



ISSN: 3048-6572
DOI Prefix: 10.69655

YEAR OF STARTING: 2024

NOVEL INSIGHTS

A Peer-Reviewed Quarterly Multidisciplinary Research Journal



<https://www.novelinsights.in>



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SUBJECT: HUMANITIES & SOCIAL SCIENCE

LANGUAGE: ENGLISH

Volume-I, Issue-I & III

February, 2025



Editor-in-Chief:

Dr. Bishwajit Bhattacharjee



Published by:

UTTARSURI

Roy Nagar, Sribhumi, Assam, India, 788711

Novel Insights

A Peer-Reviewed Quarterly Multidisciplinary Research Journal

STARTING YEAR: 2024

E-ISSN: 3048-6572

P-ISSN: 3049-1991

DOI Prefix: 10.69655



VOLUME-I

ISSUE-III, FEBRUARY, 2025

SUBJECT:
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NOVEL INSIGHTS (NI)

A Peer-Reviewed Quarterly Multidisciplinary Research Journal

E-ISSN: 3048-6572

P-ISSN: 3049-1991

DOI Prefix: 10.69655

Starting Year: 2024

Volume-I, Issue-III, February 2025

Website: <https://www.novelinsights.in>

Subject: Humanities & Social Science

Language: English

Editor-in-Chief

Dr. Bishwajit Bhattacharjee

Printed at:

Scholar Publications

Raj Bunglow Road, Karimganj, Assam, India

Office Management: Bishal Deb

© Uttarsuri, Roynagar, Karimganj, Assam, India, 788711

Rs. 600.00

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Novel Insights, *An International Journal of Multidisciplinary Studies*

A Peer-Reviewed Quarterly Research Journal

E-ISSN: 3048-6572

P-ISSN: 3049-1991



Published by Uttarsuri, Karimganj, Assam, India, 788711

Website: <https://novelinsights.in/>

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Novel Insights, An International Journal of Multidisciplinary Studies

A Peer-Reviewed Quarterly Research Journal

ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)

Volume-I, Issue-III, February 2025, Page No.137-153

Published by Uttarsuri, Sribhumi, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI: 10.69655/novelinsight.vol.1.issue.03W.015



Fundamental Rights in The Indian Constitution And Modern-Day Challenges

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Received: 09.02.2025; Accepted: 26.02.2025; Available online: 28.02.2025

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Abstract

The Fundamental Rights enshrined in the Indian Constitution play a crucial role in protecting the rights and freedoms of its citizens. The Fundamental Rights hold immense significance as they form the bedrock of individual liberties and provide the framework for a just and equitable society. The Indian Constitution, adopted in 1950, includes a comprehensive set of Fundamental Rights that guarantee citizens various liberties such as equality before the law, freedom of speech and expression, protection against discrimination, and the right to life and personal liberty. These rights were influenced by India's struggle for independence and the need to rectify historical injustices. Fundamental Rights play a leading role in upholding the principles of democracy. They establish a balance of power between the state and its citizens, preventing possible abuse of authority. This abstract delves into the importance of Fundamental Rights in the Indian context, highlighting their historical context, types of Fundamental Rights, role in safeguarding democracy, impact on socio-economic progress, modern-day challenges, and conscience summary of significant cases relating to Fundamental Rights.

Keywords: Constitution, Constitutional Remedies, Equality, Fundamental Rights, Landmark Cases.

Introduction: India became an independent country on August 15, 1947. The Constituent Assembly was established on December 6, 1946, and came into force on January 26, 1950. The soul of the Constitution of India is depicted through the Preamble of the Constitution, which affirms India as a sovereign state that is not under the control of any other power. Socialist means equal distribution of country resources to citizens and Secular means a country that does not bind itself to any religious faith. The preamble also emphasizes securing its citizen's Justice, Liberty, Equality, and Fraternity to all nationals through

Fundamental Rights, Directive Principles, and Fundamental Duties. The source of Fundamental Rights is from the principles of England's Bill of Rights (1689), the United States Bill of Rights (1789), and the French Declaration of Man's Rights (1789).

The Indian Constitution provides the basic framework through which people and citizens are governed. The Constitution grants certain rights to citizens; these are elementary human freedoms that are required by every citizen of the country, to enjoy appropriate living standards in a harmonious developing society. These freedoms are vital for individual holistic advancement and the betterment of the community. Fundamental Rights are designed to protect individuals from any state arbitrary action; even some rights are enforceable against persons in violation.

The Fundamental Rights enshrined in the Indian Constitution are a set of essential rights and freedoms guaranteed to every citizen of India. These rights are considered fundamental, as they are deemed essential for the growth, development, and overall well-being of the individual. The idea of Fundamental Rights draws inspiration from various sources, including the Universal Declaration of Human Rights, and reflects the core values of justice, liberty, equality, and fraternity that the Indian Constitution seeks to uphold. These rights are not absolute; they are subject to certain limitations to balance individual liberty with collective welfare and the maintenance of public order.

There are six Fundamental Rights and they are free from any form of discrimination based on religion, race, gender, etc. Individuals can invoke these rights if there is any violation of them. Fundamental Rights are enshrined in Part III of the Constitution of India. It is also known as the 'Magna Carta' of the Indian Constitution.

Objective Of The Study: The following are some objectives of the study:

- 1) To study the detailed constitutional provisions related to the Fundamental Rights.
- 2) To understand its nature.
- 3) To analyze the implications of the rights provided.
- 4) To evaluate the rights in their true perspectives.
- 5) To understand its significance in our parliamentary democratic setup.
- 6) To study the several freedoms in the light of case studies.

Historical Perspectives: The inclusion of Fundamental Rights in the Indian Constitution is rooted in a historical context that includes the struggle for independence, the influence of international human rights principles, and the commitment to social justice. The framework of these rights was driven by the collective desire of the Indian people to secure individual liberties and establish a just and equitable society. The Indian independence movement, characterized by the efforts of leaders such as Mahatma Gandhi and Jawaharlal Nehru, emphasized the importance of civil liberties and human rights. The demand for Fundamental Rights was intertwined with the larger struggle against British colonial rule, as Indians sought freedom from oppressive rule. Post-World War II witnessed the formulation of international declarations and treaties that emphasized human rights. The United Nations Universal Declaration of Human Rights (1948) played an important role in shaping the

discourse around individual freedom and equality worldwide. India's leaders were influenced by these principles and tried to incorporate them into the country's legal framework. The Constituent Assembly of India, tasked with drafting the Constitution, engaged in a detailed debate on the inclusion of Fundamental Rights. Dr. B.R. Ambedkar, the chairperson of the drafting committee, argued passionately for these rights, highlighting their importance in protecting citizens from potential abuses of state power. The framers of the Indian Constitution recognized the importance of protecting individual liberty and social justice.

Consequently, Part III of the Constitution was devoted to Fundamental Rights, with articles specific to these rights and their limitations. The rights included in this section were carefully chosen to reflect the diverse needs of a society characterized by cultural, religious, and social diversity. While there was broad consensus on the need for Fundamental Rights, there is also discussion about the need to balance collective welfare with individual freedom. The debates centered on striking a harmonious balance that would prevent the misuse of rights while preserving the overall social fabric. The Constitution provides for the enforcement of Fundamental Rights through the judiciary. Citizens can go to court if they believe their rights have been violated, making the judiciary a key protector of these rights. The Indian judiciary has played an important role in interpreting and expanding the scope of Fundamental Rights. Landmark judgments have contributed to the evolution of these rights and their applicability in different contexts.

Types Of Fundamental Rights: Fundamental Rights are primary human rights that are guaranteed to every citizen in a country. These rights are usually enshrined in a country's Constitution and serve as the foundation of individual liberty, equality, and dignity. While the specific types of Fundamental Rights may vary from country to country, I can give you a brief overview of the types commonly found in many democratic constitutions.

- 1) **Civil Rights:** These rights pertain to an individual's liberty and include freedoms such as freedom of speech, freedom of religion, freedom of expression, freedom of assembly, and freedom of the press. These rights ensure that individuals can express themselves and engage in activities without undue government interference.
- 2) **Equality Rights:** Equality rights guarantee that all persons are treated equally under the law and are protected from discrimination based on race, gender, religion, caste, or other characteristics. These rights ensure fairness and prevent unfair treatment.
- 3) **Social Rights:** Social rights focus on ensuring a basic standard of living and well-being for all citizens. These rights may include access to education, healthcare, housing, and social security. They aim to address socio-economic inequality and promote the welfare of citizens.
- 4) **Cultural and Educational Rights:** These rights ensure that individuals have the freedom to preserve and expand their cultural, linguistic, and educational identity. They might include the right to education in one's language, the right to cultural expression, and the right to access educational institutions.

- 5) **Economic Rights:** Economic rights encompass the rights related to property ownership, labor rights, and the ability to pursue economic opportunities. They help individuals participate in the economic life of the country and protect them from arbitrary confiscation of their property.
- 6) **Political Rights:** These rights relate to political participation and engagement. These include the right to vote, the right to hold public office, and the right to participate in the democratic process. These rights are crucial for citizens to have a say in their country's governance.
- 7) **Environmental Rights:** Environmental rights are recognized as fundamental rights in some constitutions. These rights highlight the importance of a healthy environment and the obligation of both citizens and governments to protect and preserve the natural world.
- 8) **Right to Privacy:** The right to privacy ensures that individuals have control over their personal information and functions. It protects individuals from unwanted intrusions by the government or other agencies into their private lives.

Salient Features of Fundamental Rights: The following are some of the features of Fundamental Rights enshrined in the Constitution of India:

1. The Indian Constitution guarantees and protects Fundamental Rights.
2. The Parliament has the power and authority to restrict Fundamental Rights on reasonable grounds, however, such restrictions can only be made for a fixed period. The judiciary will review for reasonableness the basis on which the Fundamental Rights are limited by the parliament. Therefore, Fundamental Rights are not absolute or sacrosanct.
3. Fundamental Rights may be suspended in the case of a national emergency, however, the rights guaranteed under Articles 20 and 21 will still apply. In case of military rule, Fundamental Rights may be restricted in any area within the Indian Territory.
4. The Constitution of India enables a person to approach the Supreme Court of India directly to enforce their Fundamental Rights in case of violation or restriction. The Fundamental Rights are thus justifiable.

Amenability Of Fundamental Rights: The Supreme Court in *Kesavananda Bharati's* case, (1974) held that the Parliament can amend any part of the Constitution including all the Fundamental Rights under the Doctrine of the fundamental structure of the Constitution. The Supreme Court has specifically defined what does not entail the basic structure nor did it mention any exhaustive list regarding the contents of the basic structure of the Constitution. The Supreme Court, however, said that only additions can be made to the basic structure and no deletions will be allowed. The Supreme Court in a catena of judgments has held that the following provisions are a part of the basic structure of the Constitution:

1. Sovereignty of India
2. Democracy
3. Secularism

4. Republic
5. Free and fair elections
6. Judicial review, etc.

Doctrine Of Severability: The doctrine of alienation is also known as the ‘Doctrine of Severability’. It protects our Fundamental Rights. It is stated in **Article 13(1)** of the Constitution that all laws in force in India implemented before the commencement of the Constitution shall remain in force. However, the extent to which they conflict with Fundamental Rights will the degree of such irregularity void. In simple terms, the entire law would not be held invalid or void, only the part of the law, that is inconsistent with the Fundamental Rights, shall be held void or invalid.

Doctrine Of Eclipse: The doctrine of preemption is applied when one provision of law overrules another provision and as the name suggests this doctrine is applied when a statute or a law ignores or is inconsistent with Fundamental Rights. Under this doctrine, Fundamental Rights supersede inconsistent laws or acts, thereby rendering them unenforceable, but are not abrogated ab initio. Such a law or act can be reinforced if the limitations established by the Fundamental Rights are removed.

Universal Declaration Of Human Rights (Udhr): The most eminent document in this framework is the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948. The UDHR outlines a set of fundamental human rights and freedoms that are considered universal and applicable to all people, regardless of their nationality, ethnicity, religion, or any other characteristic. The UDHR covers a wide range of rights, including civil, political, economic, social, and cultural rights. Some of the important principles and rights enshrined in the UDHR include:

1. **Right to life, liberty, and security:** Everyone has the right to life, liberty, and security of person.
2. **Freedom of expression:** Everyone has the right to freedom of thought, conscience, religion, and expression.
3. **Right to equality:** All persons are equal before the law and are entitled to equal protection of the law without discrimination.
4. **Freedom from torture and inhuman treatment:** No one shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment.
5. **Right to education:** Everyone has the right to education. Education shall be free, at least in the elementary and basic stages.
6. **Right to work and fair wages:** Everyone has the right to work, to free choice of employment, and to just and favorable conditions of work. Everyone who works has the right to fair and favorable wages.
7. **Right to health:** Everyone has the right to a standard of living adequate for the health and well-being of oneself and one’s family, including food, clothing, housing, and medical care.
8. **Right to political participation:** Everyone has the right to take part in the government of their country, directly or through freely chosen representatives.

9. **Right to privacy:** No one shall be subjected to arbitrary interference with their privacy, family, home, or correspondence.
10. **Right to asylum:** Everyone has the right to seek and enjoy in another country from persecution.

Constitutional Provisions: The Fundamental Rights in the Indian Constitution are enshrined in Part III, specifically Articles 14 to 32. The Constitution guarantees six Fundamental Rights to Indian citizens as follows:

1. Right to Equality,
2. Right to Freedom,
3. Right against Exploitation,
4. Right to Freedom of Religion,
5. Cultural and Educational Rights,
6. Right to Constitutional Remedies.

