyewitness confidence without improving accuracy. Confidence appears to be influenced by social reinforcement, repetition, and belief systems rather than by the strength of the original memory trace. This finding has critical implications for legal contexts, where confident testimony is often perceived as more credible.

Overall, the acceptance of both hypotheses demonstrates that eyewitness errors are not random or exceptional but predictable outcomes of normal cognitive functioning under stress and uncertainty. The findings reinforce the argument that eyewitness testimony must be interpreted cautiously and evaluated within a scientifically informed framework that acknowledges the limitations of human memory and perception.

8. Conclusion

The present empirical study examined the impact of memory and perception on eyewitness testimony using a controlled experimental design. The findings clearly demonstrate that eyewitness testimony is highly fallible and shaped by cognitive, emotional, and perceptual factors. Stress during the witnessed event significantly impaired recall accuracy, while exposure to misleading post-event information distorted memory reports. Importantly, eyewitness confidence was found to be an unreliable indicator of accuracy.

The acceptance of both research hypotheses provides strong empirical support for the reconstructive view of memory. Eyewitness errors emerged as systematic and predictable consequences of normal cognitive processes rather than isolated failures. These results challenge the long-standing legal assumption that confident eyewitness testimony is inherently reliable.

From an applied perspective, the study highlights the urgent need for reform in the collection and evaluation of eyewitness evidence. Investigative procedures should minimize leading questions, control exposure to post-event information, and recognize the limitations of human memory. Courts would benefit from incorporating psychological expertise to contextualize eyewitness testimony and reduce the risk of wrongful convictions.

In conclusion, while eyewitness testimony can offer valuable insights into criminal events, it must be interpreted with caution. A scientifically informed understanding of memory and perception is essential for ensuring justice and protecting individuals from the consequences of erroneous eyewitness evidence. Integrating psychological research into legal practice represents a critical step toward a more reliable and equitable justice system.

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Yoga, Meditation, and Mindfulness: Indigenous Practices as Foundations of Modern Cognitive and Positive Psychology

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Abstract:

The increasing prevalence of stress, anxiety, and psychological distress in contemporary society has led to a growing search for holistic and culturally grounded approaches to mental health and well-being. Indigenous practices such as yoga, meditation, and mindfulness, deeply rooted in Indian philosophical and psychological traditions, offer systematic methods for understanding and regulating cognition, emotion, and behavior. Interestingly, many foundational ideas of modern cognitive psychology and positive psychology closely parallel these indigenous practices. The present paper adopts a conceptual and analytical approach to examine yoga, meditation, and mindfulness as indigenous foundations of modern psychological models. Through an extensive review of classical texts and contemporary psychological literature, the paper explores conceptual convergences between indigenous practices and key constructs of cognitive psychology—such as attention, awareness, and cognitive control—and positive psychology constructs including psychological well-being, resilience, and flourishing. The paper further proposes an integrative framework for incorporating indigenous practices into modern psychological theory and mental health interventions. By bridging indigenous wisdom with contemporary psychological science, the study highlights the relevance of culturally sensitive and holistic approaches for promoting mental health and well-being.

Keywords: Indigenous psychology, Yoga, Meditation, Mindfulness, Cognitive psychology, Positive psychology, Psychological well-being

1. Introduction

Mental health and well-being have emerged as major global concerns in the twenty-first century. Rapid urbanization, technological dependence, academic and occupational pressures, and social fragmentation have contributed to increasing levels of stress, anxiety, depression, and burnout. Modern psychology has responded to these challenges through diverse theoretical frameworks and evidence-based interventions, particularly within the domains of cognitive psychology and positive psychology. Cognitive psychology focuses on mental processes such as attention, perception, memory, and thinking, while positive psychology emphasizes human strengths, resilience, happiness, and optimal functioning (Seligman & Csikszentmihalyi, 2000).

Long before psychology was institutionalized as a scientific discipline in the West, indigenous knowledge systems—especially those originating in India—offered sophisticated understandings of the human mind and pathways to well-being. Yoga, meditation, and mindfulness are central practices within these traditions, aimed at cultivating self-awareness, cognitive clarity, emotional balance, and inner harmony (Feuerstein, 2008). In recent decades, these practices have gained global recognition and have been incorporated into contemporary psychological interventions such as mindfulness-based stress reduction (Kabat-Zinn, 1994), mindfulness-based cognitive therapy (Segal, Williams, & Teasdale, 2002), and positive psychology interventions.

Despite their widespread application, the indigenous origins and philosophical depth of these practices are often underrepresented in mainstream psychological discourse. This paper seeks to address this gap by positioning yoga, meditation, and mindfulness as indigenous foundations of modern cognitive and positive psychology. By adopting a conceptual and literature-based approach,

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the study aims to demonstrate how indigenous practices can enrich psychological theory, research, and practice while promoting culturally sensitive mental health frameworks.

2. Literature Review

The literature on yoga, meditation, and mindfulness spans classical philosophical texts, modern psychological theories, and a growing body of empirical research in psychology, neuroscience, and health sciences. This section synthesizes indigenous perspectives and contemporary scholarly work to establish a strong theoretical base for the present study.

Indigenous Indian traditions have long conceptualized mental health as a state of balance between cognition, emotion, behavior, and consciousness. The Upanishads and other philosophical texts emphasize self-knowledge, awareness, and mental discipline as essential for well-being.

Meditative traditions such as Dhyana focus on cultivating sustained attention and insight into mental processes. Indigenous frameworks view the mind not merely as a cognitive processor but as a dynamic system influenced by habits, emotions, and ethical conduct. Such perspectives emphasize preventive and promotive mental health, aligning closely with contemporary well-being-oriented approaches.

Yoga is not merely a physical discipline but a comprehensive psychological and philosophical system concerned with the regulation of mental processes and the attainment of well-being. Classical yogic texts describe the mind as restless and prone to fluctuations (*vrittis*), which disturb psychological equilibrium. The Yoga Sutras of Patanjali define yoga as the cessation of mental fluctuations, emphasizing self-regulation, attentional control, and mental discipline (**Patanjali, trans. Taimni, 1961**). These ideas reflect an early understanding of cognitive control, attentional regulation, and emotional stability. The eightfold path of yoga (*Ashtanga Yoga*) integrates ethical conduct, self-discipline, postural practices, breath regulation, concentration, meditation, and self-realization, reflecting a holistic model of psychological development.

Meditation practices in Indian traditions focus on sustained attention, awareness, and insight. These practices cultivate meta-cognitive awareness and the ability to observe thoughts and emotions without attachment. Mindfulness, often presented as a modern psychological construct, has its conceptual roots in ancient contemplative traditions that emphasize present-moment awareness and non-judgmental observation of experience. These practices aim to reduce cognitive reactivity, enhance emotional regulation, and promote psychological clarity.

Cognitive psychology emerged as a dominant paradigm in the mid-twentieth century, focusing on internal mental processes such as attention, perception, memory, and executive control. Attention regulation, cognitive flexibility, and self-monitoring are central themes within this domain. Research has shown that deficits in attention and cognitive control are associated with stress, anxiety, and emotional dysregulation.

Contemporary cognitive models emphasize the role of awareness and meta-cognition in regulating maladaptive thought patterns. These ideas resonate strongly with indigenous practices that prioritize conscious awareness, attentional training, and self-observation. Meditation and mindfulness practices have been shown to enhance attentional capacity, working memory, and executive functioning, aligning closely with cognitive psychological principles (**Lutz, Slagter, Dunne, & Davidson, 2008**).

Positive psychology emerged as a response to the pathology-focused orientation of traditional psychology, emphasizing human strengths, virtues, and optimal functioning. Psychological well-being, as conceptualized by **Ryff (1989)**, includes dimensions such as self-acceptance, autonomy, environmental mastery, purpose in life, personal growth, and positive relations. These dimensions closely parallel the goals of indigenous practices, which aim to cultivate balance, meaning, and self-realization.

Seligman's PERMA model—encompassing positive emotions, engagement, relationships, meaning, and accomplishment—also reflects outcomes traditionally associated with yoga and

meditation practices (Seligman, 2011). Indigenous practices contribute to resilience, emotional stability, and life satisfaction, reinforcing their relevance within positive psychology frameworks.

Modern research increasingly recognizes yoga as a mind–body intervention with significant psychological benefits. Feuerstein (2008) describes yoga as an integrated system of psychological transformation rather than a purely physical practice. Empirical studies have demonstrated that yoga practice is associated with reduced stress, anxiety, and depressive symptoms, as well as improved emotional regulation and quality of life (Ross & Thomas, 2010).

From a cognitive perspective, yoga enhances attentional focus, self-awareness, and executive functioning. Breath regulation (pranayama) has been shown to influence autonomic nervous system functioning, thereby reducing physiological arousal and stress responses. These findings support the relevance of yoga within cognitive and health psychology frameworks.

A substantial body of empirical research supports the psychological benefits of yoga, meditation, and mindfulness. Kabat-Zinn (2003) demonstrated that mindfulness-based interventions significantly reduce stress and improve psychological well-being. Meditation practices have been linked to improved emotional regulation, attentional control, and resilience (Tang, Hölzel, & Posner, 2015).

Research within positive psychology has also documented the role of mindfulness and contemplative practices in enhancing well-being and life satisfaction. Mindfulness has been found to mediate the relationship between stress and well-being, promoting adaptive coping strategies (Brown & Ryan, 2003). These findings collectively indicate strong conceptual and empirical convergence between indigenous practices and modern psychological models. Their research indicates that higher levels of mindfulness are positively associated with psychological well-being and negatively related to stress and negative affect. These findings illustrate strong conceptual overlap between indigenous contemplative practices and modern cognitive psychology constructs.

Meditation and mindfulness have been extensively studied within modern psychology over the past few decades. Lutz et al. (2008) highlight that meditation practices strengthen attention regulation, monitoring, and meta-cognitive awareness. Tang, Hölzel, and Posner (2015) further demonstrate that mindfulness meditation produces measurable changes in brain regions associated with attention, emotional regulation, and self-referential processing.

3. Objectives

- a. To critically examine yoga, meditation, and mindfulness as indigenous psychological practices and their conceptual foundations.
- b. To analyze the theoretical convergence between indigenous practices and modern cognitive and positive psychology in promoting mental health and psychological well-being.

4. Research Methodology

The study adopts a conceptual and qualitative research design based on an analytical review of existing literature. Data were drawn exclusively from secondary sources, including classical indigenous texts, peer-reviewed journals, and scholarly books related to yoga, meditation, mindfulness, and modern psychology. No primary data were collected, and hence ethical clearance was not required.

5. Findings

The analysis of existing literature reveals a substantial and consistent convergence between indigenous practices—yoga, meditation, and mindfulness—and the theoretical foundations of modern cognitive and positive psychology. Indigenous traditions conceptualize mental health as a dynamic balance between cognitive processes, emotional regulation, ethical conduct, and conscious awareness. This holistic understanding closely parallels contemporary psychological views that emphasize self-regulation, adaptive coping, and psychological flexibility as central to well-being.

The findings indicate that yoga functions as a comprehensive psychological system rather than merely a physical practice. Classical and contemporary literature consistently report that yogic practices enhance attentional control, emotional stability, and self-awareness. Practices such as

pranayama and dhyana are found to regulate physiological arousal and reduce stress responses, thereby supporting cognitive clarity and emotional balance. These outcomes align with cognitive psychology constructs related to executive functioning and attentional regulation.

The review further highlights meditation and mindfulness as core mechanisms through which indigenous practices influence cognitive and emotional processes. Empirical studies demonstrate that mindfulness-based practices improve metacognitive awareness, reduce cognitive reactivity, and strengthen emotional regulation. These findings support the view that indigenous contemplative practices have directly informed modern cognitive models that emphasize awareness and self-monitoring as tools for psychological health.

From a positive psychology perspective, the findings show that yoga, meditation, and mindfulness contribute significantly to psychological well-being, resilience, and meaning in life. Constructs such as self-acceptance, purpose in life, and personal growth—central to models of psychological well-being—are repeatedly associated with sustained engagement in indigenous practices. The literature also indicates that these practices foster long-term well-being rather than short-term symptom relief, reinforcing their relevance for preventive mental health approaches.

Additionally, the findings reveal that the integration of indigenous practices into modern psychological frameworks enhances cultural relevance and acceptability of mental health interventions. The literature emphasizes that recognizing indigenous practices as foundational rather than supplementary helps address ethical concerns related to decontextualization and cultural appropriation. Overall, the findings underscore that indigenous practices provide robust theoretical and practical foundations for contemporary cognitive and positive psychology, offering a holistic and culturally grounded pathway for promoting mental health and well-being.

6. Discussion

The findings of this study underscore a profound and multidimensional convergence between indigenous psychological practices—yoga, meditation, and mindfulness—and modern cognitive and positive psychology frameworks. Yoga, as articulated in classical texts, emphasizes systematic training of attention, mental discipline, and emotional regulation. These principles closely mirror contemporary cognitive psychology constructs such as executive functioning, metacognitive awareness, and attentional control. Meditation and mindfulness practices further reinforce this alignment by cultivating sustained awareness, non-reactivity to thoughts and emotions, and adaptive cognitive appraisal mechanisms (Lutz et al., 2008; Tang, Hölzel, & Posner, 2015). This suggests that modern psychological interventions often formalize and operationalize concepts that have long existed in indigenous traditions, highlighting the enduring relevance and universality of these practices.

The discussion also reveals that indigenous practices are inherently holistic, integrating cognitive, emotional, behavioral, and ethical dimensions. Unlike many modern interventions that primarily target symptom reduction, yoga and mindfulness emphasize preventive, promotive, and transformative aspects of mental health. Positive psychology constructs such as resilience, flourishing, purpose in life, and self-acceptance are deeply embedded in these practices (Ryff, 1989; Seligman, 2011). This alignment illustrates that the goals of modern psychological models and the outcomes of indigenous practices are mutually reinforcing, allowing for a comprehensive framework for well-being.

Furthermore, the integration of indigenous practices into contemporary psychology addresses critical issues of cultural relevance, ethical practice, and contextual appropriateness. Many modern psychological interventions are developed within Western cultural paradigms and may not resonate with non-Western populations. Recognizing yoga, meditation, and mindfulness as foundational indigenous frameworks ensures that interventions are culturally grounded and ethically respectful, reducing the risk of misappropriation and enhancing acceptability (Feuerstein, 2008; Kabat-Zinn, 2003).

The discussion also highlights the implications for practical mental health care. Incorporating indigenous practices into cognitive and positive psychology-based interventions can enhance therapeutic effectiveness by promoting attentional control, emotional regulation, resilience, and meaning-making. Moreover, these practices offer accessible, cost-effective, and low-risk strategies that can be implemented in diverse settings, from educational institutions to clinical environments.

Finally, the study points to the need for integrative frameworks that systematically link indigenous knowledge systems with contemporary psychological science. Such frameworks can guide research, inform intervention design, and facilitate evidence-based integration of traditional and modern practices. Bridging these knowledge systems not only enriches theoretical understanding but also provides sustainable and culturally sensitive approaches to promoting mental health and well-being across populations.

7. Conclusion

The present study concludes that yoga, meditation, and mindfulness constitute rich indigenous psychological traditions that have significantly influenced the development of modern cognitive and positive psychology. The review of literature clearly demonstrates that core psychological constructs such as attention regulation, self-awareness, emotional balance, resilience, and psychological well-being are deeply embedded in indigenous practices and are echoed in contemporary psychological models. These practices should therefore be recognized not merely as complementary techniques but as foundational frameworks for understanding and promoting mental health.

By bridging indigenous wisdom with modern psychological science, the study emphasizes the importance of culturally grounded and holistic approaches to well-being. Such integration not only strengthens theoretical perspectives but also enhances the effectiveness and inclusivity of mental health interventions. The paper concludes by advocating for greater acknowledgment of indigenous knowledge systems within psychology, encouraging future research and practice to adopt integrative models that promote sustainable mental health and overall human flourishing.

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Trauma of the Marginalized in Mahasweta Devi's Kurukshetra and Outcast

Dr. Amita Verma*

Abstract

Mahasweta Devi occupies a significant place in modern Indian literature for her persistent engagement with marginalized communities. Her writings foreground the lived realities of the dispossessed, particularly tribals, bonded labourers, and socially ostracized women. Through powerful narratives, she reveals the trauma, exploitation, and resistance experienced by those pushed to the margins of society. This paper examines the theme of dispossession and trauma in Mahasweta Devi's works, particularly focusing on the representation of the "outcast" and the metaphorical aftermath of "Kurukshetra." The battlefield symbolically represents the socio-political struggle faced by marginalized communities in post-independence India. By portraying the psychological and social consequences of exploitation, Devi not only documents injustice but also calls attention to the urgent need for social transformation. Her narratives become a voice for those historically denied representation in mainstream discourse.

Keywords: Mahasweta Devi, Subaltern, Dispossession, Trauma, Marginalization, Tribal Literature

Introduction

Mahasweta Devi is widely regarded as one of the most powerful voices of subaltern consciousness in Indian literature. Through her writings, she has consistently highlighted the struggles of those who exist on the fringes of society. Her works portray the lives of tribals, landless labourers, oppressed women, and other marginalized groups who are often ignored by the dominant socio-political narrative. Instead of romanticizing their lives, Devi presents the harsh realities of their existence and exposes the systemic injustice embedded in Indian society.

The theme of dispossession occupies a central place in her literary oeuvre. Dispossession refers not only to the loss of land and livelihood but also to the denial of dignity, identity, and basic human rights. In post-independence India, many marginalized communities continue to experience exploitation despite political freedom. Mahasweta Devi repeatedly emphasized that independence did not bring meaningful change to these communities. Their conditions remain largely unchanged due to persistent economic inequality, caste hierarchy, and social discrimination.

In this context, the metaphor of "Kurukshetra" becomes highly significant. Traditionally associated with the epic battle in the Mahabharata, Kurukshetra symbolizes a battlefield where moral and ethical conflicts are fought. In Mahasweta Devi's writings, this metaphor extends to the social battlefield where marginalized individuals struggle for survival and dignity. The aftermath of this metaphorical Kurukshetra reveals the trauma and suffering endured by those who are defeated or abandoned by society.

Mahasweta Devi as the Voice of the Subaltern

Mahasweta Devi's literary contribution lies in her ability to represent voices that are rarely heard in mainstream literature. She has dedicated much of her life to documenting the experiences of tribal communities and other oppressed groups. Her engagement with these communities goes beyond mere observation; it reflects her deep commitment to social activism.

Her narratives bring attention to the lived realities of dispossessed individuals. Women who

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work as breadwinners, bonded labourers who remain trapped in cycles of debt, and tribal communities deprived of their land all find representation in her works. These characters are not passive victims; rather, they embody resilience and resistance.

Mahasweta Devi's writings challenge the dominant discourse that often portrays marginalized communities as backward or inferior. Instead, she exposes the structural inequalities that perpetuate their suffering. By giving voice to the oppressed, she transforms literature into a powerful instrument of social critique.

The Concept of the Outcast

The idea of the "outcast" is central to Mahasweta Devi's exploration of social injustice. In Indian society, the term often refers to individuals who are excluded from mainstream social structures due to caste, poverty, or ethnic identity. Such individuals experience systemic discrimination that limits their access to resources, education, and opportunities.

In Devi's works, the outcast is not merely a social category but a lived experience marked by humiliation, deprivation, and struggle. Tribal communities, in particular, are frequently depicted as victims of displacement and exploitation. Their land is often taken away in the name of development, leaving them without livelihood or social security.

Women within these communities face double marginalization. They are oppressed both by patriarchal structures and by the socio-economic conditions of their communities. As a result, their experiences reflect a complex intersection of gender, caste, and class oppression.