These rights are Fundamental because of two reasons. First, these are mentioned in the Constitution, which guarantees them; and second, these are justifiable means that in case of their violation, the individual can approach courts for their protection. If a government enacts any law that restricts any of these rights, it will be declared invalid by the court. These rights ensure that individuals have certain essential freedoms and protection, and they are designed to promote equality, justice, and human dignity. Here is an overview of key provisions of Fundamental Rights in the Indian Constitution.

Right To Equality (Articles 14-18):

Article 14 – Equality before the law

- Article 14 considers all individuals the same in the eyes of the law.
- This Article states that all citizens of India must be treated equally before the law.
- The said Article further states that the law protects everybody equally.
- Under similar circumstances, the law must treat people in the same manner.

Article 15 – Prohibition of discrimination:

This provision of the Indian Constitution prohibits any form of discrimination. Based on the grounds of religion, race, place of birth, caste, or gender, if any citizen is subjected to any disability, restriction, liability, or condition about –

- Public places access;
- Use of public properties such as tanks, ghats, wells, etc that are maintained by the state or that are intended for the use of the general public;
- The aforementioned Article also states that special provisions can be created for women, children, and the backward classes notwithstanding this Article.

Article 16 – Equal opportunity in government employment:

- This Constitutional provision provides equal employment opportunity to all in state service.

- In the case of public employment, no citizen must be discriminated against or appointed based on the grounds of religion, caste, race, gender, place of birth, residence, or descent.
- Exceptions to the said Article may be made to provide special provisions for backward classes.

Article 17 – Abolition of untouchability:

- The aforementioned Article strictly prohibits the practice of untouchability.
- This Article has untouchability abolished in all forms.
- In case any disability or dispute arises due to untouchability then it is considered an offence.

Article 18 – Abolition of titles:

- The said Article abolishes titles. It states that the state shall not confer any title.
- However, those titles, that are academic or military, shall be allowed.
- The said article further prohibits the citizens of India from accepting any kind of title from a foreign country. This article also abolishes the titles that were awarded by the then-British government such as Rai Bahadur, and Khan Bahadur.
- Awards such as Padma Shri, Padma Bhushan, Padma Vibhushan, Bharat Ratna, and military honors like Ashok Chakra, and Param Vir Chakra shall not be considered under this category.

Right To Freedom (Articles 19-22): The following Articles of the Constitution deal with the Fundamental Right to freedom.

Article 19: Article 19 guarantees the following six freedoms. They are:

Article 19(1) (a) – Freedom of speech and expression: This provision guarantees freedom of speech and expression to every citizen of India. However, the law may impose restrictions on the scope of this freedom considering the interests of the integrity, security, and sovereignty of the country. The exceptions further include- friendly relations with foreign nations, maintaining public order, regarding the incitement to an offense, defamation, or contempt of court.

Article 19(1) (b) – Freedom to assemble: This provision guarantees everyone the freedom of peaceful assembly without arms. However, reasonable restrictions may be imposed having regard to the interests of the sovereignty and integrity of the country and to maintain public order.

Article 19(1) (c) – Freedom to form associations or unions or co-operative societies: This provision allows citizens of India to form associations, unions, or cooperative societies but with certain exceptions considering the integrity of the country and the maintenance of security and public order.

Article 19(1) (d) – Freedom to move freely: This provision states that citizens of India can move freely throughout the territory of India. However, this freedom may be restricted for reasons of security, public order, or to protect the interests of Scheduled Tribes.

Article 19(1) (e) – Freedom of residence: This provision states that all citizens of India have the right to reside in any part of the country. However, this freedom may be restricted for reasons of security, public order, or to protect the interests of Scheduled Tribes.

Article 19(1) (g) – Freedom of profession: This provision states that all citizens have the right to carry on any trade profession or occupation if such trade profession or occupation is not illegal or immoral. In addition, the law does not prohibit the State from making laws related to technical or professional qualifications that are required for practicing the occupation or trade.

Article 20- Protection of citizens in case of conviction for offenses: This provision deals with the protection of citizens in respect of conviction for offenses. It mentions three kinds of protections for the individual against the State. They are retroactive criminal law, double jeopardy, and prohibition against self-incrimination.

Article 21 – Right to Life: This provision states that no person shall be deprived of his life and personal liberty by the State except in the manner prescribed by law. The right to life is not just about survival; it says that a person must lead a dignified life. The said Article has a very wide scope and its interpretation has been continuously developed over decades.

Article 21A – Free education for children aged 6-14 years: The 86th Constitutional Amendment Act 2002 inserted this provision in the Constitution. It states that the State must provide free and compulsory education to all children between the ages of 6 to 14.

Article 22 – Protection against arrest and detention in certain cases: This provision extends to both citizens and non-citizens. It gives people some procedural protections in case of arrest. It is to be noted that this provision is not a Fundamental Right against detention and arrest. This right aims to prevent arbitrary arrest and detention. This provision does not cover persons arrested under preventive detention laws and enemy aliens. This article further provides the following:

Article 22(1) – This provision states that any person in custody must be informed of the reasons for his arrest. In addition, they must not be denied the right to consult a lawyer.

Article 22(2) – This provision states that the arrested person must be produced before a judicial magistrate within 24 hours of the arrest. The provision also provides that no person who has been arrested shall be kept in custody for a period longer than the time fixed by the Judicial Magistrate.

Right Against Exploitation (Articles 23-24):

Article 23 – Prohibition of traffic in human beings and forced labor:

This provision is further divided into:

Article 23(1) – Human trafficking and beggar and other such forms of forced labor are prohibited under this provision and any kind of violation of this provision shall be a punishable offense under the law.

Article 23(2) – Nothing in this article shall prevent the state from imposing compulsory public service, and in imposing such service the state shall not discriminate because of religion, race, caste, class, or any of them.

This provision protects not only citizens of the State but also the private citizens. Certain laws were passed by the Parliament about this provision, they are- the Bonded Labor System (Abolition) Act, 1976, and the Suppression of Immoral Traffic in Women and Girls Act, 1956.

Article 24 – Prohibition of employment of children in factories, etc.: This provision states that no child below the age of 14 shall be employed to work in any factory or mine or any other hazardous employment. This provision prohibits the employment of children below 14 years in any hazardous industry, factory, or mine without any exception. However, the employment of children in non-hazardous work is legally permitted. Certain laws were passed by the Parliament about this provision; they are – the Factories Act of 1948, The Mines Act of 1952, The Child Labor (Prohibition and Regulation) Act of 1986, The Child Labor (Prohibition and Regulation) Amendment Act of 2016, etc.

Right To Freedom Of Religion (Articles 25-28)

Article 25 – Freedom of conscience and free profession, practice, and propagation of religion: This provision guarantees the freedom of conscience, and the freedom to profess, practice, and propagate one's religion to all citizens. However, the said freedom is subject to public order, health, and morality. This article also states that the State can make laws to regulate or restrict financial, economic, political, or other secular activities related to religious practice. It allowed for further social welfare and reforms or the opening of Hindu religious institutions of a public nature to all sections and classes of Hindus.

Article 26 – Freedom to conduct religious affairs: This provision states that concerning morality, health, and public order, every religious community has the following rights–

- The right to form and maintain institutions for religious and charitable intents.
- The right to manage its affairs in the matter of religion.
- The right to acquire immovable and movable property.
- The right to administer such property according to the law.

Article 27 – Freedom to pay taxes for propagation of any particular religion: As per this provision, no taxes shall be imposed on such proceeds, which are directly used for the promotion and maintenance of any particular religion or religious denomination.

Article 28 – Freedom to attend religious instruction or religious worship in specified educational institutions: This provision enables the establishment of educational institutions maintained by religious groups to impart religious instruction.

Cultural And Educational Rights (Articles 29-30)

Article 29 – Protection of minority interest: This provision of the Constitution aims to protect the interests of minority groups.

Article 29(1) – This provision states that any section of the citizens residing in India having a distinct culture, language, or script, have the right to preserve their culture, language, and script.

Article 29(2) – This provision stipulates that the State must not deny admission to any person based on the grounds of race, religion, caste, language, or any of them in educational institutes run by it or institutions receiving aid from it.

Article 30 – Right of minorities to establish and administer educational institutions: This right is given to minorities to establish and govern their educational institutions. This is why the said provision is also known as the Right to Education Charter.

Article 30 (1) – This provision states that all religious and linguistic minorities have the right to establish and run educational institutions of their choice.

Article 30 (2) – This provision provides that the State while granting aid to educational institutions shall not discriminate against any educational institution under the management of a minority, whether based on religion or language.

Right To Constitutional Remedies (Article 32)

Article 32 – The Constitution guarantees certain remedies if the Fundamental Rights of the citizens are violated. The State does not have the power or authority to infringe upon or curb the rights of any individual. If these rights are violated, the aggrieved person can go to the court. They can even directly approach the Supreme Court of India, which can issue writs to enforce Fundamental Rights. Five kinds of writs can be issued by the court, they are:

Habeas Corpus: The term Habeas Corpus means, ‘To have the body of’. According to this writ, the court has the right to summon any person being detained to assess the legality of their detention.

Certiorari: The term Certiorari means, ‘To be certified’. Under this writ, a higher court reviews a case that has been tried in a lower court. It is employed to seek judicial review of a decision given by a court or a government authority.

Prohibition: The writ of Prohibition is issued by a court to restrict or prohibit the lower courts, tribunals, and other quasi-judicial authorities from acting outside their legal authority. It is employed to check inaction whereas the writ of Mandamus checks activity.

Mandamus: The term Mandamus means, ‘We command’. This writ is issued by the court to direct a public official who has failed or refused to perform his duties to resume his work. The writ of Mandamus is also issued against a public body, a lower court, a corporation, a tribunal, or a government.

Quo Warranto: The word Quo Warranto means, 'By what authority or warrant'. The Supreme Court or High Courts use this writ to prevent illegal usurpation of a public office by a person. The writ of Quo Warranto empowers the court to examine the validity of a person's claim to a public office.

Importance Of Fundamental Rights: Fundamental Rights play an important role in the functioning of a democratic society and in maintaining the dignity, freedom, and well-being of individuals. Their importance lies in several important aspects:

1. **Protection of individual liberties:** Fundamental Rights ensure that individuals have the freedom to express themselves, practice their religion, assemble peacefully, and engage in various activities without fear of government interference or oppression. These rights provide a shield against arbitrary actions by the State and promote individual autonomy.
2. **Preservation of human dignity:** Fundamental Rights recognize the inherent dignity of every human being. They prohibit practices that violate an individual's dignity; such as torture, inhuman treatment, and discrimination. By upholding these rights, societies affirm the intrinsic value of each person.
3. **Rule of law:** Fundamental Rights are usually enshrined in a country's constitution or legal framework. It establishes a framework of laws that applies equally to all citizens, including those in positions of power. The rule of law ensures that even the government must operate within defined limits and cannot infringe upon citizen's rights without due process.
4. **Democracy and political participation:** Fundamental Rights empower citizens to participate in the democratic process by providing them with the right to vote, stand for office, and freely express their opinions. These rights promote a diversity of voices and perspectives, which are essential for informed decision-making and accountable governance.
5. **Social justice:** Fundamental Rights often include provisions aimed at promoting social justice. They guarantee access to education, healthcare, housing, and other basic needs, helping to reduce inequalities and improve the overall well-being of citizens.
6. **Prevention of abuse of power:** Fundamental Rights serve as a check on government power. They restrict the state from arbitrarily depriving citizens of their rights and prevent abuses of authority. Citizens can challenge government actions that violate their rights through legal means.
7. **Cultural and individual identity:** Fundamental Rights protect an individual's right to their cultural, linguistic, and educational identity. This fosters cultural diversity and encourages the preservation of unique traditions and languages.
8. **Conflict resolution:** By establishing clear legal frameworks for addressing disputes and grievances, Fundamental Rights contribute to maintaining social harmony and preventing conflicts that might arise from violations of individual rights.

9. **Promotion of tolerance and inclusion:** Fundamental Rights encourage tolerance and inclusivity by preventing discrimination and ensuring that all individuals are treated fairly and equitably, regardless of their background, beliefs, or characteristics.
10. **Global human rights standards:** Fundamental Rights align with international human rights standards, promoting a global consensus on the principles that should govern the treatment of individuals and the responsibilities of governments.

Conscience Overview Of Landmark Cases Relating To Fundamental Rights:

A. K. Gopalan v. State of Madras (1950): In this case, A. K. Gopalan filed a petition under Article 32 seeking a writ of habeas corpus against his detention. Later, he was prohibited from disclosing the grounds based on which he was detained since Section 14 of the Preventive Detention Act of 1950 prohibited such disclosure in court. Consequently, he contends that such detention violates Articles 14, 19, and 21 of the Constitution, and further, the provisions of the Act violate Article 22 of the Constitution.

This case led to the landmark judgment of the Supreme Court of India wherein the Hon'ble Court held that Article 21 of the Constitution should not require the Indian courts to apply the due process of the standard of law. Further, the Hon'ble Court upheld the validity of the Preventive Detention Act, 1950 except Section 14, which provides that the reasons for the detention of the detainee or any representation made by him against such reasons shall not be disclosed to the court.