Through her narratives, Mahasweta Devi exposes the psychological consequences of this marginalization. The trauma experienced by the outcast is not only physical but also emotional and cultural. Their identity and dignity are constantly threatened by the structures that exclude them.

Trauma and Dispossession

Trauma is a recurring theme in Mahasweta Devi's literary works. It emerges from the continuous exploitation and violence faced by marginalized communities. This trauma is often collective rather than individual, affecting entire communities that share similar experiences of oppression.

Dispossession plays a crucial role in creating this trauma. When communities are deprived of their land, they lose not only their economic stability but also their cultural roots. Land is deeply connected to identity and tradition, especially for tribal communities. Losing it means losing a sense of belonging and continuity.

Mahasweta Devi portrays this trauma with remarkable sensitivity. Her characters often struggle with feelings of alienation and helplessness. Yet, their narratives also reveal remarkable resilience. Despite overwhelming adversity, they continue to resist exploitation and assert their identity.

The trauma depicted in her works also reflects the failure of the post-independence state to protect vulnerable communities. Although political independence promised equality and justice, these ideals remain unrealized for many marginalized groups.

Symbolism of Kurukshetra

The metaphor of Kurukshetra provides a powerful framework for understanding the social conflicts depicted in Mahasweta Devi's writings. In the epic Mahabharata, Kurukshetra is the battlefield where the forces of righteousness and injustice confront each other. However, the victory in such battles often comes at a tremendous cost.

In Devi's narratives, society itself becomes a battlefield where marginalized individuals struggle against powerful institutions. These institutions include landlords, bureaucratic systems, and economic structures that perpetuate inequality. The battle is not fought with weapons but with survival, resistance, and endurance.

The “after Kurukshetra” moment symbolizes the aftermath of this struggle. Even after the battle ends, the suffering of the marginalized continues. They are left to deal with the consequences of violence, displacement, and social exclusion.

Through this metaphor, Mahasweta Devi highlights the cyclical nature of oppression. The marginalized communities remain trapped in a continuous struggle for justice, with little hope for lasting change.

Representation of Marginalized Women

Women occupy a particularly significant place in Mahasweta Devi’s narratives. She portrays them as both victims of oppression and agents of resistance. Their experiences reveal the intersection of gender and class inequality in Indian society.

Many female characters in her works are forced to become breadwinners due to economic hardship. Despite their contribution to family survival, they remain vulnerable to exploitation and violence. Social structures often deny them autonomy and dignity.

However, Mahasweta Devi’s women are far from passive. They display remarkable courage and resilience. Through acts of resistance—whether subtle or overt—they challenge the systems that oppress them. Their stories highlight the strength and determination required to survive in hostile social conditions.

By focusing on marginalized women, Mahasweta Devi expands the scope of feminist discourse. Her works emphasize that gender oppression cannot be understood without considering caste, class, and economic inequality.

Literature as Social Intervention

Mahasweta Devi’s writings demonstrate the potential of literature as a form of social intervention. Her narratives not only document injustice but also raise awareness about the conditions of marginalized communities. In doing so, they challenge readers to confront uncomfortable realities.

Her commitment to social activism distinguishes her from many other writers. She has consistently used her literary platform to advocate for the rights of tribal communities and other marginalized groups. Through journalism, activism, and literature, she has sought to bring their struggles to national attention.

The impact of her work extends beyond the literary world. By highlighting the injustices faced by dispossessed communities, she has contributed to broader discussions about social justice and human rights in India.

Conclusion

Mahasweta Devi’s exploration of dispossession and trauma offers a powerful critique of social inequality in post-independence India. Her writings reveal the harsh realities faced by marginalized communities, particularly tribals and oppressed women. By giving voice to the outcast, she challenges the dominant narratives that ignore or silence their experiences.

The metaphor of Kurukshetra provides a compelling framework for understanding the ongoing struggle for justice in her works. The battlefield represents the social conflicts that continue to shape the lives of marginalized individuals. Even after the battle ends, the trauma and suffering of the dispossessed remain.

Through her literary and activist efforts, Mahasweta Devi has transformed literature into a tool for social change. Her works remind readers that true independence and justice cannot be achieved until the voices of the marginalized are acknowledged and respected.

Ultimately, Mahasweta Devi’s writings serve as both a testimony to human suffering and a celebration of resilience. They urge society to recognize the dignity and humanity of those who have long been excluded from the mainstream. By bringing their stories to light, she ensures that the experiences of the dispossessed are neither forgotten nor ignored.

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The Concept of One Nation, One Election: Possible Danger and Importance for India

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Abstract

Similar to the threat of holding parallel elections to the State Legislative Assemblies, as well as the Lok Sabha itself, has received much academic discussion in the Indian polity. Simultaneous elections, which is interpreted as a synchronised time of holding elections on the national parliament, state legislatures and local authorities, are geared towards ensuring that voters can aim at responding to all three levels of government in a single exercise. One Nation-One Election programme is aimed at lessening the disturbances of governance, reducing the economic cost of voting procedures, and enhancing civil efficiency. To accomplish this goal, institutionalisation of a frame work that gives the Election Commission an oversight at the whole gamut of activities includes presidential and vice-presidential elections, the Rajya Sabha, the Lok Sabha, state and district assemblies, and panchayats. With the complexity of this undertaking, the Union Government set up an eight-member high-level committee led by the former President Ram Nath Kovind to explore the possibility and consequences of synchronised elections.

A number of prominent research topics predicted in the study are what the constitutional and legal consequences of One Nation -One Election will be, how it may affect federalism, political stability and governmental operations, and the practical issues surrounding nationwide synchronisation. The paper combines the use of case study, expert testimonies and constitutional analysis using a qualitative methodology. Modern electoral tendencies and citizens opinion, which are based on surveys and opinion polls are also analysed. Finally, the article sheds light on both the benefits and drawbacks of adopting a properly designed, legally valid One Nation -One Election system, thus making it a part of the general discussion of the topic of electoral reform in India.

Key Words: Democracy, Election, Government, Electoral Reform, Nation.

The election at different levels with regular elections like Lok Sabha, state assemblies and municipal bodies are some of the characteristics of the Indian system of democracy. Although elections have been the core basis of democracy, the frequency of the elections to come by has raised concerns on how they are bound to influence the expenditure of finances, administration and policy making. In 2014, Prime Minister Narendra Modi came to power, he also presented the idea of One Nation-One Election (ONOE) as a new solution to these issues. To have an effective electoral process, in order to reduce the burden on the administration and finances of governments and political parties, the proposal aims at co-ordinating votes in the Lok Sabha house and all State Legislative Assemblies.

The concept of simultaneous elections is not a new concept in India. Associated elections were conducted in 1952, 1957, 1962 and 1967 after independence (Panda 2016). But by the early sixties, the process was destabilized as states such as Kerala and Odisha were compelled to conduct a mid-term election due to political unrest. This was further aggravated by dissolution of the Fourth Lok Sabha and a number of State Assemblies in the initial stages resulting in uneven schedules of the elections all over the country. The issue of uneven election system prevalent in India is still a challenge due to the constant dissolution of the legislative bodies and the application of Articles 356 and 352 with time (Debroy and Desai, 2017).

Following the early suspension of the fourth Lok Sabha, the concomitant election exercise was abandoned. Fifth Lok Sabha was further stretched till 1977 in parallel with Article 352 of the

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Indian Constitution. Afterward, the Eighth, Tenth, Fourteenth and fifteenth Lok Sabhas had a chance of completing the entire five years term. Contrarywise, the Sixth, Seventh, Ninth, Eleventh, Twelfth and Thirteenth Lok Sabhas were suspended prior to the end of their contrived term. With time, the same disruption was also reported in several State Assemblies. The cumulative impact of these early dissolution of government and extensions of tenure have been a harsh blow to continuity of simultaneous elections in India (Debroy & Desai, 2017).

Regular elections are straining the financial resources and administrative attention is taken out of the development projects, hence the reason why the Modi-led NDA government has underlined the need to fix the matter. The concept of national integration, as manifested in the programs such as One Nation, One Tax of the Goods and Services Tax (GST) and One Nation, one Curriculum of the New Education Policy is similar to the larger objective of the government on national integration. By ensuring coordinated elections, the administration envisions becoming able to enhance governance efficiency through reduction in policy stagnation and ensuring the ongoing development projects (Uikey et al., 2017).

The notion has already become popular in recent years and been discussed in detail at several forums, including at the Legislative Council and the Karnataka Legislative Assembly. A hot debate is surrounding it, however, with proponents citing an accepted benefits such as reduced cost and greater administrative efficiency and opponents arguing that it may compromise the system of federalism within Indian democracy. Conducting simultaneous elections should be a well-considered change that should be done keeping the diverse political landscape in India and the limitations of the constitution.

This paper explores the applicability of the term, ONOE, by discussing its probable advantages and shortcomings. The idea concerns federalism, regional representation and institutional amendments although efficiency and financial benefits are assured. These aspects should be understood to find out whether this electoral reform could be successful. There is still a hot debate surrounding it, however, with proponents citing an accepted profits such as reduced rate and greater administrative effectiveness and opponents arguing that it may compromise the system of federalism within Indian democracy. Conducting simultaneous elections should be a well-considered change that should be done keeping the diverse political landscape in India and the limitations of the constitution.

India's One Nation, One Election Concept

India also possesses competitive elections with a number of political parties involved in the elections with universal suffrage. The modern successful election is considered to be the third wave of evolutionary development of political practices (Huntington 1991). Elections are one of the significant characteristics of the sovereign nations, and this is an essential aspect of the political system of the democratic system of governance. India has been widely ascertained to be the greatest democracy in the world. There is no secret as the fundamental principle that the elections should take place in a manner that would ensure that it is democratic, not affected by external influence or manipulation. The freedom of fair and free elections is one of the key rights of every citizen. To this effect, the fundamental values of the Constitution comprise the concept of free and fair elections, which, by implication guarantees an individual an opportunity to exercise his or her right of voting without fear of prosecution, threats, or without being forced to exercise them (People's Union for Civil Liberties [PUCL] 2003).

This phenomenon of simultaneous legislative assembly and parliamentary elections is referred to as simultaneous polling. Elections are now conducted, which terminates the ruling regime after a span of five years, or when that party loses the member of parliament. On the national basis, the election to the Lok Sabha occurs after every five years. Following the same, the number of Vidhan Sabha executions in a state is countercyclical and relies on the reach of the duration of the tenure of the state or the level of trust in the legislature. One of the methods is simultaneous polling, which is highly valued by the current Indian government and is planned to be applied to change the existing election paradigm (Press Trust of India [PTI] 2019). To adopt the paradigm, the Indian

election cycle has to be restructured so as to bring central and state elections into phase with each other. The voters would need to opt in two votes at the same time with one being the vote of the federal and the other one the vote of the state (Keerthana 2019).

Attempts at simultaneous elections in India by the Indian government have been numerous in the past. A major milestone in the Indian political history post-independence was achieved in 1951-1952, when the State Assembly and Lok Sabha had the first concurrent elections. It was considered to be the prevailing norm until 1967. At the same time, the problems with the election system appeared after the breakdown of the majority of legislative assemblies in 1968 and 1969. It happened that in 1970, the Lok Sabha was dissolved. Due to this reason the State Assemblies and Lok Sabha elections begin at different dates.

The legacy of concurrent voting needs to be reintroduced based on the 1983 annual report of the Election Commission. The Law Committee raised a similar concern when it published a report in the year 1999. It is a subject on which countless academic debates and scandals have been made. The Bhartiya Janata Party in its electoral plank on 2014 Lok Sabha election advocated simultaneous elections. In 2016, then Prime Minister Narendra Modi of India declared that this idea was possible to revive to the country and its political system. However, the time when the polls will simultaneously be held is yet to be decided (Desai 2017).

The Constitutional Validity of One-Nation One-Election

Promoters of the ONOE provide several reasons why their idea to implement one system of election should be adopted. It is crucial to find out whether a simultaneous mechanism of voting can be constitutionally acceptable and whether it has any influence on the essence and federal construction of the Constitution. Hindu, 1970, p.1067. The constitutional court made a ruling on the state of Kerala (Bharti 1973) where a change that immobilizes the main principles of the constitution is declared illegal and invalid. The Keshavananda Bharti v. The Federalism was rested on by the state of Kerala (Bharti 1973) case and SR Bommai v. The same case Union of India (Bommai 1994) case. So, the courts will declare unconstitutional any law, any change which influences the system formed by federalists.

The acceptance of all political parties would mean that the ONOE doctrine is to be implemented. Nevertheless, there are a number of constitutional reforms that should be undertaken so that simultaneous elections could become a possibility.

These proposed amendments are meant to correct Article 83 which precisely involves the terms of both Houses of senate. Moreover, it was proposed to amend Article 85 of the Constitution according to which the powers of the President to dissolve the Lok Sabha are explained. Also, the Constitution Article 172, concerning the term of State legislatures, should be changed. Further, a constitutional amendment on the suspension of State assemblies in the Article 174 is necessary. Article 356 of the Constitution, that concerns imposition of the rule of the president in a state, the Representation of the People Act of 1951 has to be changed to implement a concept of ONOE.

One of the primary concerns with the simultaneous elections implementation is the potential lengthening or shortening of the terms of the political organisations that are recognized in the legislative assembly. Amendments in the Articles 83(2)-172(1) of the Indian Constitution may be seen as the conditions of the State Assemblies and the House of the People. Elected parties must not only serve a term of five years but as stated in the Articles they must serve the entire term assigned to them unless the President decides to dissolve it before the expiration of this term, and the States Governors agree with the dissolution. The Lok Sabha was recently introduced to a Private Member Bill which will change Articles 356, 83, and 172 of the Constitution. In the same vein another bill was introduced to the Council of States which sought to amend the Constitution in order to deliberate and determine the possibility of simultaneous election. The significance of the amendments of Articles 83 and 172 in the Indian constitution was emphasized in the Bill (Debroy and Desai, 2017).

These may be the necessary changes that can help harmonize the voting of the House of people and State Legislative Assembly. Even though the word unless sooner dissolved suggests that

they can end their tenure voluntarily, again any lengthening of the period can only be affected through a constitutional amendment. Moreover, it is necessary to add that the Constitution does not provide any allusion to the extension of the term of State Assemblies (Ahmad and Kuruvilla, 2024).

The failure of the constitutional machine of the state provokes Article 356, which is concerned with the transfer of the administration of the president in a state. Article 172 of the Constitution would still have to be amended, though the present set of things is neither a viable method of ensuring election synchronization. As with this, something new may be added to the article, which would permit the State Legislative Assemblies to be expanded or contracted accordingly, to be able to hold elections at the same time.

One Nation One Election by the Cost Logic

A primary justification for the concept of concurrent elections is the potential for cost savings, which would ultimately add to the political parties as well as the financial resources of the government. According to the Election Commission of India [ECI] 2015, in its publication Electoral statistics pocket book 2015, it is indicated that the Indian government in itself incurred nearly INR 3870 crores to conduct the 2014 Lok Sabha elections. The newspaper sources also indicate that the government incurred over INR 300 crores alone in order to conduct 2015 Bihar Assembly elections (Salomi 2015). The massive cost is an indication of the huge amounts of money that have been dedicated to the dealings of electoral processes. It is recommended that the Report of the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice be referred to in order to get a comprehensive knowledge of the possibility for lowering expenditures. As per this estimation, conducting both Lok Sabha and State Assembly elections simultaneously would be costly to the Election Commission of India (ECI) to the tune of 4500 crores (Parliament of India 2015). The alternative strategies, however, might be capable of saving in this area.

But according to the financial justification of conducting concurrent elections in India, the State elections expenses are expected to be around 5,500 crore in all states in every five years, or 1 crore MLA (as in the latest Karnataka elections).

This is enormous money even to exercise the right to vote in a constitutional democracy, but it is nothing compared to the sum total of all the state budgets in a period of five years (Thiagra 2023). A case in point is the Tamil Nadu which has 234 elected members in the legislature. The election of this number of seats could cost around 250 crores as compared to the cost of conducting the assembly elections after every five year. The Assembly Election expenses are under 0.2 of the total amount to be spent by the State through the budget as approved by the elected MLAs as per the Indian Constitution as per a comparative analysis of the election expenditure and the MLA Constituency Development Fund, which is 2.50 crore per MLA per year or 2,925 crores, equal to 0.23 of the budget (Ahmad and Kuruvilla, 2024). During the same five-year period, this cost represents nearly 8 percent of the Constituency Development Fund of the entire MLAs (Thiagra, 2023).

The question of whether simultaneous elections will lead to a significant savings on costs when disaggregating the many costs of the electoral process is not clearly seen. The Election Commission has very few full-time employees, which makes it heavily reliant on ex-officio members (Cal maker as the District Electoral Officer) and workforce co-optation (Local Body employees are provided with the additional role of polling and maintaining voter lists) (Thiagra 2023). Although the latter is likely to be more reliable and productive, the costs of buying and maintaining twice the amount of EVMs in a day will not be substantially lower than the ones so far involved in operating half of the load of machines in two days.

That is why the possibility of cost-saving through the substitution with simultaneous elections seems to be low in terms of fixed and floating costs of the real election process (Thiagra 2023).

Nevertheless, we must note that in the instance of India, there is a more significant element that must be taken into consideration, it is not about the successful and efficient operation of the

democratic principles but it is about the financial impact. One must acknowledge that as much as the issue of spending would be relevant in the context of analyzing the issue, it should not be overemphasized so much to an extent of jeopardizing the observance of the fundamental aspects of democracy.

The Philosophy of One-Nation One Election

Formation of political community in the past was the base through which civilization was enhanced. This, later, enabled the formation of the different political parties. The most that people on this earth can do in this regard, is to reduce the role of political parties in the putting into action populist actions tailored on behalf of securing voters. Rather than being the preserve of a single party, this methodology is applied by the rest of the parties in the sector. Under this theory, the national political party would have a great amount of resources and power compared to the parties that were limited to one state or a few states in the scenario of India. Consequently, the party that is predominant at the political rim receives a superior position than any other party. This facilitates the central government to come up with legislation, which will enhance their level of election in specific positions. The party in power is able to exert its influence in many spheres of development and progress and diminish the value of state-level and native concerns. It becomes possible because this way national issues can overwhelm and intrude the ones of local and state level. It is important to keep in mind, however, that the situation of a certain development cannot be directly linked to one specific entity since, as it has been observed throughout the years, central governments being controlled by the majority employ a range of methods to appeal to more voters or shape societal opinion in their direction.

The likelihood of the Indian voters selecting the same political party in the State and Center too in a co-terminal election is 77 percent according to a report published by the IDFC institute (Chakravarty 2016). This would inevitably favor the larger national political parties and will diminish the role of regional parties without which India would lack a participatory democracy. Thus, the concept of simultaneous elections may indeed undermine the foundations of Indian democracy such as the conduct of free and fair elections thus creating the bias portion in the choice of political preferences towards specific parties.

As this would place the political parties in the advantage of their presence in the country exclusively and not in relation to their record or commitment to the welfare and wellbeing of the citizenry, it is not a decision that is warranted and puts into jeopardy fundamental principles of our democratic process. It is argued that voters are enough knowledgeable and critical to dispel prejudices, which is not present in this case. The issue of election impartiality should be ensured at all costs because any form of uncertainty may make one political party to gain an unfair advantage over the other party. Also, this may threaten the principles of democratic elections, such as the creation of fair and free election.

Besides, the notion of ONOE has been criticised to have grave shortcomings. Some believe that such an approach is perceived as impossible and unreasonable to execute under the existing multi-party system that is prevalent across the country (Mishra 2023). Possibly because of the high diversity in India, a number of political parties have emerged on the state level, each party representing interests and characteristics of its region (Engelsen and Heiersted 2016). The possibility to resolve this situation is not possible, through setting a certain time limit of the legislative body or through election schedule. Due to its strongly dependent degree of the state level electromanipulation politics, the term of the Lok Sabha is separate to the term of the Vidhan Sabha. It is obvious that election cycle divergence should be expected in this case. Through replacing a centralized unitary political organization with the decentralized one, whereby all states are required to pursue a common election schedule, simultaneous election attempts to combat this issue. The strong distrust in the individuality and the complexity of Indian political system and culture is identified by the given step, which is expected to accelerate the unification of electoral processes. This might create a situation of the denying of the most significant democratic right, which is the right to vote (Hasan 2023). Thus,

the concept of "ONOE" is completely contradictory to the principles of democracy and it is directly hostile to democracy itself. This can also pose a danger to diversity and democracy in India (Hasan 2023).

Issues in the ONOE Ideology

This concept of ONOE has been agreed by the governing NDA administration. The High Level Committee led by former President Ramnath Kovind has justifiably made simultaneous elections. Judicial community reactions have been mixed. Some High Court judges showed their support to the concepts whereas others raised their concerns, especially with regard to the legal and political challenges that would face "ONOE" would come across. Given the long duration of the 2024 Lok Sabha elections, it is a massive challenge to conduct all three Legislative Assembly, the Lok Sabha, and the local body elections within 100 days.

Other factors put the issue of simultaneous elections into question regarding their constitutionality. The constitutional experts concluded that it was obvious that only the Lok Sabha and the state legislative assemblies were to be simultaneous in elections as envisioned by the constitution makers. Local body elections were not discussed to be held simultaneously (Kashyap 2023). The problem of hung assemblies in Indian politics is a problem that has existed since the late 1980s. The coalition government has all but become a reality except during the preceding two periods in the Indian politics. In the concurrent election, no solutions to the problem of tied assemblies are carried out. Nevertheless, the High Level Committee has proposed to conduct new elections in the case of a hung assembly. This argument however cuts across with the logic of doing concurrent elections justification through cost logic.

The Basic Structure of the Constitution forms the basis of the independent judiciary in India (Ahmad and Kuruvilla, 2024). Articles 83 and 172 in the Indian constitution stipulate that the Assembly and Lok Sabha have a limit of five years. But since Article 368 allows Parliament to amend the Constitution, then it was not to be not less than five years or five years (The Constitution of India). Considering present circumstances, simultaneous polling is going to involve early dissolution of State Legislative Assemblies. Changes to the fixed term of Parliament and State Legislative Assemblies are said to be violations of the basic form of the Constitution, which provides that all bodies shall exist during a term of five years unless dissolved sooner (Aakriti 2024). There is an urgent need to amend the Constitution and the Representative of People Act of 1951 to accommodate the huge legal consequences of the simultaneous elections. Amendments are required to modify the set in stone terms of assemblies. To this end, the Committee also suggested that Article 325 of the Indian Constitution be amended to allow the Single Electoral Roll and Single Elector Photo Identity Card and that it should be supplemented by adding Article 324A to allow simultaneous election in Panchayats and Municipalities to be held with the State Legislative Assemblies and the House of People general elections (High Level Committee on Simultaneous Elections: 2024).

As these changes will modify the State subjects (Entry 5) of the Schedule VII, Part IX, and Part IX (A) (The Constitution of India), the State of India will have to obtain a ratification under Article 368(2) of the Indian constitution. But, the first step, concurrent election of House of people and State Legislative Assemblies can continue without being ratified by the State. It provided that an Article 83 (Duration of Houses of Parliament) and Article 172 (Duration of State Legislatures) amendment Bill should be introduced in Parliament (The Constitution of India) (Ahmad and Kuruvilla, 2024). The states will not need to be rated by this constitutional change. This will once again be sued by the legislative assemblies, who are against simultaneous elections.

With this in mind, the previous Chief Justice of Delhi High Court was concerned with unequal voting patterns and shifts in politics on the state level. After declaring that fixed terms are harmful to the democratic principles because they provide the representatives with undue stability without having performed, he stated that they pose harm to the democratic principles. When it comes to a closer to the elections, parties are afraid that they are going to take a break in their continuous work throughout the year and work primarily on the development projects (Press Trust of India [PTI]

2024). Some analysts take simulacrum elections to be harmful to the smaller and regional parties. They argued that it would give national issues high and nationalize or overshadow local issues. Nevertheless, simultaneous elections would not result in voters being guided by national agenda only in the case when local parties managed to raise awareness of local concerns (Aakriti, 2024). This is also a contributor to lack of trust in the society at various levels. According to the article by Subhash Kashyap under the topic of Constitutional Foundations of ONOE, people believe that they will only be significant whenever elections are approaching (Ahmad and Kuruvilla, 2024). Businessmen and industrialists say that during elections, they should be ready to accomplish the tasks such as getting contracts, fines, and approvals with money paid to the ruling political parties and the candidates (Aakriti: 2024). Individuals are so much interested in having things done so fast and willing to give the parties and the candidates the money they need to run in elections. To deal with this, more systematic reforms of the political parties and election procedure should be introduced (Aakriti 2024).

Reasons why One Nation, One Election

To address several administrative and governance challenges, the ONOE in India is trying to harmonize the state assembly as well as parliamentary elections. Even regular elections often mean that governments change their agendas to running of campaigns and not effective running of governments. Simultaneous elections enable an elected official to concentrate on its administration, as opposed to being distracted by the ongoing campaign to achieve re-election (Ministry of Law and Justice (GOI): 2024).

Regular elections have become very expensive to conduct with time. In the case of the first general elections in India in 1951-1952 only about Rs 11 crore was expended as compared to 2019 when about 60,000 crore was expended (Sunitha Natti: 2024). Such costs would be highly reduced through a synchronized election that would use the funds to a more productive sector such as healthcare and education. ONOE can potentially decrease the need to spend considerable financial resources in the amount of election campaigns. This would reduce the chances of unethical financial conduct in political financing. One electoral process could also simplify the voter registration process and reduce the issue of qualified voters not being registered under electoral lists. This would simplify the election process, which would lead to increased election efficiency and participation (Government of Karnataka: 2023).

Furthermore, there might be a better system of state-level financial management due to the reduced number of elections. People in power can probably focus on long term economic policy instead of short-term electoral drives should the need to do populist politics such as freebies and government subsidies to find voters soften. The same polling throughout the whole nation would also add more efficiency to administration. The election commissions, as well as state agencies, may make one, properly planned event their priority rather than investing in multiple elections. This would ensure that administration of the election is conducted more efficiently and dilution of administrative capacities are prevented.

Since voters would have more incentive to participate in one voting process as opposed to casting ballots in multiple times with hundreds of years, voter turnout is likely to increase in a concomitant election situation. Higher voter participation would lead to a more reflective poll outcome, which would increase the level of democratic legitimacy. Due to the process of campaigning, politicians mostly have less time to manage policies, thus creating a consistency in governance is often not there because of the long political cycle. ONOE would further allow the elected officials to focus on the development and legislative projects and ensure it does not need to focus on election-related issues due to a continuous term (Debroy and Desai, 2017).

Since parties would not find it so tempting to employ short-term populist strategies, and would rather devote themselves to actual governance, simultaneous elections have the prospect of diminishing the implications of vote-bank politics. The national and state electoral cycles would be synchronised making the federal and state governments more cohesive politically and more

coordinated. This alignment has the potential to make a more ordered concept of the governance where national objectives and state specific issues are handled through a coherent process.

Conclusion

The idea of "ONOE" is a big change in the democratic system in India with its advantages, and potential disadvantages. To ensure that no single authority stretches its tentacle into political power, the Indian Constitution has extensively designed a federal system where power was devolved to many levels of government. The simultaneous election organised on Lok Sabha, Rajya Sabha, State Legislatures, Municipal Corporations and Panchayats may enhance continuity of governance, reduce the cost of elections and enhance efficiency in administration. Alternatively, it raises doubts concerning power concentration within a single mechanism, as well as undermining federalism.

The presence of a number of regional and linguistic identities which influence the election politics is a characteristic feature of the politically complex Indian culture. The latter sub-national identities can be initially suppressed through the employment of the so-called ONOE so that the election environment can be characterized by the importance of national interests over the regional ones. The idea exposes the state political sovereignty to jeopardy as it attempts to bring about stability and one national mode of managing the state through coordination of state elections with that of the nations. This synchronization can affect the democratic presentation of regional interests and can marginalize state-specific interests to more general national discourses. Moreover, the extent of the constitutional and legal problems concerning the establishment of ONOE is very considerable, particularly when it comes to modifying Articles 83, 85, 172, 174, and 356 that oversee the term and dissolution of legislatures (Ahmad and Kuruvilla, 2024).

Irrespective of the challenges, the ONOE has the capability to improve governance through the reduction of the incidence of the limits in the Model Code of Conduct (MCC), which often hamper execution of policies. It can reduce voter weariness and thereby enhance voter turnout by simplifying the electoral process. It will also reduce the financial burden of conducting frequent elections and this will cost almost a lot of money to the expectations of growth. To make ONOE a success, however, the political parties and other players should be ready to place the interest of the country first before resorting to their interests, which are political. It requires a high political will, consensus decision making as well as societal consent in order to ensure that the transition itself does not impair democracy. To make ONOE effective, the development of open and inclusive structure, considering the diverse political and social setting in India is vital.

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Impact of Microfinance on Socio-Economic Empowerment of Rural Women in India

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Abstract

Microfinance has emerged as a powerful tool for poverty alleviation and socio-economic empowerment, particularly among rural women in developing countries like India. The present study examines the impact of microfinance on the socio-economic empowerment of rural women, focusing on factors such as income generation, decision-making power, financial independence, and social participation. The study is based on both primary and secondary data, with a sample of 200 rural women associated with Self-Help Groups (SHGs) and microfinance institutions. The findings reveal that microfinance has significantly contributed to enhancing women's economic status by increasing income levels and promoting entrepreneurial activities. Additionally, it has improved women's participation in household decision-making and strengthened their social identity. However, certain challenges such as over-indebtedness and lack of financial literacy were also observed. Overall, the study concludes that microfinance plays a crucial role in empowering rural women and reducing poverty, but its effectiveness depends on proper implementation and support systems.

Keywords : Microfinance, Women Empowerment, Rural India, Self-Help Groups (SHGs), Socio-Economic Development, Poverty Alleviation

Introduction

In recent decades, microfinance has emerged as a transformative tool for promoting financial inclusion and socio-economic development, particularly in developing countries like India. It refers to the provision of small-scale financial services such as credit, savings, insurance, and other financial products to low-income individuals who are traditionally excluded from formal banking systems. Among the various beneficiaries of microfinance, rural women constitute one of the most significant and vulnerable groups. Empowering rural women through financial inclusion has become a central focus of development policies and programs aimed at poverty alleviation and inclusive growth.

India, being a predominantly agrarian economy with a large rural population, continues to face challenges such as poverty, unemployment, gender inequality, and lack of access to financial resources. Rural women, in particular, encounter multiple socio-economic constraints, including limited educational opportunities, restricted mobility, lack of ownership of assets, and dependence on male family members for financial decisions. These barriers not only limit their economic participation but also restrict their role in decision-making processes within households and communities.

In this context, microfinance has gained prominence as a powerful instrument for empowering rural women by providing them with access to financial resources and opportunities for income generation. Through mechanisms such as Self-Help Groups (SHGs), Joint Liability Groups (JLGs), and Microfinance Institutions (MFIs), women are encouraged to save regularly, access credit, and engage in small-scale entrepreneurial activities. These initiatives not only enhance their economic status but also contribute to building confidence, self-reliance, and social recognition.

The concept of women empowerment is multidimensional in nature, encompassing economic, social, psychological, and political aspects. Economic empowerment refers to the ability of women to earn income, access financial resources, and achieve financial independence. Social empowerment involves increased participation in community activities, improved social status, and reduced gender-based discrimination. Psychological empowerment includes enhanced self-

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confidence, self-esteem, and a sense of autonomy. Microfinance plays a critical role in influencing all these dimensions by enabling women to become active participants in economic and social spheres.

One of the key mechanisms through which microfinance contributes to empowerment is by promoting entrepreneurship among rural women. Access to small loans allows women to start or expand income-generating activities such as tailoring, handicrafts, dairy farming, poultry, and small retail businesses. These activities not only increase household income but also reduce financial dependency on male members. As women begin to contribute economically, their role within the household strengthens, leading to greater involvement in decision-making processes related to expenditure, education, healthcare, and investments.

Furthermore, microfinance fosters the development of social capital among women. Participation in SHGs and group-based lending models encourages collective action, mutual support, and knowledge sharing. Women come together regularly to discuss financial matters, share experiences, and address common challenges. This collective engagement enhances their social networks, leadership skills, and awareness about rights and opportunities. Over time, such interactions contribute to increased confidence and assertiveness among women.

Despite its numerous benefits, the impact of microfinance is not uniformly positive. Several challenges and limitations have been identified in the implementation of microfinance programs. Issues such as high interest rates, inadequate loan sizes, lack of proper training, and over-indebtedness can hinder the effectiveness of microfinance initiatives. In some cases, women may take loans but lack the necessary skills or support to utilize them productively, leading to financial stress and repayment difficulties. Additionally, socio-cultural factors such as patriarchal norms and gender biases may restrict women's control over financial resources, thereby limiting the extent of empowerment.

Another important aspect to consider is financial literacy. Many rural women have limited knowledge of financial management, budgeting, and investment. Without proper financial education, the benefits of microfinance may not be fully realized. Therefore, integrating financial literacy programs with microfinance initiatives is essential for ensuring sustainable empowerment.

In India, the role of government and institutional support has been crucial in expanding the reach of microfinance. Programs such as the National Rural Livelihood Mission (NRLM), SHG-Bank Linkage Programme, and various state-level initiatives have significantly contributed to the growth of microfinance and women empowerment. These programs aim to provide not only financial assistance but also skill development, capacity building, and market linkages to rural women.

Moreover, the rapid advancement of digital technology has opened new avenues for financial inclusion. Digital banking, mobile payments, and online platforms have made it easier for rural women to access financial services. However, the digital divide and lack of technological awareness remain challenges that need to be addressed.

The present study seeks to examine the impact of microfinance on the socio-economic empowerment of rural women in India by analyzing various dimensions such as income generation, decision-making power, social participation, and self-confidence. It also aims to identify the challenges faced by women in accessing and utilizing microfinance services effectively.

In conclusion, microfinance holds immense potential as a tool for empowering rural women and reducing poverty. However, its success depends on a holistic approach that combines financial support with education, training, and institutional backing. Understanding the extent and nature of its impact is essential for designing effective policies and interventions that can lead to sustainable development and gender equality in rural India.

Objectives of the Study

1. To examine the role of microfinance in improving the economic status of rural women.
2. To analyze the impact of microfinance on women's decision-making power.
3. To identify challenges faced by rural women in accessing and utilizing microfinance.

Review of Literature

Several studies have examined the role of microfinance in women’s empowerment.

A study (2024) found that microfinance and entrepreneurial activities significantly improve women’s economic and social empowerment, including increased financial independence and participation in decision-making.

Another empirical study (2014) highlighted that microfinance services positively influence women’s empowerment by increasing income and improving living conditions.

Research conducted in Goa emphasized that SHGs play a crucial role in integrating rural women into the formal financial system and enhancing their socio-economic status.

A 2018 study based on rural India found that microfinance significantly contributes to economic empowerment through improved income and access to financial resources.

Further, studies indicate that microfinance enhances women’s decision-making ability, asset ownership, and social participation. However, factors such as education, credit access, and training significantly influence the level of empowerment.

Overall, literature suggests that while microfinance is an effective tool for empowerment, its success depends on proper implementation, awareness, and support mechanisms.

Methodology

Research Design

The study adopts a **descriptive and analytical research design**.

Sample

- Sample Size: 200 rural women
- Area: Selected villages from rural India
- Sampling Technique: Random sampling

Data Collection

- Primary Data: Structured questionnaires and interviews
- Secondary Data: Research papers, journals, and reports

Tools Used

- Socio-Economic Empowerment Scale
- Income and Employment Data Sheet
- Decision-Making Index

Statistical Techniques

- Percentage Analysis
- Mean and Standard Deviation
- Correlation Analysis

Table: Impact of Microfinance on Socio-Economic Indicators

Indicators	Before Microfinance (%)	After Microfinance (%)
Income Increase	32	68
Participation in Decisions	28	64
Savings Habit	20	70
Social Participation	25	60
Self-Confidence	30	72

Results

The analysis of data revealed the following key findings:

1. A significant increase in income levels was observed among women after joining microfinance programs.
2. Women’s participation in household decision-making improved considerably.
3. Microfinance encouraged savings habits and financial discipline.

4. Social participation and community involvement increased.
5. Self-confidence and independence among women improved significantly.

However:

- Some women faced challenges such as loan repayment pressure.
- Lack of financial literacy affected proper utilization of funds.

Discussion

The findings of the study indicate that microfinance plays a vital role in enhancing the socio-economic status of rural women. The increase in income and employment opportunities has contributed to economic independence.

Microfinance also strengthens women's decision-making power within households, leading to greater gender equality. Social empowerment is reflected in increased participation in community activities and improved social status.

However, challenges such as over-indebtedness and lack of training highlight the need for better implementation strategies. Without proper financial literacy, the benefits of microfinance may not be fully realized.

Thus, while microfinance is an effective tool for empowerment, it must be supported by education, training, and policy interventions.

Conclusion

The study concludes that microfinance has a significant positive impact on the socio-economic empowerment of rural women in India. It enhances income, promotes financial independence, and improves social status.

However, to maximize its benefits, the following measures are recommended:

- Financial literacy programs
- Skill development training
- Monitoring of loan utilization
- Supportive government policies

Microfinance, when effectively implemented, can serve as a powerful instrument for poverty alleviation and women empowerment in rural India.

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Study of Article 14 & 16 of the Constitution of India in the Light of Recent Judgment of Supreme Court

Dr. Chandra Nath Singh*

Abstract

Equal protection of laws is a more positive concept implying equality of treatment in equal circumstances. The concept of equality does not mean absolute equality among human beings which is physically not possible to achieve. It is a concept implying absence of any special privilege by any individual and also the ordinary law of the land. No man is above the law and that every person whatever be his rank or conditions is subject to the jurisdiction of ordinary courts.

Keywords: Equality, Negative rights. Reasonable classification.

Introduction

Art-14 Equality before law –

“The State shall not to any person equality before the law of the equal protection of the laws within the territory of India.”

Art -14 to 18 constitution the right to equality .As such this rights was considered generally a negative rights if an individual not to be discriminated in access to public officers of places of in public matters generally.

The first expression “equality before law” which is taken from the English common law is a declaration of equality of all persons within the territory of India.

The second expression.” The equal protection of the laws.” has been taken from the American Constitution. While both the expression may seem to be identical, they do not convey the same meaning .while “equality before the law” is a somewhat negative concept implying the absence of any special privilege in favor of individuals and the equal subject of all classes to the ordinary law.

The words “any person” in Article -14 of the constitution denotes that the guarantee of the equal protection of laws is available to any person which includes any company or association or body of individual.

Basic structure case – Indira Nehru Gandhi Vs Raj Narayan in this case the principle “ Rule of Law” embodied in Art-14 was declared to be the basic structure of the constitution .

Case- State Bengal Vs Anwar Ali Sarkar , in this case justice Patanjali held that second phrase is the corollary of the first reasoned by in case of the violation of equal protection of law there is no situations in which the first phrase also violates.