Shankari Prasad v. Union of India (1952): In this case, the Constitutional validity of the First Amendment of 1951, which curtailed the property right, was challenged. In this case, it was challenged that Article 13 regarding Articles 31A and 31B does not allow amendments that curb the Fundamental Rights of the citizens. It was held by the Supreme Court that the power to amend the Constitution under Article 368 also includes the power to amend Fundamental Rights.

Golak Nath v. State of Punjab (1967): In this case, Golak Nath and his family claimed more than 500 sections of land in Punjab. Meanwhile, the state government made an enactment namely, the Punjab Securities and Land Tenures Act, 1950 under which Golak Nath and his family were only allowed to keep an excess of 30 sections of land and not more than that. As a result, Golak Nath filed a writ petition under Article 32 of the Indian Constitution questioning the legitimacy of the enactment and further stating that his fundamental property right was being violated. The question before the Supreme Court was whether the Parliament could revise the Fundamental Rights mentioned under Part III of the Constitution of India or not. The Court ruled that Parliament does not have the power to abrogate the Fundamental Rights of the Constitution.

Kesavananda Bharati v. State of Kerala (1973): In this case, the aforementioned Golaknath case is reviewed. It was held by the Court that the 'basic structure' of the Constitution could not be amended. The Supreme Court through its 7:6 judgments had ruled

that the Parliament has no powers or the authority to alter the basic structure of the constitution.

Indira Nehru Gandhi v. Raj Narain (1975): This case dealt with an election dispute involving the then Prime Minister Indira Gandhi with the object of the 39th Amendment of the Constitution. The primary question involved in the case was the validity of the clause of the 39th Constitutional Amendment Act of 1975. The Supreme Court, in this case, added certain features as basic features; such as the rule of law, democracy, and judicial review, to the list of basic features already existing in the Kesavananda Bharati case.

ADM Jabalpur v. Shivkant Shukla (1976): Also known as, the ‘Habeas Corpus’ case during the emergency, this case challenged the suspension of the right to move to the court for the enforcement of the right to personal liberty under Article 21. The Supreme Court ruled that during the emergency, citizens could not approach the court for the enforcement of their rights, a decision that was widely criticized and later overruled.

Maneka Gandhi v. Union of India (1978): In this case, Maneka Gandhi’s passport was impounded in the public interest. The Government refused to provide any details in the interests of the public when the reasons for impounding her passport were asked. Consequently, Maneka Gandhi filed a writ petition under Article 32 alleging that the government’s action violated Articles 14, 19, and 21 of the Constitution. The government said that his passport was confiscated because his presence may be required for some legal proceedings before the Commission of Inquiry. The Supreme Court has held that a procedure under Article 21 of the Constitution must be free from arbitrary, unfair, oppressive, or unreasonable aspects.

Minerva Mills Ltd. and Ors. v. Union of India and Ors. (1980): In this case, the Supreme Court provided some clarification regarding the interpretation of the basic structure doctrine. The Court said that Parliament’s power to amend the Constitution is limited. Therefore, the parliament cannot exercise such limited power as confers unlimited power on itself to amend the Constitution. Thus, the Parliament cannot take away the Fundamental Rights of individuals. The judgment in this case also struck down Sections 4 and 5 of the 42nd Amendment Act of 1976 during the emergency issued by Prime Minister Indira Gandhi.

S.R. Bommai v. Union of India (1994): This case dealt with the misuse of Article 356 (President’s Rule) by central governments to dismiss state governments. The Supreme Court established that the power under Article 356 is subject to judicial review and can only be exercised in exceptional circumstances.

Vishakha v. State of Rajasthan (1997): This case played a pivotal role in recognizing and addressing sexual harassment in the workplace. The Supreme Court formulated guidelines to prevent and redress sexual harassment, laying the foundation for a safe working environment for women.

Puttaswamy (Privacy) v. Union of India (2017): Often referred to as the ‘Right to Privacy’ case, this landmark judgment declared that the right to privacy is a Fundamental Right guaranteed under Article 21 and other related articles. This case significantly broadened the interpretation of Article 21.

Modern-Day Challenges Associated With Fundamental Rights:

The Fundamental Rights play a vital role in the democracy and rights of citizens. But they have been criticized for many reasons.

1. Terms like the security of State, public order, mortality, reasonable restrictions, and in the interest of public order have huge implications associated with these terms and affect in numerous manners to citizens. However, these terms are not well explained in the Constitution of India. At certain times due to being unaware of the implications of these terms States or certain groups of associations or people take advantage. Hence results in misguiding, or infringement rights of other people.
2. Citizens do not utilize their Fundamental Right viz right to vote. As a result, people become puppets in the hands of political parties and are used as instruments to create nuisance and disturb public peace. The Constitution has given parliament power to make law under Article 32, if people had wisely used their right to vote it would lead to the right kind of people holding positions in legislation. Good leaders in the interest of the country take majority in parliament.
3. The new digital media is also affecting a wide range of Fundamental Rights. Changes in freedom of speech and information in the new digital world after the pandemic have drastically changed the meaning of certain Fundamental Rights. This situation has both pros and cons if we see the case of danger to freedom of the press, many journalists have received death threats whereas few like Gauri Lankesh have lost life.
4. The worst utilized is the Fundamental Rights specified under Article 19. The Freedom to Assemble, Article clearly states that people are free to assemble peaceably without any arms. But we have regularly observed as a trend that this right has been misused during various agitations or protests.
 - Anti-Reservation Protest 2006,
 - Jan Lokpal Bill 2011,
 - Jallikattu Protest Tamil Nadu 2017,
 - CAB 2019,
 - Farmers Bill Protest 2020,
 - Gujjar Andalon 2020 etc.

All these are just peaceful protests until it is not harming the daily lives of people. But these agitations become violent and start causing damage to public and private property. This is an upfront breach of the Fundamental Rights of people and attracts Criminal Law Provisions as much agitation leads to acts endangering the lives of people.

5. The Fundamental Right to speedy justice is being violated due to a large number of pending cases, As Justice delayed is Justice Denied, is a legal maxim, which means

that the victim is victimized by a delay in action taken by the judiciary. Numerous fake and original litigations have overburdened the judicial system and affected efficient working. Finally caused damage to the rights of citizens to timely delivery of justice.

6. Another challenge is the violation of Article 24 regarding child labor. According to the Constitution, employment of child labor in hazardous job environments is prohibited. However, at all levels government and administration services are not able to curb this ill practice. This act leads to an insecure future for youth and exploitation in other sectors. Many family's children are also earning members in the family to earn daily living. As per the last survey (Census 2011) 10.2 million children between the age group, 5-14 are maximum engaged in agriculture, domestic help, and other allied activities.

All of the above are situations where Fundamental Rights are compromised on some or the other grounds.

Suggestions:

- **Public awareness and education:** Promote awareness about Fundamental Rights through education and public campaigns. Enhance civic education to ensure that citizens are informed about their rights and the importance of upholding them.
- **Legal literacy:** Focus on improving legal literacy among citizens, especially marginalized communities. This can empower individuals to better understand their rights and seek appropriate legal recourse when needed.
- **Effective implementation:** Strengthen the implementation of Fundamental Rights by ensuring that government agencies, law enforcement, and the judiciary are well-equipped to protect and uphold these rights.
- **Access to justice:** Enhance access to justice for all citizens, particularly for those who are economically disadvantaged. This includes providing legal aid services and simplifying legal procedures.
- **Amendment and reform:** Regularly review and update Fundamental Rights to reflect changing societal norms and challenges. This might involve amending certain rights to better address modern concerns.
- **Balancing rights and responsibilities:** Emphasize the importance of balancing rights with responsibilities. Citizens should be aware that exercising their rights should not infringe upon the rights of others or harm society as a whole.
- **Address socio-economic inequalities:** While civil and political rights are crucial, attention must also be given to socio-economic rights. Strive to reduce disparities in access to education, healthcare, housing, and employment.
- **Protection of vulnerable groups:** Strengthen the protection of rights for vulnerable groups, including women, children, religious minorities, and indigenous communities.
- **Technology and privacy:** Update and interpret Fundamental Rights to address emerging challenges related to privacy, surveillance, and data protection in the digital age.

- **International standards:** Align Fundamental Rights with international human rights standards and best practices. This can enhance India's global reputation and promote a culture of human rights.

Conclusion: The Fundamental Rights in India play an important role in protecting the rights and freedoms of its citizens. Enshrined in Part III of the Indian Constitution, these rights ensure that every individual is treated with dignity, equality, and respect. They serve as a foundation for a just and equitable society and are essential for upholding the principles of democracy and the rule of law. The Indian judiciary has played a significant role in interpreting and expanding the scope of these rights, ensuring that they are upheld and protected. The Fundamental Rights are not absolute and are subject to reasonable restrictions in certain circumstances, such as protecting public order or preventing discrimination. The Fundamental Rights in India reflect the commitment of the country to creating a just and inclusive society. They empower citizens to lead a life of dignity and freedom while enabling them to participate actively in the democratic process.

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Novel Insights, An International Journal of Multidisciplinary Studies

A Peer-Reviewed Quarterly Research Journal

ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)

Volume-I, Issue-III, February 2025, Page No.154-161

Published by Uttarsuri, Sribhumi, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI: 10.69655/novelinsight.vol.1.issue.03W.016



A Philosophical Study of Advaita Vedānta's Perspective on the Nature of Brahman

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Received: 03.02.2025; Accepted: 22.02.2025; Available online: 28.02.2025

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Abstract

This article's primary goal is to provide an analytical explanation of the Advaita Vedānta school's view of Brahman, or Absolute Being, as Sat or existing. In nature, Brahman's existence is absolute, which is significantly distinct from empirical reality. Understanding Brahman's Absolute nature requires an understanding of the Advaita Vedānta school's "Sattātraividhyavāda" concept. Furthermore, because of the fundamental shortcomings of conceptual cognition and human language with respect to the understanding and expression of the Absolute, Brahman cannot be understood logically or sufficiently described in terms of linguistic categories. Two distinct viewpoints are explored in the Advaita Vedānta School about the compatibility of the knower notion of Brahman. According to the compatibility of the knower notion of Brahman, in Advaita Vedānta School, is discussed from two different perspectives, viz., Parā-Brahman (Supreme Reality) and Aparā-Brahman (Lower Brahman). To explain the different manifestations of Brahman Śaṅkara makes a distinction between the essential description of Brahman (Svarūpa-Lakṣaṇa), which manifests or reveals Its essential nature, distinguishing it from the world of plurality and the accidental description i.e., The Taṭastha- Lakṣaṇa in which Brahman is described in relation to the world as a personal God or Saḡa Brahman or Īśvara.

Keywords: Vedānta, Brahman, Jīva, Sattā-traividhyavāda, Saccidānanda, Taṭastha-Lakṣaṇa, Svarūpa-Lakṣaṇa.

Introduction: Advaita Vedānta is the name given to Śaṅkara's interpretation of the Vedānta Sūtra. The core of Advaita Vedānta philosophy can be summed up in half of a verse- "Brahman Satyam, Jaganmithyā, Jivo Brahmaiva nāparaḥ" - means Brahman is real, world is not real, there is no difference between Jīva and Brahman rather, Jīva is nothing but the Brahman.¹ The most important doctrine, which can be derived from this verse is, the

nonduality of the ultimate reality of Brahman as an Absolute Being. According to Advaita Vedānta school, Brahman is the only reality which is ultimate in nature. However, it is difficult to understand the substantiality of this view as it seems to be contradictory with our experience. As in our daily experience we perceive most of the objects of this universe as existent. To remove the apparent contradiction of this view, the notion of Brahman is to be explained in the light of the Doctrine of '*Sattā-traividhyavāda*' adopted in Advaita Vedānta school.

Three grades of Reality: Three grades of reality According to the Doctrine of *Sattā-traividhyavāda* there are three grades of existence or reality, viz., *Pāramārthika Sattā* or ultimate reality, *Vyāvahārika Sattā* or empirical reality which is also known as conventional reality and *Prātibhāṣika Sattā* or phenomenal reality. *Pāramārthika Sattā* or ultimate reality means that which is eternally real and can never be contradicted or negated by anything. Only Brahman has *Pāramārthika Sattā* or ultimate reality, which can never be contradicted by any other knowledge.² *Vyāvahārika Sattā* or conventional reality means that which is first perceived to be true but later on comes to be negated on the rise of real knowledge of the truth, i.e., knowledge of Ultimate Reality. The objects of the world hold such empirical reality or *Vyāvahārika Sattā*, which, seems to be real in our empirical experiences. However, it becomes false to a true seer who realizes the true nature of the Absolute Being as well as his own nature as identical with the Absolute Being. *Prātibhāṣika Sattā* or phenomenal reality means that which first perceived to be true but later on comes to be negated on the emergence of empirical knowledge of the truth, i.e., knowledge of *Vyāvahārika Sattā* or empirical reality.³ As for example the knowledge of a snake-rope, this becomes false immediately after the knowledge of the empirical. Therefore, there are three kinds of existence: absolute, conventional and illusory. The apparent contradiction of the view can be removed with the help of the Doctrine of *Sattā-traividhyavāda*.⁴ The claim of Advaita Vedānta school that the Brahman is the only reality does not withhold the existence from other empirical objects of our experience rather admits only different grades of existence to explain our experience. Indefinability of Brahman According to Śāṅkaracārya the notion of Brahman is indefinable.⁵ The reason behind it, as explained by T.M.P. Mahadevan is, the insufficiency of human language and thought. For him, the nature of the non-dual Brahman can neither be apprehended by logical knowledge nor can be adequately defined in terms of language-categories. This is due to the inherent insufficiency of conceptual cognition and human language with regard to the apprehension and expression of the Absolute). The reality of non-dual Brahman to be grasped and categorized is the infinite, while the cognitive process of conceptualization and verbalization operates only in the sphere of duality. Mahadevan mentioned, "All language belongs to the realm of duality".⁶ Before discussing the nature of Brahman it should be well understood that Brahman is unconditioned, and cannot be taught in the ordinary way. Whatever is within the scope of the sense organs can be conveyed through instruction to others with the help of some attributes and activities. However, Brahman does not belong in the realm of empirical entity,

which can be qualified by any attribute or activity. Brahman in its reality is beyond the realm of the empirical world. Only a true seer may realize the notion of Brahman.

Nature of Brahman: In Vivekacūḍāmaṇi Śaṅkarācārya mentioned, “The wise man realizes in his heart, through *samādhi*, the Infinite Brahman, which is something of the nature of eternal Knowledge and absolute Bliss, which has no exemplar, which transcends all limitations, is ever free and without activity, and which is like the limitless sky, indivisible, and absolute.”⁷ In the verse in concern the word ‘something’ signifies ‘which is inexpressible in terms of speech and thought’. For him Brahman can only be realized but could not be described. He again describes- “There is only Brahman, the One without a second, whose real nature is incomprehensible, and which is beyond the range of mind and speech; there is no duality whatsoever in It.”⁸ We found a distinction between two kinds of knowledge in the Upaniṣads, viz., the higher (Parā) and the lower (Aparā). The Muṇḍaka Upaniṣad declares: Two kinds of knowledge are to be known – so indeed the knowers of Brahman declare – higher as well as the lower (Muṇḍaka1.1.4). All empirical knowledge belongs to the level of lower knowledge, when it is confined to a mere theoretical understanding of the supreme. The higher knowledge, however, is the direct and immediate apprehension of the Absolute as It is. “And the higher is that by which the Immutable is known”(Muṇḍaka1.1.5). According to Śaṅkarācārya, the pāramārthika alone is ultimately true, and Brahman in its true nature is nirguṇa in itself. Commenting on the text of Muṇḍaka Upaniṣad that speaks of the two kinds of knowledge of Brahman, Śaṅkarācārya dismisses the lower form of cognition as nescience. He claims that “The aparā-vidyā is really avidyā.”⁹ Essential nature and accidental attributes According to the compatibility of the knower as expressed above, the notion of Brahman, in Advaita Vedānta School, is discussed from two different perspectives, viz., Parā Brahman (Supreme Reality) and Aparā-Brahman (Lower Brahman). To understand these two forms of Brahman in Advaita Vedānta, the notion of Brahman is discussed in terms of Its essential nature and in terms of Its accidental attributes respectively. To explain the different manifestations of Brahman. Śaṅkara makes a distinction between the essential description of Brahman (Svarūpa-Lakṣaṇa), which manifests or reveals Its essential nature, distinguishing it from the world of plurality and the accidental description i.e., The Taṭastha- Lakṣaṇa in which Brahman is described in relation to the world as a personal God or Saguṇa Brahman or Īśvara. Hence, the former provides the definition of the Ultimate reality while the latter one provides some qualifications of the ultimate reality which, is not real but accidental in nature. A definition serves to distinguish the defined from the whole world; a qualification, on the other hand, serves to distinguish the qualified from all others of the same species.¹⁰

The Svarūpa-Lakṣaṇa expresses the essential nature of Brahman while in Taṭastha-Lakṣaṇa, Brahman is described with the help of Its accidental attributes. Svarūpa-Lakṣaṇa and Taṭastha- Lakṣaṇa represent two different manifestations of Brahman, i.e., Parā-Brahman (Supreme Reality) and Aparā-Brahman (Lower Brahman) respectively.¹¹ Svarūpa-Lakṣaṇa or essential characteristics consist in the very nature (Svarūpa) of a concept. On the other hand, Taṭastha- Lakṣaṇa or secondary characteristic is that which, though not lasting

as long as the thing possessing it, yet differentiates it from other things.¹² As, the possession of smell is a (secondary) characteristic of earth, because there is no smell in atoms (of earth) at the dissolution of the universe, nor there is the presence of smell in jars etc. at the time of their origin. Therefore, Svarūpa-Lakṣaṇa is the real nature of Brahman, while Taṭastha-Lakṣaṇa describes Brahman to conceive the concept of Brahman though it is not Its real nature. Parā –Brahman (Supreme Reality) is defined in Svarūpa-Lakṣaṇa as Sat (Being), Cit (Consciousness), and Ānanda (Bliss) – these are not any attributes or properties of Brahman, rather Its very essence. When we utter Brahman is Sat or existent the underlying significance is Brahman is not asat or non-existent. While, It is defined as Cit or consciousness, signifies that it is not acit or unconsciousness.

Moreover, when we define Brahman as Ānanda or Bliss, meaning it is not the nature of pain (*duḥkhasvarūpa*). ‘Sat’, ‘Cit’ and ‘Ānanda’ are not the attributes of Brahman but the essence or svarūpa of Brahman. Brahman is defined as ‘*Saccidānanda*’. Even the definition of Brahman as *Saccidānanda* is imperfect though it expresses the reality in the best way possible as per Advaita Vedānta system. The next section is an argumentation dedicated to explain the essence of Brahman as ‘Sat’ or Absolute Reality, which is the main concern of this article. The Absolute Being as Existence According to Advaita Vedānta, Brahman is devoid of any kind of relations. It is unrelated to anything because there is nothing else with which It can be related. Relations cannot be real. Because they are neither of the nature of things nor of the nature of attributes. If we assume relations as the nature of things then there would be nothing to be related, since there is no other entity than Brahman. If relations are identified as attributes, then these must be either identical with things or be different from the things. If we consider the first alternative, then we are in a position of the former alternative, i.e. relations are of the nature of things, which has been already discarded. To consider the second alternative, if relations are different from things then we must have a new relation between the thing and the ultimate which is itself a relation, and this will involve us in the process of infinite regress.

Brahman is “Ekamevādvitīyam”: The Absolute Being which is the most perfect being cannot be determined by any relations. To limit it with any kind of relations signifies its determination.¹³ All determination is negation. To limit It is to make It finite in nature. But that is not possible because Absolute Being is One only, without a second. That is why It cannot be limited by anything. Brahman is “*Ekamevādvitīyam*” (Chāndogya 3.14.5) that means, -‘Brahman is One only, without a second. The word ‘ekam’ stands for non-differentiation of parts or *swagata bhedarāhita*; ‘eva’ for homogeneous non differentiation or *sajātiya bhedarāhita* and the word ‘advitīya’ for heterogeneous non-differentiation or *vijātiyabhedarāhita* as per Advaita Vedānta school. The internal difference among the different parts of a thing is recognised as *swagata bheda*. As we found there are differences between the constituent parts of a tree as for example, one branch of tree is different from another branch, is an example of *swagata bheda*. The term *sajātiya bheda* signifies the difference between the objects of the same kind, as for example, a tree is different from another tree – this difference is known as *sajātiya bheda*. Similarly, *vijātiyabheda* indicates

the difference between two things which are not of the same kind, as a tree is different from an animal – this difference constitutes *vijātiyabheda*. According to Śaṅkarācārya, Brahman is devoid of all these differences. Therefore, Brahman is devoid of any kind of relation.

Arguments in explaining the *bhedarāhita* of Brahman may be represented in the following manners. The Absolute Being has no internal modes, because It is not a whole constituted by parts. Parts can be attributed only to inert matter. But Absolute Being or Sat is not inert rather It is pure consciousness or *śuddhacaitanya*. Absolute Being or Sat is an indivisible unitary principle. Assuming It as a whole constituted by parts, we must enquire whether the parts are intelligent or inert. If they are intelligent then they are either different or non-different from the Sat. They cannot be different from the Absolute Being, as the scriptural texts which proclaim the one reality would then become invalid. If we assume that they are non-different from the Absolute Being, then they would not be able to be the part of the same. To be the part of the whole they must be either intelligent or inert. They cannot be inert because if the parts are held to be inert, then the Absolute Being, which is constituted of the parts must also be inert. Whatever is inert in nature is subject to origination and decay and, therefore, cannot be real or Sat. This assumption, i.e., 'Absolute Being is a whole constituted by parts', leads us to the absurd position to state that 'sat is asat', which is an example of self-contradiction. Therefore, Absolute Being or Sat is not a whole constituted of parts. Even names and forms cannot be the constituents of the Sat.¹⁴ The term 'sat' attributed to the Absolute Being for empirical purposes only. Because the term 'Sattā' or the 'Absolute Being' is the highest category that human mind can constitute for its understanding of the notion of the ultimate reality. Names and forms cannot be the limits of the Absolute Being since prior to creation they are non-existent. Hence, the Absolute Being is devoid of internal differentiation or *Swagata- bhedarahita*. There cannot be many Absolute Beings as it would contradict the conclusions of scripture. If the Absolute Being is assumed as many, then they are to be either limited or unlimited. But, both the assumptions are not valid, since a limited real cannot be sat or ultimate reality as it is limited by others.

On the other hand, an unlimited real can only be one, because if we assume more than one entity as unlimited then they would be limited by one another. Therefore, the Absolute Being is devoid of differentiation of the same kind or It is *sajātiya bhedarahita*, this is conveyed by the term 'eva' indicating emphasis. The sat has no contradictory absurd like the horns of a hare. An unreal entity cannot be the pratiyogī counter entity of anything real. The asat is incapable of being the counter-entity of Sat. Hence, there can be no entity apart from the Sat. Thus, the Absolute Being has no heterogeneous difference or *vijātiyabheda* as well. This is asserted by the term '*advitīyam*' in the Upaniṣadik text (Chāndogya 3.14.5).

According to Śaṅkarācārya, Brahman is One Being, without a second, without anything else like attributes, powers, parts, effects, transformations, manifestations, changes, activities, progress, salvation- but only Pure Being, Mere Existence. We have to be aware of the view that Existence represents only the Svarūpa or nature or essence of Brahman, and

not its Gūṇa or attribute or property. Brahman is a Pure-Mere-Sheer-Bare Being or Existence, without a second.¹⁵ One may raise a question that why Brahman is defined in Svarūpa-Lakṣaṇa with the help of a positive along with a negative expression at the same time? The reason behind it is Brahman is infinite in nature and anything which is infinite in nature cannot be qualified with an adjective either in assertion or in negation.

Brahman is Sat Cit Ānanda: Whenever we would try to qualify the infinite Brahman with the help of a qualifier would actually destroy its infinite nature by limiting its entity with that qualifier either positive or negative. Therefore, it is not possible to express the real nature of Brahman with the help of any kind of attributes. That is why Brahman is expressed in assertion with a negative adjunct as ‘Brahman is Sat means it is not asat, Brahman is Cit means it is not acit and Brahman is Ānanda means it is not the nature of pain (duḥkhasvarūpa). With the help of Taṭastha- Lakṣaṇa or secondary characteristic, Aparā-Brahman (Lower Brahman) is described in Advaita Vedānta School as “*janmādy asya yataḥ*”, (The Brahma Sūtra 1.1.2) i.e., (Ultimate Reality is that) from which origin, etc. (i.e. subsistence and destruction) of this (would proceed). The word etcetera here includes subsistence (*sthiti*) and dissolution (*bhaṅgaor laya*) of the universe. If we do not include these two terms namely, *sthiti* and *bhaṅga* to replace the term etcetera then it may mislead us as the Brahman is the cause of only the origin of this universe. However, Brahman is not only the cause of the origin of this universe but also the cause of its subsistence and dissolution. The features of Brahman described in Taṭastha-Lakṣaṇas are not real nature but commenting on the spatial conception of Brahman. Śaṅkarācārya says that, it is meant to convey our ideas to others or serve the purposes of worship.

Conclusion: After an analytical consideration of the nature of Brahman, it is obvious that, Brahman is the Absolute Reality that cannot be expressed through speech or mind. It can only be perceived, but not described. The term ‘Sattā’ or ‘Absolute Being’ refers to the highest category in the human mind’s perception of ultimate reality. The absolute can only be described by the finite intellect as being. In Conclusion, the exploration of the nature of Brahman within Advaita Vedānta reveals profound insights into the fundamental principles of reality as interpreted by this non-dualistic philosophy.

Brahman is not merely a philosophical abstraction but is experienced as the essence of existence, consciousness, and bliss—encapsulated in the concepts of Sat-Chit-Ānanda. The distinction between Nirguna and Saguna Brahman highlights the dynamic interplay between the impersonal and personal aspects of the divine, allowing practitioners to relate to Brahman in varying ways. Furthermore, the role of Māyā, as the veil of illusion, is crucial in understanding why the material world appears as separate from Brahman, and it emphasizes the importance of self-realization and spiritual inquiry in transcending this illusion. Advaita Vedānta asserts that the ultimate goal of life is Mokṣa or liberation, achieved through the recognition of the inherent oneness of Ātman and Brahman.

This philosophical framework not only enriches one's understanding of Indian spirituality but also offers an existential perspective relevant across different contexts. The

teachings of Advaita Vedānta encourage a transformative journey towards self-awareness, ultimately guiding individuals to experience the interconnectedness of all existence. Further research could delve into the practical applications of these teachings in contemporary spiritual practices and their relevance in addressing modern existential questions.