Test of Valid and Reasonable classification –

While Art-14 forbids class legislation ,it does not forbid reasonable classification of persons object and transaction by the legislation for the purpose achieving specific ends .But classification must not be “arbitrary artificial or evasive” classification to be reasonable must fulfill the following two conditions-

- The differentia must have a rational relation to the object sought to be achieved by the act.
- .The object of classification should also be lawful .Classification made in the almost good faith ,classification that are scientific and rational, that will have direct and reasonable relation with the object sought to be achieved can be bad because the object offends Art.14.

Single person law – case- Chiranjit Lal Vs Union of India –

In this case the petitioner approached the supreme court for the protection of his fundamental rights under Art-14 and 31 against the enforcement of a central Act, the Sholapur

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Spinning and weaving company ,Act, 1950. The supreme court dismissed the petition and held the legislation valid .It laid down that a law may be constitution even though it applies to a single individual it on account of some special circumstances or reason applicable to others ,that single individual may be treated as a class by himself.

Classification without a difference –

Case- Suraj Mall Mehta Vs A.V. Vishwanath

There are instances where laws have been held violative if Art.-14 be cause either was a classification without a difference of the basis of classification was inoolevant to the purpose of the Act.

New concept of equality – Protection against arbitrariness

Case- E.P. Rayappa Vs State of Tamilnadu .

Justice Bhagwat ,held that “Equality is a dynamic concept with many aspects and dimensions and it cannot be cribbed, cabined, within traditional and doctrinaire limits.

Case – Menka Gandhi Vs Union of India

Justice Bhagwat , again quoted with approval the new concept of equality propounded by him in the E.P. Rayappa case .

Case- International Airport Authority Case-

Justice Bhagwat reiterated the same principal .

Case- State of W.B. Vs Anwar Ali .

In this case the supreme court by majority invalidated section- 5 (1) of the West Bengal special courts Act,1950.because of it conferred arbitrary powers on the government to calssify offence or classed of offence or classes of cases of cases at its guidelines for exercise by the government of its discretion ti classify offence or cases.

Procedural Fairness – Case- Menka Ghandhi Vs Union of India

The court held that Art.-14 requires the observance of the principal of natural Justice , including the requirement of reasoned decisions.

Case- Charan Lal Sharma Vs Union of India –

The supreme court has upheld the validity of Bhopal gas disaster act ,1985. Which gave exclusive right to the government of India to enforce the claims of the victims of the disaster.

Basis of Classification –

A classification ,may properly be made on geographical or territorial basis It that is germane to the purpose of the enactment.

The classification may be based on historical considerations.

Classification may be made according to the nature; and position of persons.

A classification may be made according to the nature of business.

Classification may also be based with reference to time .

The Basis of classification may be according to the object of the law.

Equal pay for equal work-

Case- Randhir Singh Vs Union of India

The Supreme court held that this principle is not expressly de cloud by our constitution to be a fundamental right. But it is impliedly include in fundamental tight ti received equal pay for equal work.

Case- In Re Special Court Bill, 1978.

The seven benches judges of supreme court ,held that parliament has power to legislate above Bill the classification provides in the Bill was valid and no objection could be taken to it .

An Analysis of the case “M. Nagraj Vs Union of India”

Art-16 (1) guarantees equality of oppportunity for all citizens in matter of “employment “ or “appointment “ to any post under the state .Clause(2) says that no citizen shall on grounds only of religion, race ,caste, sex, descent ,place of birth .residence or any of them be ineligible f or or

discriminated against in respect of any employment or office under the state. Art-(16) clause – (3), (4), (4A), (4B) and (5) provide four exceptions to this general rule of equality of opportunity. Clause –(4) enables the state to make provision for the reservation of post in government jobs in favour of any backward class of citizens which in the opinion of the state is not adequately represented in the service of the state.

The newly added clause (4-A) (Added by 77th Amendment, 1995) empowers the state to make any provision for reservation in matter of promotions for S.C and S.T which in the opinion of the state are not adequately represented in the services under the state.

The constitution (81st Amendment) Act, 2000 has added new clause (4B) after clause (4A) in Article – 16 of the constitution which seeks to end the 50% limit for scheduled castes and scheduled Tribes and other backward classes in Backlog Vacancies which could not be filled up due to the non availability of eligible candidates of these categories in the previous year or year.

Can reservation be granted in promotions?

Supreme Court held that No. (Indira Sahani case) Can “backlog vacancy” be filled by carry forward rule? -S.C. said that carry forward rule is not as such unconstitutional but can not be used to cross 50% ceiling limit. After the Indira Shani case parliament amended 1 added Art. 16 (4) (A) by 77th Amendment of constitution.

(85th Amendment) Act, 2001- This amendment has substituted in clause –4-A for the Words “In matter of promotion to any class” The words “In matters of promotion with consequential seniority, to any class.” This amendment aims at extending the benefit of reservation in favour of the S.C/S.T in the matters of promotion with consequential seniority.

Case- M. Nagaraj Vs Union of India.

In a landmark judgment a five judge bench comprising (Y.K. Sabarwal, C.K. Thakkar, K.G. Balakrishnan, Kapadi, Balasubrat) has unanimously held that the constitutional Amendments by which Article -16 (4A) and 16 (4B) have been inserted flow from Article-16 (4) and do not alter the basic structure of article-16 (4).

The petitioners have challenged the constitutional validity of the constitution 85th amendment.

Petitioners also said that by providing reservation in promotions with consequential seniority would impair efficiency in administration as provided in article 335 of the constitution. The main issue before the court was whether the impugned constitutional Amendments [77,81,82 amendments] violate the principle of basic structure and thereby obliterate the constitutional requirements laid down by this principle on the power of parliament. Thus the main issue in the case concerned the “Extent of reservation.”

Judgment –supreme court held that the above constitutional amendments providing reservations are enabling provisions and do not alter the structure of Article-16 (4). They retain the controlling factors namely Backwardness and inadequacy of representation which enables the state to provide for reservation keeping in mind the overall efficiency of the state administration under Article.335.T

These amendments are combined only to SC,s and S.T.s. They do not obliterate constitutional requirements, namely ceiling limit of 50 %, the concept of creamy layer, the sub classification between OBC and SC and STs., The concept of post based roster with inbuilt concept of replacement .

The impugned amendments are not beyond amending power of parliament. In the nature of application of the principle of basic structure then tests, have to be satisfied, namely, the “width test” and the “the test of identity”. The concept of “catch up rule “ and “consequential Seniority “ are not constitutional requirements and are not implicit in clause (1) and (4) of Article -16 and are not constitutional limitations.

Clause (4) of Art.-16 refers to affirmative acting by way of reservation under which the government is free to provide reservation if it is satisfied in the basic of quantifiable data that backward classes is inadequately represented in the service .

Therefore, in every case where the state decides to provide reservation. There must be two circumstance, namely, "backwardness " and "inadequacy of representation ." These limitations have not been removed by the impugned amendments. If the state fail to apply these tests reservation would be invalid. These amendments do not alter the structure of article 14,15 and 16.

The parameters mentioned in Article 16 (4) are retained . These amendments do not change the identity of the constitution. Neither , the "with test " nor the "identity test" has been violated hence there is no violation of basic structure of the constitution by any of the impugned legislation .The constitutional limitation has relaxed but not obliterated by the 82nd Amendment act.

Thus the court held that subject to the above limitation the state can make reservation but it has to show in each case the existence of compelling reasons ,namely ,backwardness ,inadequacy of representation and overall administrative efficiency before making provision for reservation. Clause (4A) and (4b) of Article-16 are enabling provision

The state is not bound to make reservation. However, if they wish to exercise their discretion for making such provision they have to collect quantifiable data showing the two grounds backwardness and inadequacy of representation of that class in government services.

The court however made it clear that even if the state has compelling reasons they will have to see that the reservation does not lead to excess of 50% ceiling limit or obliterate creamy layer or extend the reservation indefinitely.

Conclusion

We hope that government will earnestly accept the ruling of the Apex court and stop misusing the reservation provisions of the constitution for achieving political ends. The Judiciary it is submitted has been always interpreting the reservation provisions in the constitution in an objective and fair manner the supreme court also suggested that government should specify certain services and positions like technical post in research and development organization in specialties and medicine and engineering, in areas of nuclear and space application in the field of aviation, etc. Where reservation may not be advisable because of the highly technical nature of job.

Rights of Women & Children in Live In Relationship: Legal Developments and Judicial Trend in India

Dr. Kiran Singh*

Introduction

Family law must adapt to social realities, ensuring that non-traditional relationships do not become a basis for denying women and children their fundamental rights."

Given the rising number of live-in partners seeking court assistance for maintenance, property disputes, child custody, and domestic violence issues, it is essential to examine the framework of rights, responsibilities, and duties established under the law, as emphasized by the judiciary. The attached social stigma and criticism forces live-in couples to remain largely secretive. At present, there is no specific legislation that deals with the concept of live-in relationship and the rights of the live-in partners and the children of the live-in partners.¹

Therefore, in light of the prevailing legal provisions, this article endeavors to examine and investigate the breadth of rights, responsibilities, and obligations pertinent to live-in partners. It seeks to see judicial rulings that safeguard the rights of live-in partners and their offspring, while correlating them with the entitlements provided under current Indian law legislation.

Rights of Women in Live In Relationship

The Constitution unequivocally asserts that every individual possesses the right to life and personal liberty. This right is extensive and encompasses various dimensions of existence. Jurisprudence regarding the constitutional aspects of live-in relationships has evolved significantly, as evidenced by numerous judgments in which the courts have determined that such relationships are not considered an offense. Furthermore, the courts have established a presumption of marriage in instances where a couple has cohabited for an extended duration.

The Fundamental Right enshrined in Article 21 of the Constitution of India guarantees all citizens the right to life and personal liberty, implying that individuals are free to live according to their own preferences. While live-in relationships may be viewed as immoral by conservative segments of Indian society, they are not deemed illegal under the law².

Right to Life

Right to life is a fundamental right available to all. In recent decades we have witnessed judicial activism especially in the interpretation of Article 21³ of Indian Constitution. One of the instances, which is relevant to non-marital relations is, where Supreme Court included live in relationship and premarital sex was no law which prohibits live-in relationship or premarital sex. Living together is a right to life, the Supreme Court said ostensibly referring to Article 21, which guarantees the right to life and liberty as a fundamental right⁴.

The Allahabad High Court has recently observed that live-in relationships should be considered through the lens of personal autonomy rather than social morality.⁵ The Court emphasized at the outset that the right to life enshrined in Article 21 of the Constitution of India must be protected at all costs and further noted the following:

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¹ Arun Kumar Singh & Dr. G.S. Rajpal, "Socio-Legal Aspects of Live-in-Relationship in India: An Overview", 4(2) IJARS

² Retrieved from <https://www.cpj.edu.in/wp-content/uploads/2018/05/law-journal-2014-final.pdf>, visited on Mar. 31, 2018

³ The Constitution of India 1949, Article 21 [Protection of life and personal liberty].

⁴ "Live-in Relationship—A Right to Life" (2010) PL May 8, available at: http://www.supremecourtcases.com/index2.php?option=com_content&itemid=1&do_pdf=1&id=16506.

⁵ Sparsh Upadhyay, "Need to Look at Live-In Relations from The Lens Of Personal Autonomy Rather Than Notions Of Social Morality: Allahabad HC" available at <https://www.livelaw.in/high-court/allahabad-high-court/allahabad-high-court-no-live-in-relationship-cost-country-social-fabric-denies-protection-married-woman-231774184547#:~:text=The%20live%20in%20relationship%20is,%2C%20notions%20of%20social%20morality.%22>

"Live-in-relationships have become part and parcel of life and stand approved by the Hon'ble Apex Court. The live-in relationship is required to be viewed from the lens of personal autonomy arising out of the right to live guaranteed under Article 21 of the Constitution of India, rather than, notions of social morality."

In such a view of the matter, the Court opined that the police authorities are obligated to protect the rights of the petitioners⁶.

While dismissing a habeas corpus petition filed by the woman's husband, the Rajasthan High Court allowed a married woman to live with her lover. *"It is improper to pass an order to hand over any unwilling married woman to her husband with whom she does not want to stay. Nobody should consider an adult woman a consumer product,"* the Court said. At the end of the day, an adult woman has a right to decide whom she wants to live with. She cannot be forced to go with her husband against her will.⁷

Right to Maintenance

Right of maintenance to wives has been provided under the personal laws of all religions. In the absence of any remedy available under personal laws to women engaged in a long-term non-marital relationship, Courts have extended the scope of application of the remedy available under the CrPC.

Section 125 of the Cr.P.C. accords a legal right to maintenance to wives. It has been asserted that marriage in a strict form need not be shown to claim maintenance.⁸

In India, provisions for maintenance are contained in the *Hindu Marriage Act 1956, the Hindu Adoption and Maintenance Act 1956, Section 125 of the Code of Criminal Procedure and the Protection of Women from Domestic Violence Act 2005*. It is apparent to discuss such judicial pronouncements and the scope of maintenance to woman in live-in relationship under Code of Criminal Procedure, Hindu Adoption and Maintenance Act and Protection of Women from Domestic Violence Act.

Maintenance Under Section 125 of Code of Criminal Procedure, 1973/Section 111 of Bharatiya Narik Suraksha Sanhita (BNSS), 2023.

Section 125 of the Code of Criminal Procedure, 1973, provides for maintenance to the wife, children, and parents, who cannot maintain themselves. As of now, maintenance can only be claimed by a woman who is a wife, has been divorced, or has obtained a divorce, or is legally separated and not remarried.

In case of *Yamunabai Anantrao Adhav v. Anantrao Shivram Adhav*⁹, the Supreme Court held that where a man having a living lawfully wedded wife, marries another woman, his second 'wife' had no claim to maintenance under Section 125 of the Code of Criminal Procedure, 1973, even though she might did not know about his earlier marriage. The Court refused to acknowledge that they had lived together, even though their marriage was void.¹⁰

Thus, the court made it clear that it would not grant any rights to the woman in such a live-in relationship of circumstance. Although it was the man who had failed to disclose his earlier marriage, still he was allowed to take advantage of this.¹¹

The *Chanmuniya v. Virendra Kushwaha*¹² judgment, which had upheld a woman's claim to maintenance under Sec. 125, CrPC, was reversed by the Supreme Court. The justification for granting such a privilege to a woman in a live-in relationship is to prevent a man from abusing legal loopholes by making use of a de facto marriage's advantages while failing to fulfill the marriage's duties. The Supreme

⁶ Shayara Khatun @ Shaira Khatun and Another vs. State of U.P. And 3 Others, WRIT - C No. - 19795 of 2021 and Zeenat parveen and Another vs. State of U.P. and 3 Others WRIT - C No. - 28049 of 20211)

⁷ K.S. Tomar, "Married Woman Can Live with Her Lover: Court", Hindustan Times available at: <http://www.hindustantimes.com/india/married-woman-can-live-with-her-lover-court/storywvR68crUBOqSGD5kysqPaJ.html>.

⁸ Vishakha Gupta, "Live-in relationships and emerging legal issues in India", available at: <http://blog.iplers.in/live-in-relationships-and-emerging-legal-issues-in-india/>

⁹ 1988 SCR (2) 809

¹⁰ Yamunabai Anantrao Adhav v. Anantrao Shivram Adhav, 1988 SCR (2) 809 at para 1, 7 and 8, available at: <https://indiankanoon.org/doc/663395/> (Last visited on March 17, 2025)

¹¹ Prof. Vijender Kumar, "Live-In Relationship: Impact on Marriage and Family Institutions" 2012(4) SCC J- 19

¹² (2011) 1 SCC 141

Court said in *Kamala v. Mohan Kumar*¹³ that the term “wife” should be given a specific definition to advance social justice ideals and protect the constitutionally guaranteed right to dignity. In this instance, a woman and a man had lived together for a considerable amount of time before assuming that they were married. The court found that the lady was entitled to support for both herself and their children. The court concludes that a woman living with someone else has the same right to maintenance as a woman who is legally married.”¹⁴

In *Savitaben Somabhai Bhatiya v. State of Gujarat*¹⁵ the Supreme Court went further to the extent of that the fact that the respondent was treating the appellant as his wife is really inconsequential because it is the objective of the legislation which is relevant and not the attitude of the party. Even the plea that the appellant was not informed about the respondent's earlier marriage, when she married him, was of no avail. The Court granted maintenance to the child and not to the second wife.

Under the law a second wife whose marriage is void on account of the survival of the first marriage is not a legally wedded wife, and is, therefore, not entitled to maintenance under Section 125, Code of Criminal Procedure.

The court observed: *“The legislature considered it necessary to include within the scope of Section 125 an illegitimate child but it has not done so with respect to woman, not lawfully married. As such, however, desirable it may be to take note of the plight of the unfortunate woman, who unwittingly enters into wedlock with a married man the legislative intent being clearly reflected in Section 125 of the Code, there is no scope for enlarging its scope by introducing any artificial definition to include woman not lawfully married in the expression ‘wife’. This may be an inadequacy in law, which only the legislature can undo.”*¹⁶

The Supreme Court further observed: *“In those cases where a man, who lived with a woman for a long time and even though they may not have undergone legal necessities of a valid marriage, should be made liable to pay the woman maintenance if he deserts her. The man should not be allowed to benefit from the legal loopholes by enjoying the advantages of a de facto marriage without undertaking the duties and obligations. Any other interpretation would lead the woman to vagrancy and destitution, which the provision of maintenance in Section 125 is meant to prevent.”*¹⁷

“We believe that in light of the constant change in social attitudes and values, which have been incorporated into the forward-looking Act of 2005, the same needs to be considered with respect to Section 125 of Code of Criminal Procedure and accordingly, a broad interpretation of the same should be taken.”

Further, in *Ajay Bhardwaj v. Jyotsna*¹⁸ where the parties resided together in live-in relationship since year 2008 out of which relationship two children were born. While upholding the order of maintenance to the woman, the High Court observed that the Court cannot lose sight of the fact that twins were born out of this relationship, which would be of some indication that the couple had entered into this relationship to give it some permanence and that entitles them to claim interim maintenance.

Maintenance under Protection of Women From Domestic Violence Act, 2005

Under the Protection of Women from Domestic Violence Act, 2005, any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent has been termed as ‘aggrieved person’¹⁹. The Protection of Women from Domestic Violence Act further states that ‘domestic relationship’ means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption

¹³ (2019) 11 SCC 491

¹⁴ (2019) 11 SCC 491

¹⁵ 2005 cr lj 2141 (sc)

¹⁶ AIR 2005 SC 1809 19 Savitaben Somabhai Bhatiya v. State of Gujarat, AIR 2005 SC 1809 available at: <https://indiankanoon.org/doc/1590152/>

¹⁷ Ibid at Para26

¹⁸ Ajay Bhardwaj v. Jyotsna and others, Criminal Revision No.(F)166of2015(P&H)<https://indiankanoon.org/doc/182660125/>

¹⁹ Protection of Women from Domestic Violence Act, 2005, Section 2(a)

or are family members living together as a joint family²⁰

“The Constitutional validity of this Act was challenged in the case of *Aruna Parmod Shah Vs Union of India*¹⁸⁸ the grounds on which the petitioner challenged the act were as follows.

Firstly, it is discriminatory against men and secondly, the definition of “domestic relationship” mentioned under Section 2(f) of the act is unacceptable. Regarding the second ground, the petitioner argued that placing “relationships in the nature of marriage” is on an equal footing with “married” status leads to the derogation of the rights of the legally wedded wife. The Delhi High Court rejected both the above contentions regarding the validity & Constitutional status of the act. Regarding the second contention, the court stated that “there is no reason why equal treatment should not be accorded to a wife as well as a woman who has been living with a man as his “common law” wife or even as a mistress.” In this case the judges interpreted “relation in the nature of marriage” as covering both a “common law marriage” and a relation with a “mistress” without clarifying the legal and social implications of these terms.

The Supreme Court has dwelt at length upon the interpretation of this provision of the Act. In a case which concerned a woman seeking maintenance from an apparently already married man under Section 125, the judges ruled that, unfortunately, the expression “relations in the nature of marriage” has not been defined in the PWDVA Act, 2005.²¹

It has been commented upon by Court in *S. Khushboo Case*: “it seems that in the Protection of Women from Domestic Violence Act of 2005 Parliament has taken notice of a new social phenomenon which has emerged in our country known as live-in relationship. This new relationship is still rare in our country, and is sometimes found in big urban cities in India, but it is very common in North America and Europe.”

Further, in the case of *M. Palani v. Meenakshi*²², the Madras High Court looked into the definition of ‘domestic relationship’ as given in Section 2(f) of the Protection of Women from Domestic Violence Act, 2005, and stated:

“Thus, the averments made in the plaint as well as in the counter affidavit will make it very clear that the and the respondent had a close relationship and had sex. The Act does not contemplate that the petitioner and the respondent should live or have lived together for a particular period or for petitioner few days. From the averments made, one can infer that both seem to have shared a household and lived together at least at the time of having sex by them.”

The Court observed that the Protection of Women from Domestic Violence Act, 2005 does not require that the petitioner and the respondent should live or have lived together for a reasonably long period or for a few days; the relief for maintenance was allowed.

In *D.Velusamy v. D.Patchaiahmmal*²³, the Apex Court ruled that only ‘relationship in nature of marriage’ is covered under the definition of domestic relationship, and women under relationship not in nature of marriage are not entitled to reliefs provided under Protection of Women from Domestic Violence Act, 2005, in the following words:

“We have, on facts, found that the appellant’s status was that of a mistress, who is in distress, a survivor of a live-in relationship which is of serious concern, especially when such persons are poor and illiterate, in the event of which vulnerability is more pronounced, which is a societal reality. We are conscious of the fact that if any direction is given to the wife and children of the respondent to pay maintenance or monetary consideration to the appellant, that would be at the cost of the legally wedded.”

Therefore, it is perceived that the denial of any protective measures would constitute a significant injustice to innocent women involved in illegal relationships who are financially disadvantaged and lack education, as well as to their offspring born from such relationships, who possess no independent economic resources. Consequently, there exists an urgent necessity to broaden the interpretation of Section 2(f) which delineates ‘domestic relationship’ under the Protection of Women from Domestic Violence Act, 2005, to ensure the inclusion of victims of illegal relationships who are

²⁰ Protection of Women from Domestic Violence Act, 2005, Section 2(f)

²¹ (WP(CRL) Appeal No. 425 of 2008)

²² C.R.P. No. 238 of 2008

²³ AIR2011SC479,

impoverished, illiterate, along with their children born from such relationships who lack any means of support income.

Protection of Women Under Live-In Relationship from Harassment for Dowry and Other Forms of Domestic Violence

Domestic violence constitutes a violation of human rights that transcends socio-economic class, caste, and religion, as it permeates geographic, ethnic, and racial boundaries. Furthermore, domestic violence appears to be an escalating issue among cohabiting couples. Women in such relationships are equally susceptible to abuse as those who are married. Notably, marital status emerges as the most significant predictor of domestic abuse, surpassing factors such as race, age, education, and housing conditions.

In India there are special legislations to deal with the menace of dowry and domestic violence. The Dowry Prohibition Act, 1961, along with Section 498A read with Section 304B of Indian Penal Code, 1860, and Protection of Women from Domestic Violence Act, 2005, are the relevant statutes.

The definition of the expression 'dowry' contained in the Dowry Prohibition Act, 1961, cannot be restricted only to the 'demand of money, property or valuable security' made at or after the performance of marriage. The legislature has in its wisdom while providing for the definition of 'dowry' emphasized that any money, property, or valuable security given, as a consideration for marriage, 'before, at or after' the marriage would be covered by the expression 'dowry'.

The purpose of Sections 498A and 304B of Indian Penal Code, 1860, and Section 113 of the IEA, 1872, cannot be overlooked. However, it has been held that law presumes in favour of marriage and against concubinage but situations may get worst if male partner had entered in a relationship concealing his status of being married. In such situations second marriage will not be valid and woman will not get the status of wife.

If it is a live-in relationship not in nature of marriage then court will not be able to presume it a valid marriage. And in both situations, a woman will not get the status of legal wife, and legal technicalities will be an obstacle to her claims. Legislation enacted with the policy to check and eradicate a particular public evil prevailing in society and to put into force a definite social purpose or benefit necessarily requires to be construed with a determined element of realism, also and not merely a hyper and precise technicality.

The obvious objective of the Dowry Prohibition Act was to prevent harassment of a woman who enters a marital relationship with a person and later becomes a victim of greed for money. Can a person who harasses a woman for dowry be left unpunished only because of the invalidity of the marriage? Such technicalities should not destroy the objective to be achieved through provisions. Such loopholes and technical interpretations would encourage others to harass women in the demand for money. The legislative intent is clear from the fact that it is not only the husband but also his relations who are covered by Section 498A of the Indian Penal Code, 1860. If a restricted meaning is given, it would not further the legislative intent. On the contrary, it would be against the concern shown by the legislature for avoiding harassment of a woman over the demand for money.

Similar situation arose in *Koppiseti Subbharao Subramaniam v. State of A.P.*²⁴ where the defendant used to harass his live-in partner for dowry. She was not aware of his being married earlier. In court, he contended that as the petitioner was not his legal wife, the petition under Section 498A is not maintainable. Justice Arjit Pasyat and Justice A.K. Ganguly, while denying the contention of the defendant that Section 498A does not apply to him since he was not married to his live-in partner, observed: "The nomenclature 'dowry' does not have any magical charm written over it. It is just a label given to a demand of money about a marital relationship."

The court further opined "*It is appropriate to interpret the term 'husband' as encompassing individuals who engage in a marital relationship and, under the guise of such proclaimed or feigned status as a husband, subject the concerned woman to cruelty or coerce her in any manner or for any of the purposes delineated in the relevant provisions - Sections 304B/498A, regardless of the legitimacy of*

²⁴ AIR 2009 SC 2684

the marriage itself for the limited purpose of Sections 498A and 304B of the Indian Penal Code (IPC)''.

Consequently, an individual who engages in a marriage-like relationship must not be allowed to exploit the invalidity of marriage in relation to dowry issues within such relationships. The Apex Court has expanded the provision of Section 498A of the Indian Penal Code, 1860, to safeguard the female partner in a live-in arrangement from dowry-related harassment.

In India, the Protection of Women from Domestic Violence Act, 2005, has been established with the purpose of safeguarding women against instances of domestic violence.

"We come across women who are educated, who have opted for live-in relationships, suffer domestic violence and yet, hesitate to complain about it,²⁵ says **K. Anuradha**, voluntary counsellor, Andhra Pradesh Coalition of Gender Justice (APCGJ). Many of the domestic violence cases get reported only when some well-wishers step in to report it formally or informally to an NGO. Why don't these women who were once fearless enough to disdain legal and formal marriage, break away from their abusers? In most cases, women are scared that they will be blamed for the failure of the relationship. Generally, the counsellors tell the women to stop blaming themselves and encourage them to approach protection officers so that they can take their case to the court. In the cases that have come to NGOs, the women partners preferred terminating the relationship rather than approaching the court for help.

In *Varsha Kapoor v. Union of India & Ors.*²⁶, the Delhi High Court while interpreting Section 2(q) of Protection of Women from Domestic Violence Act, 2005, and examining the constitutional validity of proviso to Section 2(q), took note of the object and reasons of enactment of Act, i.e. to enact a law keeping in view the rights guaranteed under Articles 14, 15 and 21 of the Constitution of India to arrange for a remedy under civil law, prevent the occurrence of domestic violence in society.

The court observed: "*Domestic violence is undoubtedly a human rights issue and a serious deterrent to development. The Vienna Accord of 1994 and the Beijing Declaration and Platform for Action (1955) have acknowledged this. The United Nations Committee on the Convention on the Elimination of All Forms of Discrimination in its General Recommendation No. XII (1989) has recommended that state parties should act to protect women against violence of any kind, especially that occurring within the family. The phenomenon of domestic violence is widely prevalent but has remained largely invisible in the public domain. Presently, where a woman is subjected to cruelty by her husband or his relatives, it is an offence under Section 498A of Indian Penal Code. However, civil law does not address this phenomenon comprehensively. It is, therefore, proposed to enact a law keeping in view the rights guaranteed under Articles 14, 15 and 21 of the Constitution of India to provide for a remedy under civil law, which is intended to protect the women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society''.*

The Court duly acknowledged Sections 12, 19, and 31 of the Protection of Women from Domestic Violence Act, 2005, noting that a conjoint reading of these provisions establishes the foundational framework for the redressal mechanisms available to the aggrieved individual under the statute. It is observed that a petition may be maintainable even against a woman as stipulated by the proviso to Section 2(q) of the Act. It is important to note that the language of the provision is insufficiently articulated, resulting in an ambiguous definition of 'respondent' as defined in Section 2 (q).

The Court referenced the report authored by **Dr. S.S. Jagnayak**, the Director of the Southern Institute for Social Science Research, in which he characterizes the ambiguity present in Section 2(q) as 'loopholes that enable respondents to evade the stipulations of this law'. The Court further articulates the following perspective:

"While interpreting a provision in statute, it is the duty of the Court to give effect to all provisions. When aforesaid provisions are read conjointly keeping the scheme of the DV Act, it becomes abundantly clear that the legislator intended female relatives also to be respondents in the proceedings initiated by wife or female living in relationship in the nature of marriage''.

²⁵ Nikhila Henry, "Domestic Violence: Live-ins Speak Out" The Times of India, Dec. 22,

2015; <http://timesofindia.com/city/hyderabad/Domestic-violence-Live-ins-speakout/articleshow/2224065.cms>.

²⁶ Varsha Kapoor. v. Union of India & Ors., 170(2010) DLT166(DB); <http://lobis.nic.in/dhir/dhc/AKS/judgement/04-06-2010/AKS03062010CRLW6382010.pdf>.

Further, setting aside the judgment of the Bombay High Court Hon'ble Supreme Court *Hiral P. Harsora vs. Kusum Narottamdas Harsora*²⁷ has struck down the words 'adult male' before the word 'person' in Section 2(q) of Domestic Violence Act holding that these words discriminate between persons similarly situated, and is contrary to the object sought to be achieved by the Domestic Violence Act.

Women's Right to Reside in Household Shared During Live-In Relationship:

An aggrieved woman living in a relationship in nature of marriage has a right to shared household. It has been observed in *Abhijit Bhikaseth Auti v. State of Maharashtra*²⁸ Subsection (1) of Section 17 commences with a non-obstante clause, which possesses an overriding effect on other statutes. The subsection stipulates that every woman in a domestic relationship shall have the right to reside in a shared household, regardless of whether she holds any right, title, or beneficial interest in the same. This provision indeed broadens the scope of a matrimonial home under the current laws pertaining to marital relationships.

This is contextualized by the definition of a domestic relationship as outlined in clause (f) of Section 2, which refers to the relationship between two persons who live or have, at any point in time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship resembling marriage. The definition of a shared household under Section 2(s) of the aforementioned Act is comprehensive and includes a household that may belong to the joint family of which the respondent is a member.

Section 19 empowers the Magistrate to issue residence orders, prescribing various orders pertaining to a shared household to safeguard the aggrieved person's rights. Thus, it is evident from the court's observations that if a relationship is classified as one resembling marriage, the aggrieved woman is entitled to seek residence orders. Such a right for women extends to the joint family home of the respondent.

Right to Protection under the Medical Termination of Pregnancy Act, 1971:

Indian judiciary has extended to live-in relationships protection under Medical Termination of Pregnancy Act, 1971 which only married women have enjoyed so far in law. In a PIL *High Court on its Own Motion v. State of Maharashtra*²⁹, the Bombay High Court ruled that a provision under the Medical Termination of Pregnancy Act, 1971, which currently doesn't apply to live-in relationships, should be assumed to be applicable also to couples who live-in a relationship 'in the nature of marriage'. Medical Termination of Pregnancy Act, 1971, governs and grants women the right to abort. The Act spelled out how a married woman, who may have conceived accidentally despite using birth control devices, could be permitted to terminate such pregnancy, if unwanted, on the ground that its continuation would cause her mental trauma³⁰

The High Court was adjudicating a *suo motu* Public Interest Litigation (PIL) initiated by the circumstances of a female inmate in Mumbai who sought to terminate her second pregnancy while in custodial confinement. The bench, *comprising Justices V.K. Tahilramani and Mridula Bhatkar*, delved into the fundamental principles of the law governing abortion in India, as articulated in Section 3 of the Medical Termination of Pregnancy Act. This statute permits the termination of pregnancy when there exists a risk to the life of the pregnant woman.

Right to Protection of Section 376 of Indian Penal Code, 1860, Against Live-In Partner

In case of *Anil Dutt Sharma v. Union of India*³¹, the Delhi High Court refused to keep live-in relationships outside the purview of rape under the Indian Penal Code. The court opined that: "*Keeping live in relationship out of purview of Section 376 of the IPC would amount to giving them the status of matrimony, which the legislature has chosen not to do.*"

The court holds the opinion while deciding a PIL, which had sought direction to the government to keep the cases of live-in relationships outside the purview of the offence of rape under Indian Penal

²⁷ P. Harsora and Others v. Kusum Narottamdas Harsora & Others, CIVIL APPEALNO. 10084 of 2016(SC)

²⁸ (2009) Cri.LJ889 (Bom.)

²⁹ 2018 SCC Online Bom 221

³⁰ Medical Termination of Pregnancy Act, 1971, Section 3 (2) (b) (i)

³¹ Anil Dutt Sharma v. Union of India & Others, W.P.(C) No. 1045/2015 in the High Court of Delhi, available at: [http://lobis.nic.in/dhir/dhc/RSE/judgement/25 022015/RSE18022015CW10452015.pdf](http://lobis.nic.in/dhir/dhc/RSE/judgement/25%202015/RSE18022015CW10452015.pdf).

Code, 1860.

The court held: *"As far as the relief sought, of keeping the live-in relationships outside the purview of Section 376 (rape) of the IPC is concerned, the same would amount to giving the live-in relationships, the status of matrimony and which the legislature has chosen not to do. All that we can observe is, that a live-in- relationship constitutes a distinct class from marriage. It is also not as if the defence of consent would not be available in such cases to the accused. We do not find any merit in the petition and dismiss the same."*

It is evident from the view of the court that so far as the penal statutes are concerned non-marital relationships will be kept outside the presumption of marriage as they are presumed to grant civil rights to female live-in partners. In criminal cases it will depend purely on the facts of particular case whether accused of rape in live-in relationship gets convicted or acquitted.

There is another line of judgment, in which the Court has held that 'consent given during prior sexual acts won't extend to future occasions.' Regarding the argument of the bail applicant that it was a case of consensual relationship and that they were in a live-in-relationship, the P&H High Court in *Narendra Singh v. State of Haryana*³² observed that:

*"It may be true that the law acknowledges live-in-relationship, but at the same time, it has also to be borne in mind that the law also acknowledges a woman's right to have sexual relations. The crime of rape consists of committing a sexual act without consent or against the will of a person. Even on the assumption that if two persons previously had a consensual sexual relationship for any reason whatsoever, the consent of prior sexual acts will not extend to future occasions."*³³

Right to Protection of Section 69 of Bharatiya Nyaya Sanhita, 2023, Against Live-In Partner:

"Section 69 of the Bharatiya Nyaya Sanhita, 2023, focuses on the criminalisation of sexual intercourse by a false promise to marry, which may be through deceitful means with no genuine intention to be fulfilled. This provision has been discussed to have a contrary effect to its actual purpose by reinforcing patriarchal norms and curtailing women's autonomy, threatening and restricting live-in relationships based on inter-caste and inter-religious lines, and lastly, creating ambiguity in defining the law and urging progressive judicial interpretation".

This provision seeks to punish men who lure women into sexual relationships by concealing their identities or by making a promise to marry later and then leaving them stranded. The section aims to punish the accused with an imprisonment of up to 10 years and a fine. Under the same section, the act construes the false promise of employment or promotion under "deceitful means."³⁴

Right to Succession

The legal position regarding succession rights in live-in relationship is quite unclear. It is necessary that there should be a proper legal framework to remove the confusions and the ambiguities in the current law.

One of the main concerns which remain unclear is what length of time of cohabitation will enable the person to be qualified as domestic partner. While a casual 'walk-in walk-out' relationship cannot qualify a partner for succession rights, long time-period of continuous cohabitation has been accepted as a marker for grant of successful succession or maintenance rights.³⁵

It is necessary to statutorily make a fixed time or make differentiation between a 'walk-in walk-out live-in relationship' and a 'live-in relationship' which will make a person qualify for a succession rights. Another intertwined issue is the question of 'proof of continuous cohabitation like married couple'. It is essential that the party represents themselves like married couples to the society and there has been social recognition to that effect. The Courts have specifically mentioned any negative evidence

³²2022 Live law (P&H) 10

³³ Sparsh Upadhyay, "Consent Given During Prior Sexual Acts Won't Extend To Future Occasions: Punjab And Haryana High Court", available at <https://www.livelaw.in/news-updates/consent-given-during-prior-sexual-acts-wont-extend-future-occasions-punjab-and-haryana-high-court-190393>

³⁴ Refer to <https://www.epw.in/journal/2024/18/commentary/bharatiya-nyaya-sanhita-and-false-promise-marry.html>

³⁵ Refer to <https://www.epw.in/journal/2024/18/commentary/bharatiya-nyaya-sanhita-and-false-promise-marry.html>

regarding the period of continuous cohabitation can weaken the case³⁶.

Another case is of *Watts v. Watt*³⁷, where the Supreme Court of Wisconsin held that a domestic partner could bring a cause of action based on unjust enrichment in the absence of an express or implied contract. Just like the principle of unjust enrichment is applicable on all, it should be applied to live-in partners as well.

In the contemporary Indian legal framework, an individual is permitted to nominate any person in their will. The most effective method for inheriting property in the context of live-in relationships is through the establishment of a will. Historically, however, the judiciary has often presupposed that partners cohabiting for an extended period are to be regarded as spouses. This ambiguous legal position, predicated on factual circumstances, results in an arduous legal process for asserting inheritance rights. There exists a pressing need to broaden the definition of family to encompass committed domestic partners. The failure to acknowledge the inheritance rights of such partners constitutes a lack of respect for the donative intent of the intestate in light of the consideration demonstrated toward the partner. Furthermore, the state should enact legislation that grants unmarried couples who cohabit for extended durations certain social benefits, including inheritance rights. While the process of nomination remains a viable option, it does not equate to the rights that should be afforded to live-in partners regarding intestate inheritance, akin to those of married couples. This objective can be realised through the introduction of specific legislation.

It is also evident from the case of *Dhannulal v. Ganeshram*³⁸ where Supreme Court upheld that if an unmarried couple lived together as husband and wife, then they would be presumed to be legally married and the woman would be eligible to succession after death of her partner of his property. A bench of **Justice M.Y. Eqbal** and **Justice Amitava Roy** said that continuous cohabitation of a couple would raise the presumption of valid marriage and it would be for the opposite party to prove that they were not legally married.

The court holds the view: *"It is well settled that the law presumes in favour of marriage and against concubinage, when a man and woman have cohabited continuously for a long time. However, the presumption can be rebutted by leading unimpeachable evidence. A heavy burden lies on a party who seeks to deprive the relationship of legal origin"*.