Advaita Vedānta's articulation of Brahman not only enriches the philosophical discourses of metaphysics and spirituality but also resonates with contemporary issues of identity and sustainability. By striving towards an experiential understanding of this non-dualistic truth, individuals may find a pathway to personal peace and a harmonious existence with the world at large. Such insights underscore the timeless relevance of Advaita Vedānta and its potential to contribute to modern philosophical thought and practical life.

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Novel Insights, An International Journal of Multidisciplinary Studies

A Peer-Reviewed Quarterly Research Journal

ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)

Volume-I, Issue-III, February 2025, Page No.162-171

Published by Uttarsuri, Sribhumi, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI: 10.69655/novelinsight.vol.1.issue.03W.017



Drawing the Line: The Radcliffe Commission, Punjab Boundary Force, and the Turbulent Partition of India

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Received: 30.01.2025; Accepted: 20.02.2025; Available online: 28.02.2025

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Abstract

The partition of British India in August 1947 marked a momentous yet tragic event in South Asian history. As British rule drew to a close, the subcontinent was divided into two independent nations, India and Pakistan. This event was accompanied by mass violence, communal riots, and unprecedented human migration. Two entities that played crucial roles during this tumultuous period were the Punjab Boundary Force and the Radcliffe Commission. While the former was tasked with maintaining order in Punjab, the epicentre of partition violence, the latter was responsible for delineating the borders between the two new nations.

The partition of Punjab left an indelible scar on the collective memory of the Indian subcontinent. It not only led to the largest mass migration in history but also symbolized the profound human cost of political decisions made without regard for their consequences. The stories of violence, loss, and resilience that emerged from this period continue to shape the identities and histories of the people of India and Pakistan, serving as a stark reminder of the devastating impact of division and communal strife. This paper explores the roles, challenges, and legacies of these two entities in the context of the partition.

Keywords: Communal violence, Governor-General, Indian National Congress, Muslim League.

Introduction: The partition of British India in 1947 was the dramatic culmination of decades of political negotiations, growing communal tensions, and the clashing aspirations of Indian leaders. On one side, the Indian National Congress, representing a wide spectrum of Indian society, envisioned a unified, independent India where all communities could coexist. On the other, the All India Muslim League, under the leadership of Muhammad Ali Jinnah, advocated for a separate homeland for Muslims, arguing that the Muslim minority

would face political and cultural marginalization in a predominantly Hindu India. This ideological divergence widened over time, fuelled by mistrust and differing interpretations of future.

The British, reeling from the economic and political toll of the Second World War and grappling with the declining stability of their empire, recognized the urgency of granting independence to India. Initially, June 1948 was set as the target date for British withdrawal. However, Lord Louis Mountbatten, the last Viceroy of India, hastened the process, moving the timeline forward to August 15, 1947. This abrupt decision left little time to prepare for the complex and delicate transition of power, exacerbating existing tensions and creating a chaotic environment.

Punjab, a region known for its rich history and cultural diversity, became the epicentre of partition politics. Home to a mix of Hindus, Muslims, and Sikhs, the province faced profound challenges as its population was deeply intertwined across religious lines. The decision to divide Punjab between the newly created nations of India and Pakistan introduced contentious issues, including the allocation of resources, the redrawing of territorial boundaries, and the safety of religious minorities on both sides of the border. The division was not merely geographical but deeply personal, as millions were forced to leave behind their ancestral homes, livelihoods, and communities. This upheaval set the stage for one of the most traumatic chapters in the history of subcontinent, with Punjab bearing the brunt of the violence and displacement that accompanied partition.

The Radcliffe Commission: Drawing the Boundaries: The task of demarcating the boundary between India and Pakistan was assigned to a Boundary Commission, headed by Sir Cyril Radcliffe, a British lawyer with no prior experience in India. The commission was divided into two parts: one for Punjab and one for Bengal. The primary responsibility of Radcliffe was to draw the boundary in Punjab and Bengal based on religious demographics while considering other factors like economic resources and administrative convenience. Radcliffe had five weeks to complete the task. The commission relied on outdated census data, maps, and reports, with limited on ground surveys due to time constraints. It consulted representatives from the Indian National Congress, the Muslim League, and the Sikh leadership, but its final decisions were made unilaterally.

One of the key challenges was balancing demographic considerations with economic and strategic concerns. For instance, while Gurdaspur was a Muslim majority district, its inclusion in India was crucial for providing access to Kashmir. Similarly, the allocation of canal networks and irrigation systems posed logistical dilemmas, as the agrarian economy of Punjab depended heavily on shared water resources.

The Radcliffe Line, named after its architect, was announced on August 17, 1947, two days after independence. It divided Punjab and Bengal into East Punjab (India) and West Punjab (Pakistan) and East Bengal (Pakistan) and West Bengal (India). In Punjab, the line cut through districts, villages, and even homes, disrupting lives and livelihoods. Cities like

Lahore went to Pakistan, while Amritsar became part of India, leaving many Sikh and Hindu holy sites in Pakistan.

Creation, Composition and Structure of the Punjab Boundary Force (PBF): The partition of Punjab resulted from the Mountbatten Plan of June 3, 1947, which called for the division of the province along religious lines. The Radcliffe Line, hastily drawn by a boundary commission chaired by Sir Cyril Radcliffe disrupted longstanding communities and created massive insecurity among Hindus, Sikhs, and Muslims. The demographic complexity of Punjab exacerbated the challenges. The region was a melting pot of religious communities, with Hindus concentrated in the east, Muslims in the west, and Sikhs scattered across the central districts. Communal tensions had been escalating since the 1940s, and the announcement of partition only intensified these hostilities. By mid-1947, the situation had spiralled into widespread violence, with massacres, arson, and abductions becoming common.

Amid this chaos, the British Indian Army, soon to be divided between India and Pakistan, was tasked with maintaining order. Recognizing the enormity of the task, the Punjab Boundary Force was created on August 1, 1947, under the command of Major General TW Rees. Its primary objective was to prevent communal violence and ensure the safe migration of millions of people crossing the newly drawn borders.

The PBF was a temporary and unprecedented experiment in peacekeeping. It consisted of approximately 55,000 troops drawn from the British Indian Army, including Indian, Pakistani, and British units. The force was divided into four brigades, each responsible for a specific sector along the Radcliffe Line. These brigades were tasked with patrolling vulnerable areas, securing major transportation routes, and responding to outbreaks of violence. However, the neutrality of PBF was often questioned, as communal loyalties among its ranks sometimes influenced its actions.

Operations and Challenges Faced by the PBF: The PBF operated during the peak of the partition violence, between August and September 1947. Its mandate included preventing attacks on vulnerable groups, securing major cities and transport networks, and facilitating refugee movement. Despite these objectives, the force struggled to contain the escalating violence. The PBF faced significant challenges from the outset, among them the primary were:

- a) **Communal Violence and Lack of Resources:** The scale and intensity of communal violence overwhelmed the PBF. Punjab covered an area of over 97,000 square miles, and the population of nearly 30 million people was in flux, with an estimated 10-15 million attempting to migrate. Riots, massacres, and large scale abductions occurred in cities like Lahore, Amritsar, and Rawalpindi, as well as in rural areas. One of the critical shortcomings of PBF was its limited manpower relative to the vast area it was responsible for securing. This disparity rendered the force reactive rather than proactive, often arriving too late to prevent atrocities.

- b) **Communal Bias Within Troops:** The composition of PBF mirrored the communal divisions of Punjab. While soldiers were theoretically bound by military discipline, many were influenced by their personal religious and ethnic identities. Cases of collusion with rioters or failure to intervene during attacks were reported. This eroded public trust in the force and further emboldened perpetrators of violence.
- c) **Logistical Constraints:** The PBF operated in a region where transportation and communication networks were already disrupted by partition. Railways, a primary mode of refugee movement, became frequent targets of attacks. Securing trains and convoys proved a herculean task, and despite the efforts of PBF, countless refugees were killed or injured in transit.
- d) **Political and Administrative Paralysis:** The division of administrative machinery between India and Pakistan further hampered the effectiveness of PBF. As British officials prepared to leave, there was a vacuum of authority, and newly appointed Indian and Pakistani administrators lacked experience and coordination. This administrative disarray limited the ability of PBF to operate efficiently.

Key Incidents Involving the PBF: Several incidents during this period revealed the limited capacity of PBF to handle the widespread communal violence and mass atrocities effectively. The force actively displayed its calibre during Lahore riots. In August 1947, as tensions boiled over following the announcement of partition, Lahore became a site of intense communal violence. The PBF was deployed to control the riots, which saw widespread attacks on civilians, looting, arson, and murders. Despite their efforts to quell the unrest, the force struggled to maintain order amid the chaos. The sheer scale of the violence overwhelmed the PBF, and they were unable to prevent numerous deaths and injuries. Lahore, which had a mixed population of Hindus, Muslims, and Sikhs, became a battleground for sectarian vengeance, and the limited resources and manpower of PBF proved insufficient in curbing the mayhem.

Amritsar, another key city in Punjab, witnessed an equally horrifying episode in August 1947. A large group of Muslim refugees, fleeing toward newly created Pakistan, was brutally attacked by armed mobs of Sikhs and Hindus. The attack led to a massacre, with hundreds of refugees killed or severely injured. The response of PBF to this crisis was sluggish, further exacerbating the scale of the tragedy. Delays in their deployment and their inability to pre-empt the mob attacks highlighted significant operational weaknesses. For the fleeing refugees, this failure resulted in devastating losses, further fuelling bitterness and distrust between communities.

In Sheikhupura, a town in what would become Pakistan, a reversal of roles was witnessed. Muslim mobs targeted and attacked Sikh and Hindu villagers. Reports suggest that hundreds, if not thousands, of people were killed in what became known as the Sheikhupura massacre. Although the PBF was dispatched to the area to restore peace, their intervention came too late to prevent the slaughter. The situation in Sheikhupura demonstrated the widespread nature of the violence, where no community was spared and

atrocities were committed on all sides. The inability to control such large scale mob violence further underscored the limitations of PBF.

As partition took effect, the task of evacuating Muslim refugees from East Punjab to West Punjab fell to the PBF. By September 1947, waves of Muslims were fleeing eastward territories where they no longer felt safe. However, the evacuation process was fraught with peril. Refugee caravans and trains were frequently ambushed by Sikh and Hindu mobs, leading to horrific massacres. The PBF, tasked with safeguarding these refugees, faced monumental challenges. They were often outnumbered and outmanoeuvred by organized mobs, resulting in significant loss of life during the migration. These incidents further revealed the struggles to provide adequate protection in the face of coordinated attacks and logistical difficulties.

One of the most notorious incidents that exposed the shortcomings of PBF occurred at the Mari Indus Bridge. A group of Muslim refugees attempting to cross the bridge into West Punjab was ambushed by Sikh and Hindu mobs. The ensuing violence resulted in a massacre, with hundreds of refugees killed. Despite being stationed in the area and tasked with preventing such incidents, the PBF failed to act in time. This failure to intervene and prevent the slaughter not only highlighted their operational weaknesses but also led to widespread criticism of the effectiveness and impartiality of the force.

The PBF deserves commendation for its relief efforts in refugee camps during the partition. Tasked with protecting these camps, the PBF faced immense challenges as the camps became severely overcrowded and disease ridden. Despite providing some measure of security, the force struggled to address the dire humanitarian situation, characterized by a severe lack of basic amenities and frequent attacks on the camps.

Disbandment of PBF: The PBF was disbanded on September 1, 1947, barely a month after it was formed to manage the volatile situation during the partition of India. This decision stemmed from a combination of factors, including the perception of its ineffectiveness, the immense logistical difficulties it faced, and the escalating mistrust and hostility between Indian and Pakistani authorities. The force, initially envisioned as a neutral military unit to maintain peace and order during the chaotic partition, was unable to cope with the scale and intensity of the communal violence that engulfed Punjab. After its dissolution, the task of maintaining law and order fell to the respective armies and police forces of the newly formed nations, India and Pakistan.

The legacy of the PBF is both complex and controversial. While the force did achieve limited success in certain areas, such as escorting refugee convoys to safety and providing protection in isolated incidents, its overall performance was overshadowed by its failure to curb the widespread violence that erupted during the partition. The sheer magnitude of the communal clashes, marked by mass killings, abductions, and the displacement of millions, highlighted the inability of PBF to fulfil its mandate. This failure was not merely operational but also emblematic of deeper systemic issues.

One of the key factors contributing to the shortcomings of PBF was the lack of adequate planning by the British administration for the partition process. The abrupt and hurried division of British India left little time to address the logistical and security challenges that arose, especially in a region as diverse and volatile as Punjab. Additionally, the deep seated communal divisions, exacerbated by decades of political and social tensions, created an environment where violence was almost inevitable. The PBF, despite its neutral stance, struggled to operate effectively in such a polarized and hostile atmosphere.

Furthermore, the force faced significant structural and operational challenges. It was understaffed and under resourced, with a limited number of troops tasked with covering vast and densely populated areas. The lack of coordination between the British officers leading the force and the local Indian and Pakistani authorities further undermined its effectiveness. The growing animosity between the two new nations, coupled with conflicting priorities and interests, made cooperation nearly impossible, rendering the efforts of PBF futile in many instances.