Rights of Child Born out of Live-In Relationships

The entitlement to the maintenance of a child, or the obligation to maintain a child born from a live-in relationship, the child's right to inheritance, the right to custody of such a child, and the right to facilitate the adoption of such a child are all contingent upon the primary issue of the child's legitimacy. Therefore, prior to engaging in a discussion of the additional rights of the child and the corresponding duties of the parents toward such a child, it is imperative to address the issue of legitimacy concerning children born from a live-in relationship.

Legitimacy of the Child

The right to legitimacy constitutes the foremost entitlement for a child born within a live-in relationship, as legitimacy serves as the foundation for all other rights afforded to children in our country. The legitimacy of children born from such relationships presents a conundrum for the Indian judiciary. While courts have exhibited divergent opinions on this matter, a child born from a prolonged relationship is generally recognised as legitimate.

"The Supreme Court while deciding a case involving the legitimacy of a child born out of wedlock has ruled that if a man and a woman are involved in a live-in relationship for a long period, they will be treated as a married couple and their child would be legitimate. Also, the recent change introduced in law through the Domestic Violence Act, 2005, gives protection to women involved in such relationships for a 'reasonable long period' and promises them the status of wives.

A Supreme Court Bench headed by **Justice Arijit Pasayat** declared that children born out of

³⁶ Amit Anand Choudhary, "Couple living together will be presumed married, Supreme Court rules", The Times of India, Apr. 13, 2015, available at: <http://timesofindia.indiatimes.com/india/Coupleliving-together-will-be-presumed-married-Supreme-Court-rules/articleshow/46901198.cms>.

³⁷ *Watts v. Watts*, 137 Wis. 2d 506 (1987)

³⁸ *Dhannulal and Others v. Ganeshram and Another*, AIR 2015 SC 2382

such a relationship will no more be called illegitimate. Law inclines in the interest of legitimacy and thumbs down 'whoreson' or 'fruit of adultery'.³⁹

In case of *S.P.S. Balasubramanyam v. Suruttayan*⁴⁰ the Supreme Court held-

"If man and woman are living under the same roof and cohabiting for a number of years, there will be a presumption under Section 114 of the Evidence Act, that they live as husband and wife and the children born to them will not be illegitimate".

Though there have been a few recent judgments regarding live-in relationships as discussed above, there are few issues which have not been addressed or not adequately addressed. One of the main concerns which remain unclear is what length of time of cohabitation will enable the child to be legitimate.

In case of *Madan Mohan Singh v. Rajni Kant*⁴¹ it has held that a child born from such a relationship will no more be considered as an illegitimate child. The crucial pre-condition for a child born out of a live-in relationship to be not treated as illegitimate is that the parents must have lived under one roof and co-habited for a significantly long time for society to recognize them as husband and wife. The Courts in India have continued to support this interpretation of law in a manner to ensure that no child is 'bastardized' for no fault of his/her own.

In case of *Parayankandiyal Eravath Kanapravan Kalliani Amma v. K. Devi*⁴², the court observed:

"Hindu Marriage Act, 1955 is a beneficent legislation and, therefore, it has to be interpreted in such a manner as advances the object of the legislation. The Act intends to bring about social reforms. Conferment of social status of legitimacy on a group of innocent children, who are otherwise treated as bastards, is the prime object of Section 16".

Maintenance:

The maintenance rights of children born from traditional marriages are governed by personal marriage laws, which also apply to children born from live-in relationships. From one personal law to the next, it varies. For instance, in Muslim law, a father is not required to provide for a child born outside of marriage, while under Hindu law, the father is required to do so. Child born to a man and a woman, who are involved in a live-in relationship for a long period, will no more be called illegitimate and will be treated as and would be legitimate. Law presumes legitimacy in the interest of child and thumbs down 'whoreson' or 'fruit of adultery'⁴³.

Further, even if statutory legitimacy has not been enshrined on the offspring of the live-in relations or even if courts do not enshrine the status of legitimate on the children of live-in relations, researcher finds that they have statutory right to claim maintenance under Hindu Adoptions and Maintenance Act, 1956, and Code of Criminal Procedure. Under provisions of these laws illegitimate child have also been given the right to maintenance.

Section 20 of the Hindu Adoptions and Maintenance Act, 1956 which specifically deals with Maintenance of children provides that a Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children. A legitimate or illegitimate child may claim maintenance from his or her father or mother so long as the child is a minor. Hindu Adoptions and Maintenance Act, 1956, provide that the obligation of a person to maintain his or her daughter who is unmarried extends in so far as the unmarried daughter is unable to maintain herself out of her own earnings or other property.⁴⁴

Maintenance is commonly defined as the responsibility to provide support for another individual. Section 21 of the Hindu Adoptions and Maintenance Act enumerates nine categories of dependents of a deceased individual. This provision is particularly significant in cases involving a child born from a live-in relationship. The categories include a minor illegitimate son, as long as he remains a minor, and an illegitimate daughter, as long as she remains unmarried, regardless of the gender

³⁹ ShomaChatterji, "Living-in:Shadesof Grey", available at: <http://www.indiatogether.org/articles/livein-society>.

⁴⁰ AIR 1992SC 756

⁴¹ AIR 2010 SUPREME COURT 2933, 2010 (9) SCC 209

⁴² 1996 SCC (4) 76

⁴³ 1996 SCC (4) 76

⁴⁴ The Hindu Adoption and Maintenance Act, 1956, Section 20(3)

of the deceased person.

Indian judiciary used its power to achieve the ends of social justice in the landmark case of *Dimple Gupta v. Rajiv Gupta*⁴⁵ wherein the Supreme Court held that even an illegitimate child who is born out of an illicit relationship is entitled to maintenance under Section 125 of the Code of Criminal Procedure, 1973, which provides maintenance to children whether they are legitimate or illegitimate while they are minors and even after such a child has attained majority if he/she is unable to maintain himself/herself.

Inheritance

An illegitimate kid, boy or girl, can only inherit from their mother due to their illegitimacy; they are not eligible to inherit from either of their fathers. According to Hindu law, inherited rights must be valid⁴⁶.

In the case of *Neelamma v. Sarojamma*⁴⁷ the Hon'ble Court determined that an illicit child will only be eligible for a stake in the parents' self-acquired property and not the joint Hindu property. The Hindu Marriage Act of 1955's Section 16 addresses children's inheritance rights and grants legal status to an illegitimate child (born outside of wedlock or raised in the family) only for inheritance-related reasons. As a result, children born to cohabiting partners also have inheritance rights.

In the case of *Bharatha Matha v. R. Vijaya Renganatha*⁴⁸ it was determined that a child born in a null or voidable marriage was only eligible to obtain a portion of their wealth and not the ancestral coparcenary property."

However, in another case, *Revanasiddappa v. Mallikarjun*⁴⁹, the Supreme Court observed that taking into consideration the current social circumstances, it is necessary that the amended Section 16 (3)156 of the Hindu Marriage Act, must be interpreted to give right of inheritance to an illegitimate child to the ancestral property.

Bench consisting of *G.S. Singhvi, Ashok Kumar Ganguly* remarked that: "*The Court has to remember that relationship between the parents may not be sanctioned by law but the birth of a child in such relationship has to be viewed independently of the relationship of the parents. A child born in such relationship is innocent and is entitled to all the rights which are given to other children born in valid marriage. This is the crux of the amendment in Section 16(3). However, some limitation on the property rights of such children is still there in the sense their right is confined to the property of their parents.*"

However, in the case of *Babulal v. Nathibai IIF*⁵⁰, it has been clearly stated that child of a live-in relationship cannot claim partition or a right in coparcenary property of the father. The fiction of legitimacy created by Section 16 of Hindu Marriage Act is limited to the extent of right in the property of parents. Thus, illegitimate children of son are not entitled to inherit property of grandparents. However, where the coparcenary interests devolve on the father as a sole surviving coparcener, in such a case it can be treated as the separate property of the father and the illegitimate child can inherit it.

Custody of Child

The term "child custody" refers to the legal guardianship of a minor child as recognised in family law courts. The determination of child custody typically arises during divorce proceedings or the annulment of marriage. Family law courts do not solely base their decisions on the most persuasive arguments presented by each party; rather, they predominantly focus on the best interests of the child or children involved.

Generally, both parents retain legal custody of the child, although physical custody may be awarded to only one parent. Courts tend to grant physical custody to the parent who demonstrates greater financial stability, adequate parenting skills, and minimises disruption to the child's environment. Until the child reaches the age of majority, both parents continue to possess legal custody. Legal custody entails the authority to make decisions regarding the child's welfare, such as medical treatments, religious practices, and insurance claims. In contrast, physical custody implies that one parent is primarily

⁴⁵ AIR2008SC239availableat: <http://judis.nic.in/supremecourt/imgst.aspx?filename=31190>

⁴⁶ (2006) 9 SCC 612

⁴⁸ (2010) 11 SCC 483

⁴⁹ (2011)11 SCC 17

⁵⁰ (2013) DMC 776

responsible for the child's living arrangements, educational needs, and nourishment. In many cases, the non-custodial parent retains visitation rights. In India, individuals of different religions adhere to their respective personal laws, which encompass distinct notions of custody.

Regarding the matter of child custody, Section 26 of the Hindu Marriage Act of 1955 stipulates that in any proceedings conducted under the Hindu Marriage Act, the court may issue interim orders and establish provisions that it considers just and appropriate concerning the custody, maintenance, and education of minor children, in alignment with their preferences. Furthermore, wherever feasible, the court may, following the conclusion of the proceedings, upon the submission of an application by petition, enact all necessary orders and provisions pertaining to the custody, maintenance, and education of such children that could have been established by a decree or interim orders had the proceedings for obtaining such decree remained pending. Further the court may also from time-to-time revoke, suspend or vary any such orders and provisions previously made.⁵¹

Pursuant to Section 38 of the Special Marriage Act, 1954, matters concerning the custody of children are addressed. This provision stipulates that in any proceedings governed by *Chapter V (Restitution of Conjugal Rights and Judicial Separation) or Chapter VI (Nullity of Marriage and Divorce) of the Special Marriage Act, 1954*, the District Court is empowered to issue interim orders and establish provisions in the decree that it deems just and appropriate regarding the custody, maintenance, and education of minor children, taking into consideration their wishes wherever feasible. Furthermore, subsequent to the decree, the Court may, upon application through a petition, make, revoke, suspend, or modify any orders and provisions pertaining to the custody, maintenance, and education of these children that may have been established in the decree or interim orders, as if the proceedings for obtaining such decree were still ongoing.

Nevertheless, it is prima facie evident that until a live-in relationship between any couple is recognised as akin to that of a legally wedded husband and wife, they cannot avail themselves of the benefits afforded by these Acts. Furthermore, the courts have not clarified whether the presumption of a long-term relationship as marriage entitles the parties to the advantages of matrimonial laws.

However, it seems that the Hindu Minority and Guardianship Act, 1956, may govern them. Since the custody of the minor is involved, the courts have taken the view that it should also take into consideration the provisions of the Hindu Minority and Guardianship Act, 1956, and particularly Section 6 which provides that the natural guardian of a Hindu minor, in respect of the minor's person as well as in respect of the minor's property (excluding his or her undivided interests in joint family property), are-

- a) In the case of a boy or an unmarried girl-the father, and after him, the mother provided that the custody of a minor who has not completed the age of five years shall ordinarily be with the mother;
- b) In the case of an illegitimate boy or an illegitimate unmarried girl-the mother, and after her, the father
- c) In case of a married girl-the husband.

Furthermore, it stipulates that an individual who has ceased to identify as a Hindu, or who has completely and irrevocably renounced worldly life by adopting the path of a hermit (Vanaprastha) or an ascetic (Yati or Sanyasi), shall not be entitled to serve as the natural guardian of a minor under the provisions outlined in the Hindu Minority and Guardianship Act, 1956.

Moreover, Section 13 of the Hindu Minority and Guardianship Act, 1956, further establishes that the welfare of the minor shall be regarded as the paramount consideration, thereby negating the impact of preceding provisions should they contravene the welfare of the child in question.

Thus, the custody order under Protection of Women from Domestic Violence Act, 2005, is the one of the provisions discussed above which is directly available to all those live-in couples who come under the relationship in nature of marriage. However, lack of a special legislation governing live-in relationships is extremely felt with respect to custodial rights of parents. Issue of custodial rights emerges when a couple decides to split. If any such issue of custody is brought before courts, then, because there is no special legislation with respect to live-in relationships, courts may either decide these cases as child

⁵¹ The Hindu Marriage Act, 1955, Section 26

of married couple or as a child of unmarried single mother.

Under personal laws, father is given the first right in case of a legitimate child, whereas mother is given the first preference in case of illegitimate child. Taking into consideration the object of provisions i.e. the welfare of child, these legal provisions can also be extended to children born out of non-marital unions as well.

Adoption and Giving of Child in Adoption

In India Central Adoption Resource Authority from time to time makes rules and guidelines relating to the adoption of child. Adoption Regulations, 2017 released by Central Adoption Resource Authority deals with eligibility criteria for prospective adoptive parents under Rule 5⁵². It provides as follow:

- 1) The prospective adoptive parents shall be physically, mentally and emotionally stable, financially capable and shall not have any life-threatening medical condition.
- 2) Any prospective adoptive parents, irrespective of his marital status and whether or not he has biological son or daughter, can adopt a child subject to following, namely:-
 - a) the consent of both the spouses for the adoption shall be required in case of a married couple;
 - b) a single female can adopt a child of any gender;
 - c) a single male shall not be eligible to adopt a girl child;
- 3) No child shall be given in adoption to a couple unless they have at least two years of stable marital relationship.
 - (a) It seems clear from the above criteria that though single parent can adopt a child as per Rule 5(2)(b) and 5(2)(c), but live-in couples are not allowed to adopt kids as Rule 5(3) requires two years stable marital relationship of adopting couple. Having a child out of wedlock creates a flood of legal complexities and complications related to rights of maintenance, status of legitimacy and illegitimacy, inheritance rights of the child, and custodial rights and right to give child in adoption in case of a split.
 - (b) Adoption regulations also provide that where the surrendering parent is an unmarried mother, the surrender may be executed in the presence of preferably any single female member of the Child Welfare Committee. In case of a child born out of wedlock, only the mother can surrender the child and if the mother is a minor, the Deed of Surrender shall be signed by an accompanying adult as the witness.

Conclusion

It is necessary to broaden the definitions encompassed within various beneficial legislations to incorporate live-in partners. Failing to acknowledge the inheritance rights of such partners would signify a neglect of the concerns exhibited for live-in partners. Consequently, the beneficial legislation should be extended to include live-in partners, thereby enabling unmarried couples who cohabit for extended periods to access certain social benefits, including inheritance rights. Individuals who cohabit, regardless of whether their relationship is romantic or sexual in nature, should be granted a recognised legal status. This legal status can be established through a formal registration process. Furthermore, classifying a child as legitimate for specific purposes while deeming them illegitimate for others raises significant questions regarding equality. It undermines the intent of conferring legitimacy upon children born from such relationships. This also raises significant concerns about the legal status of children born from cohabiting relationships.

Consequently, the preceding discussion regarding the rights available to women in live-in relationships, as well as the rights concerning children born from such relationships, highlights a significant observation: courts have expanded the rights of women in recognition of their vulnerable status. This expansion is underscored by the consideration of the relationship's analogous nature to marriage, as articulated in the Protection of Women from Domestic Violence Act, 2005. Therefore, the position of women in relationships resembling marriage can be comprehensively discerned through the judicial decisions examined in this chapter. Conversely, the rights of women in relationships that do not possess the characteristics of marriage are contingent upon the principles of good conscience judiciary.



⁵² Adoption Regulations, 2017, Rule 5 [Eligibility criteria for prospective adoptive parents]

A Comparative Study of Psychological Well-Being among Adolescent's Phubbing and Non- Phubbing Behavior

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Dr. Dinesh Ballabh**

Abstract

In recent years, there has been significant growth in the usage of the Internet on school campuses and in society. While academic Internet use is largely for learning and research, the Internet has also become a significant element of student life. However, incidences of excessive Internet use have been detected on several campuses from time to time. The goal of the current study is to better understand phubbing from the perspectives of psychological well-being. In contrast to other research, this study was widen this viewpoint by examining the effects of phubbing on psychological well-being. For this, purpose 80 male adolescence and 80 female adolescence of Bihar were purposively selected and they were administered phubbing scale and psychological well-being scale and t- Test was applied to analyze the data. The results as follows: A significant difference between mean psychological well-being scores of Phubbing and Non-Phubbing obtained. As per the findings of the results, Phubbing adolescents are more psychological well-being related problem than non-phubbing adolescents. As a result, this study promises to provide useful information to a wide variety of organizations, counselor, social worker, and parents, to promote awareness of the impact of pubbing on physical and psychological health of Indian adolescents.

Keywords: Psychological well-being, Phubbing and Non-phubbing adolescents etc.

Introduction:

In Electronics & Communication technologies there are many changes over the past few decades and they are now part of life. Due to these innovations, there are huge developments in mobiles and the Internet. However, the Internet is a rapid, easily available source of information to the world and barriers of communication are falling against these wireless technologies. These technologies have an impact on several aspects of human life. Healthcare industries also have a large amount of impact due to these technologies. The Internet is cheap and user-friendly and available to people across the world. Previously too, but due to the Internet, such information is available on the tip of the finger. This has changed the way of communication of people and made lives so easy. The Internet provides the facilities of paying the online bills, proving the past information, shopping online, etc. However, the overuse of the Internet brings addiction to it in the users. Addiction to the internet is found in all ages across the world. The Internet has both benefits and side effects. Where the Internet makes our life easy, on the other hand, the Internet has negative effects on our life. Most people use the internet without negative consequences and even benefit from it, but some face the negative impacts. Psychologists are aware of the possible negative impact of excessive internet use and related physical and psychological problems. The Internet is the best friend to many people because it gives everything in which they are interested in. Some people constructively use the internet and the others are not. Some users spend more time on the internet and are unable to control it. Excessive use of the internet causes internet addiction and changes the nature and behavior of the people.

In recent times the overuse of the internet is increased drastically especially in adolescents. Internet addiction increases the dependency of the person more on the Internet and Mobiles. One can have an unpleasant feeling like's depression, sadness, etc. when he is not online. Some user has a

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psychological problem because of internet addiction. Some addicted adolescents spend many hours a day on the internet for social websites and finding information that is not useful for them. Students are using the Internet as a medium to do the study. It is a source of information i.e. education to them. In this internet world, some students had copied the same writing work as it is without seeing the source. Adolescents have followed activities from an elder who is internet users that time they don't know what is a drawback of the internet. Some of the student's also taking the help of the internet for solving their assignments and projects. This is not helping the students in building their ability to do the work. They rely much on the Internet to carry out their works.

Psychological Problems Related to subbing in Students

The Internet has positive aspects of being informative, resourceful, fun and convenient, but excessive Internet users do not take advantage of them. Most students use the Internet without negative consequences and even benefit from it, but some have negative effects. Psychologists are aware of the potential negative effects of excessive Internet use and related physical and psychological problems.

- **Loneliness:** Loneliness is an unpleasant emotional reaction to the isolation or absence of a relationship. It usually involves anxious feelings about the lack of companionship or communalism with other beings, both in the present and the future. The causes of loneliness may be a combination of social, mental or emotional factors. Students experience loneliness for many reasons and many life events can cause it; Lack of friends with a person or lack of physical presence of meaningful people in childhood and adolescence. Individuals who have psychosocial problems prefer online chat for face-to-face interaction.
- **Anxiety:** Anxiety is an unpleasant emotional state characterized by somatic, emotional, behavioral, and cognitive components. It is unlikely to be something, such as a thematically unpleasant feeling of fear about a sense of imminent death. Fear is not the same as fear that is felt about something genuinely frightening or dangerous and is an appropriate response to a perceived response
- **Depression:** Depression is a mood or emotional state marked by low self-worth or feelings of guilt and a low ability to enjoy life. Depressed people feel unhappy, insecure and worthless, depressed and experience high levels of interpersonal conflict and stress. They can also cause loss of interest in their normal activities, loss of appetite, insomnia, difficulty concentrating and becoming more distracted and suicidal thoughts or attempts.
- **Shyness:** Shyness is defined as discomfort, inhibition, and awkward in social situations, especially in situations with unfamiliar people. It is a feeling of uneasiness, especially when being in intimacy with other people, especially lacking comfort or awkwardness. It usually occurs in new situations or with unknown people. Shy people may feel lonely, embarrassed and sad, stressed and have low self-esteem.
- **Self-Esteem:** Self-esteem is a disposition that represents a person's judgments of ability. Social acceptance brings confidence and produces high self-esteem, while denial and loneliness from peers bring about self-doubt and produces low self-esteem

Psychological Well-Being:

The term psychological well-being (PWB) denotes a wide range of meanings, most commonly associated with well-being. Most studies in the past define "well-being" as not being ill, as the absence of anxiety, depression, or other forms of mental problems. PWB includes respect, positive effect, daily activities, satisfaction, absence of suicidal thoughts, personal control, social support, absence of stress and general proficiency. Carroll Ryff (1988) proposed a model well-presented with six components - self-acceptance, purpose in life, personal development, positive relationships with others, environmental mastery, autonomy.

According to the World Health Organization (WHO), psychological defines wellbeing as "a state of complete physical, mental, and social well-being and not simply the absence of illness or debility".

According to Ryff (1988), Psychological well-being refers to the extent to which individuals feel that they have expressive control over their lives and their activities.

The term psychological well-being is defined as the evaluation of people's own lives. Such evaluations can be both cognitive judgments, such as life satisfaction, and emotional reactions to events, such as feeling positive emotions. It is a broad concept that encompasses various aspects of everyday experience. Psychological well-being was studied in philosophy under the name of 'Eudemonics'. This can be studied in Aristotle's *Be Ethica Nicomachia*. Later, with the widespread development of mankind, socially, compartmentalization or more precise specialization began. This concept of psychological well-being also creeps into the discipline of psychology. Since then, it has developed as a subject of psychology, along with psychology as well as philosophy. Theology deals with the study of religion. The concept of goodness, one can conclude that people's grace in the respective religion or religions by the grace of devotion, walking with love on the path of righteousness should lead to the goodness or true merit of their life.

Ryff presented multidimensional aspects for assessing human perception, he also said that the criteria for well-being are diverse and it is difficult to determine which of the many details should be a more important feature for positive psychological functioning. Therefore, including six factors of psychological well-being is used in research and is a reliable one for assessing levels of psychological well-being.

Significance of the Study:

Internet technology is one of the innovative creations in the world. The Internet is one of the sources for all kinds of information and even the communication process. It has allowed the students to get information and share any part of the world. The students are involved in using social networking sites such as Facebook, What's App, Instagram, Snapchats, and twitters. Internet helps students in searching and knowing various topics and online courses. The Internet gives the facility of net-banking, pay bills and online shopping. But the Internet has both advantages and disadvantages. If students positively use the internet, it is a productive one. Where the Internet makes our life easy, on the other hand, the Internet has negative effects on our life.

Studies show that students with higher levels of Internet addiction are more likely to be low in psychological well-being. Hence the investigator felt that it is necessary to study the impact of phubbing on the psychological well-being of students as it helps students to become aware of the problems of internet addiction. Impact of phubbing on the Psychological Well-being of adolescence.

Hypothesis:

There would be significant difference between psychological well-being of phubbing and non-phubbing adolescence.

Sample:

Data were collected on a total of 150 adolescence from different area of Bihar. Out of which 75 were phubbing adolescence and 75 were non-phubbing adolescence. Further, the age range of the students was 20 to 25 years of age. An availability sampling technique was used to select the respondents of the study.

Research Design

In the present study, a two-group comparative design (Phubbing and Non-phubbing) was used. The present study was to examine the difference in psychological well-being between Phubbing and Non-phubbing adolescence.

Tools:

Phubbing Prevalence Questionnaire:

This scale developed by Karadağ et al. in 2015 was used to assess the phubbing behaviour of individuals. It measures the extent to which individuals are distracted from conversation partners, connected with their phones, and escape from social communications. Participants rated themselves from 1 (never) to 5 (always) on a five-point scale ($\alpha = .88$, $M = 2.32$, $SD = 0.76$).

Psychological Well-Being Scale (PWB)

The Ryff Psychological Well-Being (PWB) Scale Hindi adaption by Prof. S.N. Rai and Deepika Gupta. Well-being is a dynamic concept that includes subjective, social and psychological dimensions as well as health-related behaviors. The Ryff Psychological WellBeing (PWB) Scale is a theoretically grounded instrument. Psychological Well-Being was developed by Ryff (1989) in order to evaluate an individual's psychological well-being. From the data of the 321 respondents, item – to-scale correlations were computed. There are currently three versions of this scale. For the present study the researchers used Ryff mid- length scale version. This scale consists of 54 items.

Result and Discussion:

Shows the Mean, SD and t- value on the Psychological well-being of phubbing and non-phubbing adolescence.

Psychological well-being	Levels of Internet Addiction		N	Mean	SD	SED	t	Sig. level
	Phubbing							
	Non-Phubbing							
			75	42.18	8.36	1.63	15.996	<.01
			75	58.83	5.46	6		

Table shows the mean and SD scores of **phubbing** and **non-phubbing** on psychological well-being. The mean score of **phubbing** adolescents on psychological well-being is 42.18 (SD=8.36) and the mean score of **non-phubbing** adolescents on psychological well-being is 58.83 (SD=5.46). **Non-phubbing** adolescents obtained higher mean value on psychological well-being as compared to **phubbing** adolescents. The obtained t-value is 15.996 which is significant at 0.01 level of confidence. It shows that low **non-phubbing** adolescents have much better psychological well-being as compared to **phubbing** adolescents. Hence, the hypothesis-1 which states that “there would be significant difference between psychological well-being of phubbing and non-phubbing adolescence” was proved true by the finding of the study.

The result of the t-test shows that there is a significant difference between high internet addicted and low internet addicted students their psychological well-being at 0.01 level. Table shows that the low internet addicted students have better psychological well-being as compared to high internet addicted students. The possible reason is that high internet addicted students had less communication with other groups and external environment, and most of the time they spend with the internet, and they are having less face to face communication and they are having the tendency to isolation. They are having low psychological well-being and self-confidence. But low internet addicted students had more communication with other groups and the outside environment, they are having face to face interaction, better mental health, and good confidence level (Kraut et. al, 1998). The present study found that excessive internet uses a negative effect on their psychological well-being (PWB), to increased loneliness and depression. Prior study evidence indicates a relationship between extended internet use, compulsive behaviors, and mental problems among college students (Ko, 2006).

A possible reason for such result that high internet addicted students of intermediate who excess use of internet mostly like to live alone and do not like the interfere in their life. Some students kept in the hostel, they missing from their parents. They spend most of the time on the internet and they are having depression and stress. For all these reasons their health worsens. But low internet addicted school students who use less of the internet, their parents more time spend with them and they have lived a happy and healthy life. In this research found that students, who are prone to the Internet compulsion, are very tired and depressed. They are suffering from depression and other type's physical problems and low quality of lifecycle (Van, 2005). This study found that students, physical and mental problems related to unnecessary use of the Internet, headache, dry eye and decrease in a physical workout, and sleep-related problem (Ogunla, 2013).

Conclusion:

Non-phubbing adolescents students have better psychological well-being as compared to high **phubbing** adolescents . The possible reason is that high internet addicted students had less

communication with other groups and external environment, and most of the time they spend with the internet, and they are having less face to face communication and they are having the tendency to isolation.

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From Soil to Signature: Geographical Indication of Odisha's Traditional Products

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Abstracts:

The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is the most comprehensive multilateral agreement on intellectual property (IP), establishing minimum standards of protection and enforcement for all WTO members. Effective since January 1, 1995, it mandates that IP rules apply to the global trading system, covering patents, copyright, trademarks, and trade secrets to promote innovation and technology transfer. Copyright and related rights. Copyright protection is provided to authors of original works of authorship, including literary, artistic and scientific works. Copyright has also been extended to protect software and databases. Copyright protects the expression of an idea, not the idea itself. This means that, in principle, protection is only extended to the form in which an idea is expressed (e.g. the particular writing of instructions in a computer program), but not to the underlying concepts, methods and ideas. The owner of a copyright can generally prevent the unauthorized reproduction, distribution (including rental), sale and adaptation of the original work. Protection generally lasts for the life of the author plus at least 50 years, or for at least 50 years in case of works belonging to juridical persons. Neighbouring (or related) rights are accorded to phonogram producers, performers and broadcasting organizations. In some countries, the expressions of folklore are also subject to copyright protection.

Key Words: Intellectual Property Rights , copyright protection, patents, copyright, trademarks

Introduction

Agreement for the Protection of Appellations of Origin through registration under the jurisdiction of the World Intellectual Property Organization (WIPO). Also, a commonly cited definition, the Lisbon Agreement defines appellation of origin as “the geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors” (Article 2(1)). Furthermore, “the country of origin is the country whose name, or the country in which is situated the region or locality whose name, constitutes the appellation of origin which has given the product its reputation” (Article 2(2)). GIs generally protect agricultural products, foodstuffs, wines and spirits, handicrafts, and industrial products. A GI is not a trademark with geographical significance, such as NORTH POLE for bananas or HYDE PARK for men's suits, nor is it a generic term such as Swiss cheese. Geographical indications (GIs) are protected under the TRIPS Agreement as an intellectual property right (IPR) and are under the jurisdiction of the World Trade Organization (WTO). Among the commonly cited definitions, Article 22.1 of TRIPS defines geographical indications as “indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

Trademarks

Trademarks are signs or symbols (including logos and names) registered by a manufacturer or merchant to identify goods and services. A valid trademark allows the owner to exclude imitations where this would mislead the public about the origin of a product. Protection is usually granted for ten years, and renewable as long as the trademark is actually used. The domain names used in cyberspace do not constitute trademarks per se, but may be used as signs for commercializing or promoting goods and services. These are signs or expressions used to indicate that a product or

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service originates in a country, region or specific place. There are different types of geographical indications. They are called “appellations of origin” when the characteristics of the product can be attributed exclusively or essentially to the natural and human factors of the place in which the product originates.

Transitional Arrangements

All WTO members were allowed one year after the date of entry into force of the WTO Agreement (1 January 1995) to implement the obligations relating to intellectual property protection (article 65.1). Developing countries and countries in transition were granted an additional period of four years, except for obligations concerning national and MFN treatment, which became applicable after the expiry of the aforementioned one-year period (article 65.2). LDCs were permitted, in view of their special needs and requirements “their economic, financial and administrative constraints and their need for flexibility to create a viable technological base” (article 66.1) – up to 10 years from the general date of application, 1 January 1996. For many developing countries (e.g. Cuba, Dominican Republic, Egypt, Honduras) the transitional period of article 65.2 was insufficient to undertake the difficult and costly tasks related to the modernization of the administrative infrastructure (intellectual property offices and institutions, the judicial and customs system), the drafting of new laws with substantive and procedural provisions for the protection of IPRs, and for strengthening institutions and creating a culture for the protection of such rights (WT/GC/W/209). In view of the possible impact of the implementation of the TRIPS Agreement on access to medicines, the Doha Declaration on TRIPS and Public Health provided that LDC members shall not be obliged, with respect to pharmaceutical products, to implement or apply sections 5 (patents) and 7 (undisclosed information) of part II of the TRIPS Agreement or to enforce rights provided for under these sections until 1 January 2016, without prejudice to the LDC members’ right to seek other extensions of the transition periods as provided for in article 66.1 of the TRIPS Agreement (paragraph 7) .

Patents

An important chapter of the agreement relates to patents. It includes, inter alia, standards relating to patentability and its exceptions, compulsory licenses and the duration of protection (at least 20 years from the date of filing of the application). Patents are to be granted and the conferred rights to be exercised without discrimination as to the place of invention or the field of technology, or on the basis of whether the protected product is locally produced or imported. This provision has been interpreted as prohibiting the establishment of “working obligations” on the patentee, including compulsory licenses for lack of or insufficient working. However, the plain wording of the text does allow the interpretation that compulsory licenses can be granted in cases of non-working of the patent, since the products referred to in article 27.1 are infringing products and not those produced or imported by the patent owner. For biotechnological inventions and as a reflection of the complexity and still unresolved differences on the issue,²⁶ article 27.3.b (which was to be reviewed in 1999)²⁷ allows for a possible exception to the patentability of plants and animals, but plant varieties must be protected by patents, an “effective sui generis regime” or a combination of both.

Geographical Indications (GIs)

TRIPS Agreement (Articles 22-24) are signs used on products having a specific geographical origin and possessing qualities or a reputation due to that place. TRIPS mandates minimum protection standards, preventing misleading use and unfair competition. Darjeeling Tea and Champagne are examples.

Key Aspects of GI Protection under TRIPS

Definition (Article 22): Identifies a good as originating in a territory/region where a given quality, reputation, or other characteristic is essentially attributable to that origin.

Level of Protection: General Protection (Article 22): Prohibits misleading the public about the origin and prevents unfair competition.

Enhanced Protection (Article 23): Provides higher protection for wines and spirits, even where there is no danger of the public being misled.

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Exceptions (Article 24): Protection may be limited if a term has become generic (e.g., Cheddar) or is already registered as a prior trademark.

Differences in Protection

Trademarks vs. GIs: While trademarks define products from a specific company, GIs are linked to old knowledge, traditional methods, and specific territories, notes the International Journal for Legal Research and Analysis.

India's Approach: India implemented the Geographical Indications of Goods (Registration & Protection) Act, 1999 to comply with TRIPS, safeguarding products like Kanjivaram silk and Alphonso Mangoes.

Ongoing Debates

Extension of Protection: Discussions exist at the WTO regarding extending the enhanced protection (Article 23) beyond wines and spirits to other products, states the WTO website.

Multilateral Register: Efforts are ongoing to establish a multilateral registration system for wines and spirits

Geographical Indication (GI) products, Odisha

Odisha was secured with the much-awaited GI Tag on "RASAGOLA" on 29th July 2019 [Certificate]. The application for 'Odisha Rasagola' was filed by the Odisha Small Industries Corporation Limited (OSIC Ltd.) and Utkal Mistanna Byabasayee Samiti, Odisha on 23rd February 2018.

The reference of Rasagola is found in the 15th century, Odia Ramayana which was written by Balaram Das, also known as Dandi Ramayana or Jagamohana Ramayana as it was composed and sung at the Jagamohana of the Puri Temple. The important evidence relating to the popularity of Rasagola is also available in a travelogue named Waltier Darshan written by Fakir Mohan Senapati, which was published in the Utkal Sahitya, a monthly Odia literary magazine in 1904.

The sweet is known for its distinct quality, features and characteristics; it is very soft, juicy and non-chewy in consistency and can be swallowed effortlessly. It is prepared with tender Chhena [Chhena is prepared from the milk of native cow breed of Odisha], semolina, floor, small cardamom powder, milk and sugar.

However, on 23rd October 2019, an objection was filed by Ms. Smriti Lekha Chakraborty, stating that the grant of Rasagola GI tag to Odisha is untenable from a legal point of view. The objection raised serious questions regarding the proof of origin, historical background and the preparation of the 'Odisha Rasagola'. The counter-statement/ response to each query/objection raised by the petitioner, Smriti Lekha Chakraborty on GI tag of 'Odisha Rasagola', was filed by the Odisha Small Industries Corporation Limited (OSIC Ltd.) on 18th December 2019. The registry will now decide whether the objections are to be rejected or accepted.

Products of Odisha

- Rasagola, Odisha, A distinct, luscious, and soft confection.
- Kandhamal Haladi: An organic, pure kind of turmeric.
- The "Prince of Rice" is Koraput Kalajeera rice because of its flavor and scent.
- Red weaver ants are used to make the traditional chutney known as Similipal Kai Chutney.
- The spiky thorns of the Nayagarh Kanteimundi Brinjal are well-known.
- Date palm trees are used to make Odisha Khajuri Guda, a natural sweetener.
- Buffalo milk cheese is used to make Dhenkanal Magji, a confection.
- Ganjam Kewda Rooh/Flower: A fragrant ingredient found in perfumes.
- Sambalpuri Bandha Saree & Fabrics is a well-known tie-dye fabric.
- Konark Stone Carving: Ancient, intricate workmanship.
- Pattachitra: Customary textile painting.
- Pipli Applique Work: Unique ornamental patchwork.
- Kotpad Handloom cloth: Handloom cloth from a tribe.
- Cuttack's intricate silver workmanship is known as silver filigree (Tarakasi).

- Bomkai Saree & Fabrics: A traditional saree made by hand.
- Habaspuri fabrics and sarees are handmade and frequently feature tribal designs
- Fabrics from Gopalpur Tussar are renowned for their superior quality
- The Dongaria Kondh tribe's embroidered shawl is called the Kapdaganda Shawl.
- The Lanjia Saura community's tribal art is known as digital painting.

These goods assist regional farmers and crafts people while showcasing Odisha's distinct cultural identity and traditional production techniques

Paintin by Lanjia Saura:

The Lanjia Saura community, a PVTG primarily found in the Rayagada district, is the owner of the art form. These paintings are applied to the mud walls of houses as exterior murals.

A crimson-maroon background is covered in white watercolours.

Rice from Koraput Kala Jeera:

The "Prince of Rice," a blackcolored rice type, is renowned for its flavor, texture, scent, and nutrition content.

The rice variety has been conserved for around a millennium by tribal farmers in the Koraput region.

Kai Chutney Similipal:

A traditional treat of the tribal people in the Mayurbhanj area of Odisha is chutney made with red weaver ants. The Similipal woodlands and other Mayurbhanj forests are home to these ants.

Kanteimundi Brinjal Nayagarh:

The stems and entire plant of this Brinjal are infamous for their thorny thorns.

The plants may be cultivated with little pesticide and are resistant to major insects.

Khajuri Guda, Odisha:

The Gajapati district of Odisha is the source of "Khajuri Guda," or jaggery, a natural sweetener made from date palm plants.

Magji Dhenkanal:

It is a kind of dessert created from buffalo milk cheese that has unique qualities in terms of size, form, flavor, taste, and look.

The Role of GI Tags in Odisha Saree Preservation

Preserving Traditional Craftsmanship: The ancient weaving methods that artisans have handed down through the years are protected by the GI marking. The GI tag is essential to maintaining the complexities of handloom weaving for the Odisha saree weavers.

Sambalpuri sarees are made by artisans using the bandha technique

This method, which calls for exceptional skill and precise craftsmanship, emphasizes the saree's unique inventiveness.

Trips Agreement (Articles -24 26)

Article 24

International Negotiations; Exceptions

1. Members agree to enter into negotiations aimed at increasing the protection of individual geographical indications under Article 23. The provisions of paragraphs 4 through 8 below shall not be used by a Member to refuse to conduct negotiations or to conclude bilateral or multilateral agreements. In the context of such negotiations, Members shall be willing to consider the continued applicability of these provisions to individual geographical indications whose use was the subject of such negotiations.
2. The Council for TRIPS shall keep under review the application of the provisions of this Section; the first such review shall take place within two years of the entry into force of the WTO Agreement. Any matter affecting the compliance with the obligations under these provisions may be drawn to the attention of the Council, which, at the request of a Member, shall consult with any Member or Members in respect of such matter in respect of which it has not been possible to find a satisfactory solution through bilateral or plurilateral

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consultations between the Members concerned. The Council shall take such action as may be agreed to facilitate the operation and further the objectives of this Section.