In hindsight, the disbandment of the Punjab Boundary Force serves as a stark reminder of the complexities and consequences of partition. Its mixed legacy underscores not only the limitations of military solutions in the face of deep rooted communal conflicts but also the broader failures of governance and planning that characterized this turbulent period in history. While the efforts of PBF to provide protection and assistance in certain areas are commendable, its inability to prevent the large scale violence and suffering highlights the immense challenges of maintaining peace in a region undergoing such a profound and traumatic transformation.

Role of Radcliff Commission and PBF:

Humanitarian Crisis: The partition of Punjab in 1947 triggered one of the most significant and tragic migrations in human history. An estimated 10 to 15 million people were forced to cross the hastily drawn borders, with Hindus and Sikhs relocating to India and Muslims migrating to the newly created Pakistan. This mass displacement of populations was not merely a logistical nightmare but also a humanitarian catastrophe, marked by violence, chaos, and unimaginable suffering. The scale of the violence was staggering, with an estimated death toll ranging from one to two million. Entire villages were burned to the ground, communities were torn apart, and countless lives were lost in the communal bloodshed that accompanied the partition.

Women bore the burden of the horrors of partition. Reports of abduction, rape, and forced conversions were widespread, as women became both targets and symbols of communal revenge. Many families, faced with the prospect of dishonour, resorted to killing their own daughters and wives to prevent them from being abducted or violated by rival communities. The trauma endured by women during this period is a grim reminder of the gendered dimensions of communal violence and the vulnerability of women in times of conflict.

The boundary demarcation by Radcliffe Commission played a significant role in escalating tensions. Tasked with dividing Punjab and Bengal in just five weeks, the work of Commission was hasty and riddled with inaccuracies. The arbitrary nature of the boundaries resulted in entire communities finding themselves stranded on the 'wrong' side of the border, leading to widespread panic and hostility. Villages, towns, and districts with mixed populations were suddenly split, disrupting centuries old ties and exacerbating mistrust between religious groups. In many cases, the decisions of the Commission ignored local demographics, further fuelling resentment and violence.

The humanitarian crisis was further aggravated by the failure of the PBF to maintain order and protect civilians. Despite being established to oversee the transition and ensure peace during the partition, the PBF was ill equipped and overwhelmed by the scale of the violence. It lacked the manpower and resources to cover the vast and volatile region of Punjab, where communal tensions were at their peak. The inability of the force to control the widespread violence allowed mobs to carry out atrocities with impunity, deepening the suffering of those caught in the

Political and Social Ramifications: The partition of Punjab in 1947 left a profound and enduring legacy of distrust and animosity between India and Pakistan. The hurried and ill conceived decisions of the Radcliffe Commission, coupled with the failure of the PBF to maintain law and order, are often regarded as glaring examples of British negligence during the partition process. The rushed timeline, lack of foresight, and limited understanding of the complexities of region resulted in boundary lines that not only deepened communal divisions but also sowed seeds of lasting discord between the two newly formed nations. The economic consequences of partition were equally devastating. Punjab, once considered the agricultural heartland of the Indian subcontinent, saw its industries, trade routes, and meticulously designed irrigation systems arbitrarily divided. Key industrial hubs and trading centres were split, disrupting commerce and economic activity across the region. The partition severed well established supply chains, rendering many businesses non-functional. The division of the irrigation network, a vital lifeline for agriculture in Punjab, created long standing disputes over water rights between India and Pakistan, further exacerbating tensions in the decades that followed.

Beyond the economic disruption, the partition inflicted irreparable damage on the social fabric of Punjab. For centuries, the region had been home to diverse communities-Hindus, Muslims, Sikhs, and others-who had lived side by side, sharing cultural practices, languages, and traditions. This coexistence was shattered as communal violence, forced migrations, and deep mistrust turned neighbours into enemies. The new borders physically divided communities, uprooting millions from their ancestral homes and leaving behind a legacy of pain and displacement. Families were torn apart, friendships dissolved, and entire villages lost their pluralistic identities.

The emotional and psychological scars of partition have persisted across generations. In both India and Pakistan, the partition is remembered with a mix of grief, anger, and

nostalgia. The shared cultural heritage of the region became overshadowed by narratives of victimhood and betrayal, further entrenching hostilities. Politically, the animosity between the two nations has fuelled decades of conflict, including wars, border skirmishes, and a relentless arms race. The unresolved disputes that emerged from partition, such as the Kashmir issue, continue to strain bilateral relations and shape national identities.

Timeless Lessons from Partition Tragedy: The roles of the Radcliffe Commission and the Punjab Boundary Force during the partition of 1947 offer invaluable lessons that remain relevant for understanding the complexities of political decision making, conflict management, and humanitarian response in times of crisis. These lessons highlight key shortcomings and offer insights for future scenarios where similar challenges might arise.

The Importance of Preparation: The rushed withdrawal of the British and the hasty boundary demarcation by the Radcliffe Commission underscored the perils of inadequate planning. The Commission had mere weeks to determine the borders of Punjab and Bengal, regions with intricate socio-cultural and economic ties. The lack of detailed surveys, consultations with local communities, or input from neutral experts led to arbitrary decisions that caused widespread dislocation and violence. This teaches the importance of thorough preparation, data driven decision making, and inclusive consultations in managing complex territorial or political transitions. A well thought out process could have potentially mitigated the chaos and bloodshed that ensued.

The Challenges of Neutrality: Operating in an environment of intense communal polarization, both the Radcliffe Commission and the Punjab Boundary Force faced significant challenges in maintaining neutrality. The Commission, tasked with drawing impartial borders, found itself under immense pressure from both Indian and Pakistani representatives, while the PBF struggled to act as an unbiased peacekeeping force amidst growing hostility. These experiences demonstrate the need for robust institutional mechanisms to ensure fairness and transparency in such volatile situations. Clear guidelines, independent oversight, and mechanisms for accountability are essential to bolster the neutrality of those tasked with managing transitions or mediating conflicts.

The Human Cost of Political Decisions: Perhaps the most sobering lesson from the partition of 1947 is the devastating human cost of rushed political decisions. Millions were displaced, communities were torn apart, and the loss of life was staggering. Women and children bore the brunt of the violence, enduring abductions, sexual violence, and forced conversions. This tragedy underscores the critical importance of prioritizing humanitarian considerations when implementing large scale political changes. Safeguarding lives, protecting vulnerable populations, and ensuring basic human rights should always take precedence over political expediency.

The Role of International Actors: The British, as colonial rulers, played a pivotal role in the partition, but their actions were largely driven by a desire to expedite their withdrawal rather than a commitment to ensuring stability. This lack of foresight and long term planning left India and Pakistan to deal with the aftermath of partition on their own. The

British approach serves as a cautionary tale for international actors involved in mediating or overseeing transitions in regions of conflict. It highlights the necessity of acting with responsibility, foresight, and a long term commitment to justice and stability. International interventions should be guided by ethical considerations, with a focus on sustainable solutions rather than short term gains.

Conclusion: The Punjab Boundary Force and the Radcliffe Commission were pivotal in shaping the partition of Punjab in 1947. While the hurried boundary making process of Radcliffe Commission left a legacy of division and resentment, the inability of PBF to control violence underscored the complexities of maintaining peace in a deeply divided society. Together, their roles highlight the challenges of managing large scale political transitions and the importance of prioritizing human security and welfare in such processes. The partition of Punjab remains a poignant chapter in history, serving as a sobering reminder of the costs of division and the responsibilities of those tasked with navigating them.

The role of PBF during the partition of 1947 underscores the complexities of managing communal violence in a deeply divided society. While the efforts of PBF were commendable in certain instances, its overall impact was limited by structural and operational constraints. The PBF's experience highlights the importance of comprehensive planning, impartiality, and collaboration in peacekeeping operations. As one of the earliest examples of organized peacekeeping in a postcolonial context, the story of PBF remains a poignant reminder of the human cost of division and the challenges of maintaining peace in the face of deep seated communal tensions.

Acknowledgement: This study effectively acknowledges the support received from the Indian Council of Social Science Research (ICSSR) for the research project titled 'Displacement, Violence and Rehabilitation: Tracing the Memories of Partition in Punjab.' The author expresses gratitude to the funding agency for assistance in collecting and presenting the conceptual information concerning the partition of India in 1947.

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Novel Insights, *An International Journal of Multidisciplinary Studies*
A Peer-Reviewed Quarterly Research Journal
ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)
Volume-I, Issue-III, February 2025, Page No.171-181
Published by Uttarsuri, Sribhumi, Assam, India, 788711
Website: <http://novelinsights.in/>
DOI: 10.69655/novelinsight.vol.1.issue.03W.018



Dr. Ambedkar and the Notion of Society, State, and Governance

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Received: 10.01.2025; Accepted: 25.02.2025; Available online: 28.02.2025

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Abstract

Dr. B.R. Ambedkar, one of the foremost architects of modern India and a champion of social justice, presented a profound vision of society, state, and governance that remains relevant today. His ideas were deeply rooted in the principles of equality, liberty, and fraternity, which he sought to institutionalize in India through a robust democratic framework. For Dr. Ambedkar, the interplay between society, state, government, and administration was not merely theoretical but a practical necessity to ensure justice, equality, and human dignity. This elaboration delves into his vision in greater detail, shedding light on his comprehensive approach to creating an equitable and inclusive social order.

Keywords: Constitution, Democracy, State, Discrimination, Public policy.

Introduction: The vision of society of Dr. B.R. Ambedkar was deeply influenced by his personal experiences with caste-based discrimination and his unwavering commitment to social justice. His understanding of the caste system as the primary barrier to equality shaped his approach to governance, law, and public policy. Ambedkar saw the state as an active force in dismantling oppressive structures and ensuring justice for all. He believed that true equality could only be achieved through strong institutional frameworks that guaranteed education, employment, and economic opportunities for marginalized groups. His role in drafting the Indian Constitution reflected this belief, as he worked to embed principles of justice, liberty, and equality into the legal foundation of the nation. For Ambedkar, the duty of state extended beyond governance; it had to be a proactive agent of change, challenging societal norms that perpetuated discrimination. His advocacy for affirmative action, reservation policies, and social welfare programs was rooted in his conviction that the government must take concrete steps to correct historical injustices. Ultimately, his vision was of a society where dignity and human rights were not dictated by birth but by individual merit and capability. His legacy continues to shape discussions on caste, equality, and the role of the state in India today.

The vision of Dr. Ambedkar for the role of state in society was revolutionary. He believed that the primary responsibility of the state was to eliminate social evils such as caste-based discrimination, untouchability, and economic exploitation. In his view, the state was not just a passive entity, but an active agent of social transformation.

Ambedkar argued that the state must dismantle oppressive structures and establish a social system that guaranteed equal opportunities for all. He believed that this could only be achieved through a democratic setup that upheld individual freedom and collective progress. For him, democracy was not just a political system, but a way of life that valued equality, justice, and freedom. His emphasis on the role of state in promoting social justice was influenced by his experiences with the Indian Constitution. As the chief architect of the Constitution, Ambedkar ensured that it enshrined the principles of equality, justice, and liberty. He believed that the Constitution provided a framework for the state to promote social welfare and address the historical injustices faced by marginalized communities. Some key aspects of the framework of Dr. Ambedkar for the role of state in society include:

- a) **Dismantling Oppressive Structures:** Ambedkar believed that the state must dismantle oppressive structures such as the caste system, which perpetuated inequality and discrimination.
- b) **Establishing a Social System:** He argued that the state must establish a social system that guaranteed equal opportunities for all, regardless of their caste, creed, or gender.
- c) **Promoting Individual Freedom and Collective Progress:** Ambedkar believed that the state must promote individual freedom and collective progress through a democratic setup that upheld the principles of equality, justice, and liberty.
- d) **Addressing Historical Injustices:** He believed that the state must address the historical injustices faced by marginalized communities through affirmative action and other measures.

The notion of democracy, as per Dr. Ambedkar, extended beyond political institutions to encompass social and economic equality. He saw democracy as a way of life that required an inclusive and just society, where every individual, regardless of caste, class, or gender, had the opportunity to thrive. His democratic ideals were rooted in the belief that political freedom alone was insufficient unless accompanied by social and economic justice. Ambedkar championed a parliamentary system of governance that protected individual freedoms while ensuring collective welfare. He identified freedom of expression, the right to choose profession, and the right to own property as fundamental rights that the state must safeguard. However, he maintained that these freedoms should not lead to unchecked inequality; instead, they had to be regulated to serve the broader interests of justice and social equity. As the chief architect of the Indian Constitution, Ambedkar played a crucial role in embedding democratic principles within legal framework. He was instrumental in ensuring constitutional safeguards for marginalized communities, including provisions for affirmative action, political representation, and social welfare. His advocacy for universal adult franchise was a testament to his commitment to equal political participation for all citizens.

The model of governance in the vision of Dr. Ambedkar placed a significant emphasis on the role of the state in economic and social development. He argued that the state must actively intervene to address economic disparities and ensure the just distribution of wealth. He made a crucial distinction between the laws of production and the laws of distribution. While production followed natural laws, distribution was governed by societal norms and rules. He believed that the state had a critical role in reshaping these norms to promote social justice.

Dr. Ambedkar proposed state socialism as a means to achieve economic equality. He envisioned a system where the state controlled key industries and resources to prevent the concentration of wealth in the hands of a few. At the same time, he supported individual enterprise and private property, provided they did not lead to exploitation or inequality. He argued for a balanced approach where the intervention of state ensured social justice while preserving individual freedoms.