3. In implementing this Section, a Member shall not diminish the protection of geographical indications that existed in that Member immediately prior to the date of entry into force of the WTO Agreement.
4. Nothing in this Section shall require a Member to prevent continued and similar use of a particular geographical indication of another Member identifying wines or spirits in connection with goods or services by any of its nationals or domiciliaries who have used that geographical indication in a continuous manner with regard to the same or related goods or services in the territory of that Member either (a) for at least 10 years preceding 15 April 1994 or (b) in good faith preceding that date.
5. Where a trademark has been applied for or registered in good faith, or where rights to a trademark have been acquired through use in good faith either:
 - (a) before the date of application of these provisions in that Member as defined in Part VI; or
 - (b) before the geographical indication is protected in its country of origin;measures adopted to implement this Section shall not prejudice eligibility for or the validity of the registration of a trademark, or the right to use a trademark, on the basis that such a trademark is identical with, or similar to, a geographical indication.
6. Nothing in this Section shall require a Member to apply its provisions in respect of a geographical indication of any other Member with respect to goods or services for which the relevant indication is identical with the term customary in common language as the common name for such goods or services in the territory of that Member. Nothing in this Section shall require a Member to apply its provisions in respect of a geographical indication of any other Member with respect to products of the vine for which the relevant indication is identical with the customary name of a grape variety existing in the territory of that Member as of the date of entry into force of the WTO Agreement.
7. A Member may provide that any request made under this Section in connection with the use or registration of a trademark must be presented within five years after the adverse use of the protected indication has become generally known in that Member or after the date of registration of the trademark in that Member provided that the trademark has been published by that date, if such date is earlier than the date on which the adverse use became generally known in that Member, provided that the geographical indication is not used or registered in bad faith.
8. The provisions of this Section shall in no way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to mislead the public.
9. There shall be no obligation under this Agreement to protect geographical indications which are not or cease to be protected in their country of origin, or which have fallen into disuse in that country.

Section 4: industrial designs

Article 25

Requirements for Protection

1. Members shall provide for the protection of independently created industrial designs that are new or original. Members may provide that designs are not new or original if they do not significantly differ from known designs or combinations of known design features. Members may provide that such protection shall not extend to designs dictated essentially by technical or functional considerations.
2. Each Member shall ensure that requirements for securing protection for textile designs, in particular in regard to any cost, examination or publication, do not unreasonably impair the

opportunity to seek and obtain such protection. Members shall be free to meet this obligation through industrial design law or through copyright law.

Article 26

Protection

1. The owner of a protected industrial design shall have the right to prevent third parties not having the owner's consent from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.
2. Members may provide limited exceptions to the protection of industrial designs, provided that such exceptions do not unreasonably conflict with the normal exploitation of protected industrial designs and do not unreasonably prejudice the legitimate interests of the owner of the protected design, taking account of the legitimate interests of third parties.
3. The duration of protection available shall amount to at least 10 years.

Conclusion

The issues relating to the augmentation of the protection of Geographical Indications under the Trade related aspects of intellectual Property rights (TRIPs). Geographical indications are an apparatus of Intellectual Property which includes the goods and services that are distinguished by the place of their origin. This place of originality can be based on their environmental, historical, social or cultural explicitness. It is because of the signing of the TRIPs agreement, that the Geographical Indication has been provided an international place as one of the Intellectual properties. And now, it has become one of the most salient areas within the World Trade Organization (WTO). But still, As far as this is considered, the protection of Geographical Indications at the international level is away from being satisfactory, as, except for wines and spirits, it is easy to abuse and exploit the other products or services. The special protection provided to wines and spirits under Article 23 of the TRIPs agreement is quite contentious in nature. As a result of which a weaker mechanism of protection is provided to the other products. This research paper aims to explain the relationship between the TRIPs and the geographical Indication of various products based on the place of their origin. Also, the research paper seeks to describe how far the TRIPs agreement helps in the protection of the Geographical Indications of other products, beyond wines and spirits as mentioned under article 23 of the TRIPs agreement.

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Scheduled but Sidelined: The Marginalisation of Urdu Language Education in Contemporary West Bengal

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Abstract

This paper is focused on evaluating the position of the Urdu language especially in the educational sector in West Bengal. Through analyzing the Census, the spread of the Urdu language has been traced in West Bengal. By examining the educational institutions, the conditions and problems of the Urdu-speaking population have been understood. The paper analyzes that despite various government initiatives to promote Urdu, it is in a sustained decline. This decline is not merely a linguistic phenomenon but a reflection of deeper socioeconomic inequalities that systematically disadvantage minority language communities in accessing quality education.

Identity is a layered construct and is inextricably linked with culture, whereas language is the tool through which we construct meaning and negotiate their relationship with the world. In the contemporary Indian society, debates surrounding language have permeated not only in the public sphere but also private domain. The question whether any one language is able to represent the deep cultural and social diversity of the nation has become paramount especially when even the Constitution of India has provided a list of 22 scheduled languages to protect the multifariousness of the society. Against this backdrop, this paper seeks to analyse the educational sector of West Bengal to assess the extent to which vernacular languages, particularly Urdu, have been sustained or have experienced decline.

The educational system in Indian society has seen significant changes, particularly concerning language. There has been a notable decline in the demand for classical Indian languages as the medium of instruction in schools, including Hindi, Urdu, Bengali, Marathi, Tamil, and others. The widespread influence of the English language has resulted in its adoption not just in higher education institutions, but also in intermediate and primary levels of schooling. The introduction of the Central Board of School Education has facilitated English as the primary medium of instruction in schools, while State Boards of School Education continue to use Indian languages as the primary medium of instruction. The state-run or government-funded schools provide highly subsidized or free education. However, these institutions are predominantly attended by low-income and impoverished communities. The upper classes prefer English medium schools while the middle class also prefer English medium schools to maximise their chance for success (Annamalai 2005). A stigma has emerged that students who opted for traditional Indian languages at the school or college level are poor economically and academically (Annamalai 2003). This stigma still persists today and has exacerbated to such a degree that it affects the proliferation of all vernacular languages.

People are beginning to realize how important and influential English has become in today's world. English has become essential due to its role as a connecting language amongst individuals from different communities and nation-states respectively. Many Western countries in Europe and America use English, and as the IT industry grows, Indian youth are adopting a more Westernized mindset. The usage of Indian languages has begun to decline in this regard. Therefore, an entire revision of language policy is required so that Indian languages can be utilized as a resource to empower communities rather than as a means of competition.

This study adopts a descriptive and analytical approach to evaluate the status of the Urdu language within the educational landscape of West Bengal. Primary datasets were meticulously

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prepared from the websites of the school boards, universities in West Bengal as well as supplemented by the data from Census of India, government websites and documents to understand not only the geographical location of the Urdu-speaking population but also demonstrates their accessibility to education and Urdu as a mother tongue.

This paper seeks to analyse the position of Urdu in the educational sector in West Bengal by examining the various school boards such as the Council for the Indian School Certificate Examinations (CICSE), Central Board of Secondary Education (CBSE), West Bengal Council of Higher Secondary Education (WBCHSE), West Bengal Board of Secondary Education (WBBSE) and Kolkata Municipal Corporation (KMC) for its inclusion of Urdu as a subject. Universities in West Bengal were also analysed to assess whether they offer Urdu. Apart from that, this paper also evaluates the government's efforts in the promotion of Urdu. This offers an insight into the Urdu speaking population whether they are able to expand the reach of their mother tongue or whether it is declining.

Urdu Language in West Bengal

According to the 2011 Census of India, West Bengal possesses a diverse linguistic composition consisting of 253 mother dialects and 124 distinct languages. The census differentiates between 'language' and 'mother tongue.' "'Mother tongue' indicates the exclusive entity whereas the 'language' includes the mother tongues/variants grouped under it" (Census of India 2011). These 253 mother tongues are categorized as Scheduled and Non-Scheduled languages after being divided into 124 languages. With 86.22% of the population speaking Bengali, it continues to be the language of the majority. This is because many Muslims in West Bengal are also Bengali-speaking. Nonetheless, a tiny minority in West Bengal communicate in Urdu. The location of the Urdu language in West Bengal is the main goal of this study.

District Wise % of Urdu Speakers in West Bengal		
District	% of Speakers in District	% of Speakers in the total Urdu population
Kolkata	13.04%	35.2406%
Uttar Dinajpur	9.48%	17.1421%
North 24 Parganas	2.28%	13.7130%
Bardhaman	2.86%	13.2481%
Howrah	2.86%	8.3392%
Hooghly	1.72%	5.7066%

Source: Compiled by the Author using the Census data of West Bengal of 2011.

Two sets of statistics are displayed in the table: the first displays the proportion of Urdu speakers to the overall population in a certain district, and the second indicates the proportion of Urdu speakers to the total population of West Bengal who speak Urdu. As the above table illustrates, the majority of West Bengal's Urdu-speaking population is concentrated in a small number of districts. The six districts listed above house 93.39% of all Urdu-speaking people. Furthermore, it is clear from the analysis that all of the districts are close to Kolkata, except Uttar Dinajpur. Additionally, the Kolkata Metropolitan Area (Greater Kolkata) is comprised of five districts: Kolkata, North 24 Parganas, South 24 Parganas, Howrah, and Hooghly. Bardhaman is situated near Greater Kolkata, where 63% of the total Urdu-speaking population resides. The remaining 6.61% of the Urdu-speaking population resides in the remaining 13 districts, with Paschim Medinipur housing 2.08% of this population. When Paschim Medinipur is excluded from the twelve districts, the proportion of inhabitants in the remaining twelve districts falls to 4.6%. The data indicates that the Urdu-speaking populace of West Bengal is predominantly concentrated in urban areas.

Government Initiatives for the Promotion of Urdu

One of the notable measures implemented by the Government of West Bengal to advance the Urdu language was the enactment of the Official Languages Act in 1961. The Official Languages Act of 1961 designated the hill subdivisions for the use of Bengali and Nepali, while the remaining

regions of the state were to continue Bengali as the official language, in addition to English (West Bengal Act XXIV of 1961). There have been numerous amendments to the Official Languages Act over the years. An Act modification was introduced in 2012 that mandated the use of Urdu for official rules and regulations, in addition to Bengali and Nepali (West Bengal Act VIII of 2012). A subsequent amendment to the Official Languages Act in 2021 added Telegu, Oriya, Hindi, Rajbhanshi, Kurukh, Kurmali, Santhali, Punjabi, and Kamtapuri to the list of official languages (West Bengal Act VIII of 2021).

In order to promote Urdu, the West Bengali government has also established several boards and institutions. The West Bengal government's Higher Education Department launched the West Bengal Urdu Academy on April 1st, 1978 (West Bengal Urdu Academy 18th Feb 2023). It is the oldest government-established agency whose goals include advancing the use of Urdu, offering guidance and support to state governments in developing and carrying out Urdu-related policies, and publishing academic publications in Urdu on a range of subjects. The West Bengal Urdu Academy runs annual Urdu book fairs, literary grants, and many educational and training programs.

The oldest Madrasah education board in India is the West Bengal Madrasah Education Board. The goal of this organization is to modernize, regularize, and standardize Madrasah education in West Bengal. The Minorities Affairs and Madrasah Education Department aims “to cater to the aspirations of the Minorities of the State, especially in the field of Development and Welfare” (West Bengal Board of Madrasah Education 21st Feb 2023). Following its inception, several separate institutions and boards such as the West Bengal Urdu Academy, West Bengal Board of Madrasah Education, West Bengal State Haj Committee, West Bengal Minorities’ Commission, Minorities Development & Welfare (MDW) Directorate, West Bengal Minorities’ Development & Finance Corporation, and Board Of Auqaf were consolidated under a unified department. These organizations serve in diverse capacities to address the concerns of the Muslim community. The Urdu Medium Government Primary Teachers’ Training Institute, founded in 1986, is another example of such an establishment. This institute prepares elementary school teachers to teach in government schools that use Urdu. In one way or another, each of these organizations and bodies has been promoting the Urdu language.

A report detailing the advancements made by the Mamata Banerjee administration since its accession in 2011 was released in 2018. The document enumerates a number of accomplishments, including raising the budgetary allotment to the West Bengal Urdu Academy, the Minorities Affairs and Madrasah Education Department, and Aliah University; launching the “computer-aided learning ICT @ Madrasah” program; adding Urdu to the list of official state languages; introducing government service support SMS in Urdu, English, and Bengali; publishing the Urdu journal “Maghrabi Bangal” by the Information and Cultural Affairs department; adding Urdu as a subject in the State Eligibility Test (SET) administered by the West Bengal College Service Commission in 2015; and establishing Urdu academies in Asansol, Bardhaman, and Islampur, Uttar Dinajpur. A state-level essay competition in Urdu with cash prizes has been implemented for school and college students since 2012–2013 (Department of Information & Cultural Affairs 2018).

Certain measures implemented by the present administration were outlined in the election manifestos of the All India Trinamool Congress. Nevertheless, a number of the promises outlined in the electoral manifestos remain unfulfilled. These include cadres of language assistants would be employed in regions where Urdu has been designated as the official language, among other significant assurances pertaining to language. The other objective was the establishment of one hundred new Urdu-medium institutions and the hiring of para-teachers.

Urdu in educational institutions

Despite the government's extensive efforts to promote the Urdu language, the efficacy of these programs can be evaluated by examining the extent of Urdu's presence within educational establishments. In the state of West Bengal, there are two distinct boards responsible for

administering examinations for Class 10, referred to as *Madhyamik*, and Class 12, known as *Uccha Madhyamik*.

Medium wise Schools in West Bengal				
Board	Total No of Schools	Total Urdu Medium Schools	Total Bengali Medium Schools	Total Hindi Medium Schools
WBCHSE	6771	102	6376	366
WBBSE	2893	34	2689	113
KMC	263	56	154	46

Source: Compiled by the Author using data from WBCHSE, WBBSE and KMC.

The data shown in the aforementioned table has been collated from multiple authoritative websites pertaining to secondary and higher secondary education in the state of West Bengal. The WBCHSE serves as the governing body for higher secondary education in West Bengal, while the WBBSE fulfills same role for secondary education in all government institutions within the state. The KMC schools are educational institutions that primarily cater to students from economically disadvantaged backgrounds, offering them tuition-free education up to the fifth grade.

Upon analyzing the data mentioned above, it becomes apparent that a majority of the government schools are conducted in the Bengali medium. This aligns with the census data, which indicates that 86.22% of the overall population in West Bengal are speakers of the Bengali language. Upon further analysis of Urdu medium schools in both the WBCHSE and WBBSE, it is observed that only seven schools listed under WBBSE do not appear in the list of schools under WBCHSE. The total number of Urdu medium schools in West Bengal is limited to 109. The provided compilation encompasses educational institutions that include both Government and government-aided schools. The above statistics do not accurately depict the true demographic composition of the Urdu-speaking community residing in West Bengal.

However, upon comparing it with private educational boards like CBSE and CICSE, it becomes evident that the inclusion of Urdu as a subject in schools under these boards is significantly limited. Among the 426 educational institutions in West Bengal, affiliated with CBSE none of the schools have included Urdu as part of their curriculum while Hindi and Bengali are widely offered as the primary and secondary languages in nearly all of these schools. Just one school in Kolkata, out of the 348 schools in West Bengal under CICSE, offers Urdu as a subject. Urdu remains conspicuously absent from the educational landscape. The decline of Urdu in educational institutions is apparent since the Urdu-speaking population in West Bengal lacks the opportunity to educate their children in Urdu when opting for English medium schools governed by private boards.

The examination of KMC schools indicates that while the proportion of Urdu medium schools in KMC is 21.29%, which is notably higher than the proportions of schools functioning under WBCHSE (1.51%) and WBBSE (1.18%), this figure fails to sufficiently reflect the number of Urdu speakers residing in the Greater Kolkata area.

Details of KMC Schools		
	No Of Teachers In KMC	No Of Students In KMC
Bengali Medium	328	13338
Hindi Medium	100	5611
Urdu Medium	111	8681

Source: Compiled by the Author using data from WBCHSE, WBBSE and KMC.

Additional analysis of the KMC schools, reveals that there exists a significant variation in the student-teacher ratio among the three medium-sized schools. In Bengali medium schools, the teacher-student ratio is 1:40.6. This ratio goes to 1:56 in Hindi medium schools, and in Urdu medium schools, it reaches its greatest point at 1:78. It is to be noted that the population of Urdu-speaking

Muslims is the highest in the Kolkata district and from the data of KMC schools, it is evident that the teacher-student ratio among Urdu medium school are the worst. This can be said that it could directly affect the future prospects of Urdu medium school children as compared to Bangla Medium schools, as due to the lesser number of teachers in Urdu medium schools, quality education might be compromised.

Universities/Colleges in West Bengal				
Institution Type	Total	Technical/Law/Management Colleges	Presence of Department of Urdu	Percentage of Universities/Colleges with Urdu
Universities in West Bengal	63	21	5	8%
Colleges under University of Calcutta	155	24	21	14%

Source: Compiled by the Author from the website of University of Calcutta

Institutions of higher education are also indicative of the same trend as found in schools, as the above table demonstrates, only 5% of the Universities have Urdu department within its ambit. Even though 67% of these universities have language departments. Whereas, only 14% of the colleges within University of Calcutta have an Urdu department and offer degrees and courses although 84% of these colleges have a language department.

Conclusion

After analyzing the educational sphere with respect to Urdu, it becomes evident that reveals a deeply concerning pattern of linguistic marginalisation. Although it seems that the West Bengal school boards WBCHSE and WBBSE do not provide any scope for the Urdu-speaking population to teach their children their mother tongue, the onus is also on the community itself as they have also failed to raise the issue of marginalisation. Although, the other school boards CBSE and CICSE, have included Urdu in their syllabus, its affiliated schools offer Urdu as a second or third language in West Bengal with the exception of one CICSE school in Kolkata. Moreover, the quality of education WBCHSE and WBBSE is itself a matter of serious concern. The absence of quality schools in Urdu medium and the large student-teacher ratio reveals the scarcity of quality as well quantity of teachers which are essential issues in the proliferation of Urdu language. Additionally, KMC runs its schools through primary (I–V) grades. Data regarding the student-teacher ratio, which is significantly higher for Urdu-medium schools than for Bengali and Hindi-medium schools, is available on the official KMC website. The information on the number of instructors and pupils in each language-medium school is only available on the KMC website. For the schools covered by WBCHSE and WBBSE, this information remains unavailable. Nevertheless, it has been noted that Urdu medium schools suffer from a scarcity of full-time educators, resulting in the recruitment of part-time instructors to address the challenge posed by the substantial student-teacher ratio.

KMC schools are situated in regions with high concentrations of poverty and underdevelopment, resulting in enrolment primarily consisting of pupils from economically disadvantaged backgrounds. Children belonging to the upper classes refrain from enrolling in vernacular medium schools. Therefore, it is imperative for both the government and the Urdu-speaking community to address the deteriorating state of Urdu medium education in West Bengal. The case for higher educational institutions remains the same, only a handful of universities and colleges have a separate department of Urdu even though a high majority have language departments. This reflects not only institutional neglect but a broader societal drift away from Urdu as an academic discipline. It is therefore imperative that both the government and the Urdu-speaking community urgently address the deteriorating state of Urdu-medium education in West Bengal — through sustained investment in teacher training, equitable resource allocation, and policy interventions that affirm the educational and cultural value of linguistic diversity.

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