Dr. Ambedkar viewed education as the cornerstone of empowerment and social transformation. He firmly believed that education was not only a means of individual progress but also a powerful tool to challenge entrenched social hierarchies and discrimination. For Ambedkar, education was essential in breaking the cycle of oppression that kept marginalized communities, especially Dalits, in a state of social and economic subjugation. He advocated for the active role of state in providing free and compulsory education to all, ensuring that disadvantaged groups had equal access to quality learning opportunities. Ambedkar saw education as a means to foster critical thinking, self-respect, and awareness of rights. He believed that an educated society would be better equipped to challenge inequality and work towards social justice. His emphasis on education was reflected in his own life, as he overcame significant obstacles to attain higher education, eventually earning multiple degrees from prestigious institutions. His personal journey underscored his belief that knowledge and learning were the most effective tools in the fight against caste-based oppression.

To institutionalize this vision, he supported policies such as scholarships, reservations in educational institutions, and special initiatives to uplift marginalized students. His contributions continue to shape education policies, reinforcing the idea that true democracy and equality can only be achieved through an educated and empowered citizenry.

Inequality, in his view, was the root cause of social stagnation and conflict. He believed that a society riddled with inequality could never achieve true democracy. To address this, he proposed several measures aimed at reducing disparities and promoting social justice. One of his key ideas was the amendment of traditional inheritance laws to ensure a fair distribution of wealth. He argued that unchecked inheritance led to the concentration of wealth and power, which in turn perpetuated inequality. By reforming inheritance laws, he sought to create a level playing field where everyone had an equal opportunity to succeed.

Dr. Ambedkar also emphasized the importance of affirmative action in addressing historical injustices. He advocated for reservations in education, employment, and political

representation for Dalits and other marginalized groups. He believed that such measures were necessary to provide these communities with the opportunities they had been historically denied. However, he stressed that these measures were not an end in themselves but a means to achieve social equality. Once equality was achieved, he argued, there would be no need for special provisions.

The Interdependence of Society, State, and Administration: The political philosophy of Dr. Ambedkar was grounded in the idea that society, the state, and administration were deeply interwoven and that a just and equitable society could not be achieved without ensuring fairness in governance and administration. He believed that these three elements were not separate entities but rather complementary forces that needed to function harmoniously to promote justice, equality, and democracy. His vision was holistic and he saw the state as a vehicle for social reform, society as the foundation of governance, and administration as the mechanism for implementation. He argued that a just society cannot exist without a just state that actively works to eliminate discrimination and promotes equality. A strong state cannot function without an efficient and inclusive administration that ensures justice is not just promised but delivered. An effective administration cannot exist without a well-educated and diverse workforce that represents all sections of society and understands the realities of the people it serves. Each of these elements was interconnected, and weakness in any one of them would lead to an unjust and inefficient system. For instance, a state that enacts progressive laws but lacks an accountable administration may fail in implementing reforms. Similarly, an administration dominated by upper-caste elites may not be motivated to serve marginalized communities fairly.

Ambedkar saw society as the bedrock upon which the state was built. He argued that a society plagued by inequality and discrimination could never sustain a strong and just state. The historical caste-based discrimination in India, in his view, had created a fragmented society where certain groups were systematically denied rights and opportunities. He believed that the state had a responsibility to intervene and create conditions that fostered equality, social mobility, and dignity for all citizens. For Ambedkar, an ideal society was one based on liberty, equality, and fraternity. He believed that true fraternity among citizens could only exist when every individual was treated with dignity, regardless of caste, religion, or gender. Without a socially inclusive foundation, the state could not function as a democratic entity in its true sense.

Ambedkar rejected the idea of a passive state that merely maintained law and order. Instead, he envisioned the state as an active force that played a transformative role in society. He firmly believed that the state must take responsibility for correcting historical injustices, ensuring equal opportunities, and safeguarding the rights of the oppressed. To achieve this, Ambedkar supported a constitutional democracy that enshrined the principles of justice, equality, and liberty. As the chief architect of the Indian Constitution, he worked to embed safeguards such as affirmative action, protection of fundamental rights, and legal provisions against discrimination. These constitutional provisions were meant to empower marginalized communities and ensure their representation in all aspects of governance.

Ambedkar also emphasized that for a state to be truly democratic, it had to be inclusive. He advocated for universal adult suffrage, believing that every citizen should have the right to participate in governance, irrespective of caste or social background. His insistence on democratic participation was based on the idea that real democracy was only possible when all sections of society had an equal voice in decision-making.

Ambedkar understood that while laws and policies were crucial, their impact depended on how they were implemented. He saw administration as the bridge between the state and society an essential mechanism through which the principles of justice, equality, and democracy were translated into reality. One of his key arguments was that the administrative system should reflect the diversity of society. He believed that a homogeneous bureaucracy dominated by a privileged few would not be able to understand or address the needs of the broader population. To correct this imbalance, he strongly advocated for the representation of Dalits and other marginalized communities in public administration, law enforcement, and the judiciary. He viewed reservations in government jobs and civil services as essential steps toward making administration more inclusive. His belief was that without representation, policies meant for social justice would remain ineffective or would be implemented in ways that continued to favour dominant castes.

Ambedkar also placed a strong emphasis on the role of education in governance. He argued that an efficient and competent bureaucracy was critical to the success of the state. In his view, a well-educated administrative board would be better equipped to implement laws fairly, manage public resources efficiently, and uphold democratic principles. To this end, he advocated for policies that would ensure access to higher education for marginalized communities, believing that education was the key to breaking the cycle of oppression and enabling full participation in governance. His personal struggles to attain an education, despite caste-based discrimination, reinforced his conviction that knowledge was the greatest tool for empowerment. For Ambedkar, governance was not merely about policy-making; it was about ensuring that policies served the people effectively. He insisted that the administrative machinery must be transparent, accountable, and responsive to the needs of the citizens. He believed that unchecked power in administration could lead to corruption and bias in policy implementation. To prevent this, he advocated for mechanisms that would hold public officials accountable, such as constitutional checks, independent oversight bodies, and citizen participation in governance. He stressed that the government must function for the people and not just for a privileged few.

The ultimate vision of Dr. Ambedkar was to create a classless and casteless society. He believed that social stratification based on caste and class was the greatest obstacle to progress and democracy. He argued that true democracy could only be achieved in a society where individuals were judged by their abilities and contributions rather than their birth. To achieve this, he advocated for a governance system that dismantled feudal structures and promoted social mobility.

He also emphasized the importance of fraternity in creating a cohesive society. He believed that fraternity, or the sense of brotherhood, was essential to overcome divisions and foster unity. For Dr. Ambedkar, fraternity was not just a moral principle but a practical necessity for a democratic society. He argued that without fraternity, the principles of liberty and equality could not be sustained.

Ambedkar championed the eradication of caste discrimination, seeing it as one of the primary hindrances to social and economic progress. In his analysis, caste discrimination in the division of labour not only curtailed individual potential but also impeded broader development in society. He viewed untouchability and the rigid caste hierarchy as moral and structural failings, which replaced a natural and skill-based system of labour division with one based solely on birth. This transformation trapped individuals in predetermined roles, stripping them of the ability to pursue their aspirations and talents.

Ambedkar traced the evolution of the division of labour in ancient Indian society, observing that it was initially fluid and skill-oriented. During its early stages, individuals had the autonomy to choose occupations aligned with their abilities and interests. However, over time, this flexible framework ossified into a rigid caste structure due to feudalistic influences. Knowledge, wealth, and resources became concentrated in the hands of the upper castes-Brahmins, Kshatriyas, and Vaishyas-while Dalits and other lower castes were relegated to menial and often degrading tasks. This unjust system, according to Ambedkar, resulted in the exclusion of lower castes from participating in meaningful economic activities and personal growth. It deprived society of the productive contributions of a significant portion of the population. Such inequity, he argued, stifled creativity, efficiency, and innovation while exacerbating inefficiencies and waste in the system.

Ambedkar was a vocal critic of the moral and economic ramifications of caste system. He questioned the ethics of a structure that reduced millions of individuals to untouchables and deemed so impure that their very sight or shadow was considered polluting. He highlighted how this form of discrimination undermined aspirations for democracy and equality, creating a system where the rights and dignity of entire communities were denied.

From an economic perspective, Ambedkar emphasised that the caste-based division of labour severely restricted ability to thrive. Excluding large sections of society from skilled labour and knowledge-based professions not only curtailed individual potential but also limited ability to compete and grow in a global context. He argued that such exclusion made India vulnerable to external domination and stagnation.

Industrialisation and Urbanisation: Ambedkar believed that mechanisation and industrialisation offered opportunities to challenge the entrenched caste system. The rise of cities and industrial hubs created new economic spaces that were less bound by traditional caste identities. These urban centres allowed Dalits and other marginalised groups to escape the rigid caste-based occupational structures of rural India.

Ambedkar argued that industrial jobs could offer economic independence to Dalits, creating pathways to dignity and self-respect. However, he recognised that access to education, technical training, and opportunities was often monopolised by the upper castes, further marginalising oppressed communities. To address this imbalance, Ambedkar called for systemic reforms, including affirmative action policies such as reservations in education, employment, and politics. These measures, he believed, were essential to ensure that Dalits and other marginalised groups could access the tools necessary for their empowerment.

His vision for social justice and equality centered on the equitable distribution of wealth and opportunities, ensuring that all individuals, regardless of their social standing, could access basic necessities and participate in the progress of the nation. His perspective was deeply influenced by his understanding of systemic inequalities rooted in caste and his commitment to eradicating them.

Ambedkar argued that the well-being of a nation depended not on its material wealth but on the happiness and dignity of its people. He was particularly concerned about the majority of population, who struggled with poverty and deprivation. For Ambedkar, a just distribution of wealth was a moral imperative. It was essential to ensure that everyone, especially the marginalized, could lead lives of dignity and enjoy equal opportunities for growth and development.

Recognizing the structural barriers to equality, Ambedkar played a pivotal role in drafting the Indian Constitution, embedding principles of social justice, equality, and human rights. Through the Constitution, he sought to create a framework that would address historical injustices and provide safeguards for marginalized communities. One of his most significant contributions was the introduction of affirmative action policies, including reservations for Scheduled Castes (SCs) and Scheduled Tribes (STs) in education, government jobs, and politics. These measures aimed to level the playing field and ensure representation and access to opportunities for historically disadvantaged groups.

His economic philosophy focused on increasing human happiness and reducing social inequalities. He believed that improving the consumption level of society was crucial for social upliftment, which could be achieved by ensuring equitable distribution of production benefits.

Ambedkar identified two primary factors contributing to economic inequality: control over the means of production and social inertia. He argued that true economic equality could only be achieved by moving away from outdated systems and embracing mechanized production. The unequal distribution of land and resources exacerbated poverty and inequality, particularly among marginalized groups.

To address economic inequality, Ambedkar advocated for land reforms, where land should be distributed more equitably, especially to the landless and lower castes. He also proposed the establishment of large joint capital companies to counter the effects of monopolistic systems. His economic concepts emphasized the need for reforming outdated

systems that sustained inequality, aiming to create a more just social order and foster both mental and material happiness among people.

Ambedkar emphasized the need for state socialism to achieve a more equitable distribution of wealth, ensuring that the benefits of production were shared broadly among the population. He also stressed that improving social consumption levels required dismantling discriminatory practices based on caste, which hindered economic progress.

His personal experiences with caste-based discrimination shaped his understanding of social injustice and informed his argument that social reform was crucial for economic development. Ambedkar recognized that caste-based inequality and lack of social mobility were significant barriers to raising the overall consumption level in society.

The economic vision of Dr. Ambedkar was profoundly interconnected with his commitment to social justice and his efforts to dismantle entrenched social hierarchies. His work, such as *'Small Holdings in India and Their Remedies'* (1918) and *'The Problem of the Rupee'* (1926), reveals his incisive analysis of economic challenges and his forward-looking strategies to achieve equality and progress. Ambedkar recognized the deep-seated inequalities in agrarian economy, particularly the unequal distribution of land and wealth, and highlighted how these inequalities perpetuated poverty and social injustice.

In *'Small Holdings in India and Their Remedies'*, Ambedkar identified the fragmentation of landholdings and unequal access to land as critical barriers to economic progress. He argued that small and uneconomical holdings, coupled with the concentration of land in the hands of a few, led to declining agricultural productivity and worsening living standards for the rural poor. His solution was to implement land reforms that redistributed land to the landless, with a focus on empowering backward and untouchable castes. This approach was not merely economic but also social, as it sought to break the cycle of caste-based oppression by giving marginalized communities a stake in economic resources.

In *'The Problem of the Rupee'*, Ambedkar demonstrated his understanding of global economic theories and critiqued the colonial economic policies that exacerbated inequality in India. He analysed the impact of the British monetary system on the Indian economy, highlighting how it favoured British interests at the expense of Indian development. His analysis underscored his broader concern about the unequal distribution of wealth and the exploitative nature of colonial economic practices.

Ambedkar advocated for comprehensive economic reforms to address wealth inequality and ensure that marginalized communities could access opportunities for growth and development. These reforms included land redistribution, investment in education, and policies to promote social mobility. He proposed a model of state socialism where the government would play a central role in managing resources and ensuring equitable distribution. He emphasized the need for state ownership of key industries, such as agriculture, mining, and infrastructure, to prevent monopolies and reduce disparities. Moreover, education was central to his vision for economic and social reform. He believed

that providing education to marginalized groups, especially women and Dalits, was essential for breaking the cycle of poverty and enabling participation in the modern economy.

Ambedkar championed the economic and social empowerment of women, recognizing their critical role in shaping society. He advocated for women's access to education, employment, and property rights, which he saw as fundamental to achieving gender equality and fostering inclusive development. Furthermore, he believed that embracing modern technology and industrial practices was crucial for economic transformation in India. He saw technological progress as a means to increase productivity, reduce manual labour, and create a more equitable economic system.

The advocacy of Dr. Ambedkar for social equality extended far beyond the realm of politics and into the welfare of workers. He worked tirelessly with labour unions in industrialized regions like Bombay to improve working conditions, secure fair wages, and establish labour rights. His socialist leanings were rooted in his unwavering belief that economic equality could only be achieved by improving the conditions of the working class. His vision for social justice and equality was multifaceted, encompassing not only economic policies but also a fundamental transformation of society. He dreamed of a society free from the shackles of caste-based discrimination and social inertia, where economic development was inextricably linked to social mobility and reform. In his view, dismantling the caste system and social hierarchies was essential for achieving sustainable economic progress.

Conclusion: The vision of Dr. B.R. Ambedkar for society, state, and governance was a comprehensive blueprint for creating a just and equitable social order. His vision of social justice and equality was a comprehensive framework that addressed the moral, social, economic, and political dimensions of caste discrimination. He recognised the interconnectedness of these issues and called for a holistic approach to addressing them. He believed that the state had a critical role in addressing social and economic inequalities and that governance must be inclusive and accountable. His emphasis on education, economic reforms, and democratic governance reflected his belief in the transformative power of knowledge, opportunity, and representation. Education was at the heart of the vision of Dr. Ambedkar for empowerment. He viewed it as a powerful tool for breaking the shackles of caste-based discrimination and poverty. By advocating for universal access to education, he aimed to equip marginalized communities with the knowledge and skills needed to improve their socio-economic conditions and participate fully in the process of development. Education, for Ambedkar, was not just a means of personal advancement but a cornerstone of social reform and a pathway to equality.

His vision was not just about improving the conditions of marginalised communities but about creating a society where every individual could live with dignity and pursue their aspirations without the constraints of caste or social hierarchy. Through his tireless efforts and unwavering commitment, Ambedkar laid the foundation for a more just and equitable

India. His legacy continues to inspire movements for social justice and equality, reminding us of the importance of challenging oppression and promoting inclusion in all spheres of life.

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Novel Insights, *An International Journal of Multidisciplinary Studies*

A Peer-Reviewed Quarterly Research Journal

ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)

Volume-I, Issue-III, February 2025, Page No.182-189

Published by Uttarsuri, Sribhumi, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI: 10.69655/novelinsight.vol.1.issue.03W.019



Left Behind: The Impact of Incarceration upon the Mental wellbeing of Dependants

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Received: 30.01.2025; Accepted: 20.02.2025; Available online: 28.02.2025

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Abstract

This research article is a conceptual study that attempts in the context of Left Behind: Impact of Incarceration Upon the Dependants. Following the imprisonment of their loved ones, dependents of incarcerated offenders, including family members, spouses, and children, frequently confront a variety of interrelated difficulties. This paper concludes by highlighting the challenges encompass financial hardship, emotional and psychological distress, parenting difficulties, housing instability, stigmatization, legal complexities, and limited access to support systems. The wellbeing and life trajectories of people left behind may be significantly and permanently impacted by these difficulties. To lessen the detrimental effects of incarceration on families, addressing the complex needs of these dependents calls for a comprehensive strategy that incorporates social support, regulatory change, and community resources.

Keywords: Impact of Incarceration, Dependants, Financial Hardship, Emotional and Psychological Stress, Parenting Challenges, Housing and Stability, Stigmatization and Discrimination, Legal and Custody Issues, Limited Support Systems.

Introduction: Financial burdens, emotional and psychological stress, parenting challenges, unstable housing, stigma, legal and custody troubles, and a lack of support systems are just a few of the obstacles that dependents of offenders face while they are incarcerated. Family members, particularly children, struggle with increased levels of anxiety, depression, and potential behavioural issues as a result of being separated from their loved ones who are incarcerated (Western & Pettit, 2010; Arditti & Few, 2006; Murray & Farrington, 2008). The loss of the offender's income also contributes to financial instability. Parenting

difficulties manifest, including conflict over custody rights in court and strain on the other carers (Gabel & Johnston, 1995). Homelessness or limited access to stable living arrangements can result from housing instability and prejudice (Travis et al., 2001; Geller et al., 2009). Dependents experience stigmatisation and discrimination in a variety of spheres of life, including healthcare, employment, and education (Comfort, 2007; Pager, 2003). This furthers social marginalisation. Children's visitation, custody, and potential participation with child protective services are all subject to legal disputes (Glaze & Maruschak, 2008; Hagan & Dinovitzer, 1999). Families are left with insufficient emotional, monetary, and social resources as a result of the inadequate support networks (Comfort, 2008; Gabel & Johnston, 1995). To lessen the long-term effects on the well-being of dependents of incarcerated people, addressing these complex challenges requires a comprehensive strategy incorporating legal reforms, community assistance programmes, and educational activities.

Impact Of Incarceration Upon The Dependants: Dependents such as family members, wives, and kids may suffer a great deal as a result of an offender's incarceration. Depending on elements like the duration of the sentence, the type of crime committed, and the availability of support systems, these effects might vary greatly. Following the incarceration of offenders, the following difficulties may affect dependents, along with sources to substantiate these points:

Financial Hardship: Impact of incarceration upon dependents: The family may experience financial difficulty if the offender's income is lost. Dependents may find it difficult to pay for necessities including shelter, food, and medical care (Western, B., & Pettit, 2010). One of the most urgent problems that dependents of prisoners frequently experience is financial difficulties. Families may experience serious financial instability as a result of the loss of the offender's income as well as many additional expenses and difficulties. The family frequently loses a sizable source of income when the main provider is imprisoned. The family may find it challenging to pay for necessities like housing, food, and utilities as a result of this loss. Legal costs for the offender's case, such as lawyer fees, court costs, and travel costs for visitations or court appearances, may be incurred by families (Comfort, M. L., 2007). Families frequently pay travel and transportation expenses as they make the lengthy trip to visit their loved one behind bars. The family's finances may also be strained by the expensive cost of phone calls and video visits from prison (Arditti, J. A., & Few, A. L., 2006). The other family members might have to pay for childcare services, which can be expensive, if the imprisoned parent was the main carer (Gabel, K., & Johnston, D., 1995). To pay for urgent expenses, families may turn to debt, such as credit card debt or payday loans, which can cause long-term financial issues (Geller, A., Garfinkel, I., Cooper, C. E., & Mincy, 2009). Families may struggle to pay their rent or mortgages as a result of financial issues, which may lead to housing instability. Eviction or foreclosure may result from this (Travis, Solomon, & Waul, 2001). Due to the obstacles and stigma attached to having a family member in prison, some dependents may have trouble obtaining public assistance programmes (Comfort, M. L., 2008). A comprehensive strategy

is needed to address the financial hardship faced by dependents of incarcerated offenders. This strategy should include better support systems, financial burden-relieving policies, and community resources to help these families stay stable during a trying time.

Emotional and Psychological Stress: Impact of incarceration upon dependents: Family members, spouses, and children of offenders, as well as other dependents, can experience severe emotional and psychological hardship as a result of their incarceration. Mental health may suffer as a result of adjusting to the absence of a loved one and the difficulties that come with being imprisoned. Due to the isolation from the incarcerated family member, concerns for their well-being, and the stigma attached to incarceration, dependents, particularly children, may experience increased levels of anxiety and depression (Arditti, J. A., & Few, A. L., 2006). As they cope with their loved one's absence, family members could feel a sense of loss and grief similar to when a family member passes away (Gabel, K., & Johnston, D., 1995). When a parent is imprisoned, the carer who is left behind (often a single parent or other family member) may feel more stress from parenting duties and the added emotional strain of having to explain the situation to the kids (Murray, J., & Farrington, D. P., 2008). Due to guilt or embarrassment over the incarceration, families may isolate themselves from their social networks, which can cause loneliness (Comfort, M. L., 2007). Post-traumatic stress disorder (PTSD) symptoms may appear in some dependents, particularly in those who have observed the arrest or have experienced domestic abuse as a result of the illegal behaviour (Glaze, L. E., & Maruschak, L. M., 2008). Children whose parents are in prison may struggle academically and have behavioural problems at school as a result of the strain and emotional turmoil they are going through (Murray, J., & Farrington, D. P., 2005). Because of their family member's incarceration, dependents may experience stigma and prejudice from peers, instructors, and the community, which can worsen emotional distress (Murray, J., & Murray, L., 2010). In order to help people and families cope with the difficulties brought on by incarceration and lessen its detrimental effects on mental health, it is necessary to provide dependents of incarcerated offenders with access to mental health services, support networks, and educational resources.

Parenting Challenges: Impact of incarceration upon dependents: Children of incarcerated parents may find it difficult to maintain interactions with them, which can strain family ties and have long-term effects on child development. Children in particular may face a variety of parenting difficulties as a result of an offender's incarceration. The development and wellbeing of the kids may be significantly impacted over the long run by these difficulties. The initial difficulty is the child's physical separation from the jailed parent. Both the parent and the child may experience mental pain and feelings of abandonment as a result of this separation (Gabel, K., & Johnston, D., 1995). Children may not have their incarcerated parent's direction and support, which may have an effect on how they develop emotionally and socially. This loss of direction can be particularly difficult for a youngster during pivotal growth phases. Due to visitation limitations, restricted contact options, and the physical distance between them, maintaining a meaningful relationship between the incarcerated parent and their child can be difficult. Due to the additional

responsibilities of parenting, the financial pressure, and the emotional weight, the carer who is left behind, who is frequently a single parent, may feel more stressed than usual. Due to the difficulties they encounter in their family setting, children of incarcerated parents may endure developmental delays, both cognitive and emotional (Murray, J., & Murray, L., 2010). Due to the stress and mental turmoil brought on by their parent's incarceration, children may display behavioural issues including violence, delinquency, or withdrawal. Farrington, D. P., and Murray, J. (2005). Due to their parent's incarceration, children may face stigmatisation from their classmates and in the community, which can negatively affect their self-esteem and social interactions. Waul, M., Travis, J., and A. L. Solomon, 2001). Children and carers may experience additional stress and uncertainty as a result of legal problems that families may encounter about child custody and visitation rights Glaze, L. E., & Maruschak, L. M. (2008). In order to help both the incarcerated parent and the remaining carer give the children the best environment possible during and after the incarceration period, addressing these parenting challenges requires a combination of family support services, including counselling, parenting programmes, and legal assistance.

Housing and Stability: Impact of incarceration upon dependents: Families with incarcerated members may have housing instability since some landlords won't rent to them, and homes may be lost owing to financial hardships (Geller, A., Garfinkel, I., Cooper, C. E., & Mincy, 2009). Housing instability and a host of other challenges for offenders' dependents, such as family members and children, might result from their incarceration. These difficulties may significantly affect the family's stability and well-being. In other situations, the family may be evicted due to the offender's criminal activities or financial troubles brought on by the loss of the offender's income (Comfort, M. L., 2008). Inability to find stable housing for a family can result in homelessness, which poses a number of health and safety problems, particularly for young children (Travis, Solomon, & Waul, 2001). It may be difficult for families with a jailed member to find safe and affordable housing due to prejudice in the housing market (Geller, A., Garfinkel, I., Cooper, C. E., & Mincy, 2009). Families may choose cramped or insecure living situations, such as relocating with friends or family, which can cause stress and a lack of privacy (Arditti, J. A., & Few, A. L., 2006). Children who frequently move homes may wind up attending many schools, which can interrupt their education and lower their academic performance (Western, B., & Pettit, 2010). Legal restrictions on housing may apply to people with criminal records, even those who have just been released from prison, making it challenging for them to find permanent home for their family (Pager, D., 2003). The disruption brought on by a family member's incarceration can lead to the dissolution of social networks in the neighbourhood, which exacerbates housing instability (Murray, J., & Murray, L., 2010). Due to financial strain brought on by the loss of the offender's income and associated expenses, dependents may find it difficult to pay housing obligations like rent or mortgage payments (Gabel, K., & Johnston, 1995). A holistic strategy is needed to address the housing and stability difficulties affecting dependents of jailed criminals, including access to affordable housing, housing support services, and legal activism to remove barriers to housing for those with

criminal records. To assist the wellbeing and successful reintegration of families affected by incarceration, stable living conditions are essential.

Stigmatization and Discrimination: Impact of incarceration upon dependents: Due to their relationship with an incarcerated family member, dependents may face social stigma and discrimination, which may limit their social and educational chances (Comfort, M. L., 2007). Due to their connection to the criminal justice system, family members, spouses, and children of convicted offenders sometimes endure stigmatisation and discrimination. These problems may have serious social and emotional repercussions. Because of their family member's incarceration, dependents may experience social stigma and unfavourable opinions from others, which can cause them to feel ashamed, alone, and alienated (Comfort, M. L., 2008). Children whose parents are in prison may experience stigma from their peers and teachers, which may have an adverse effect on their self-esteem and academic success. Few, A. L., & Arditti, J. A., (2006). As some employers may be reluctant to hire or promote someone with a family history of incarceration, family members of those who are incarcerated may experience discrimination in the labour market (Pager, D., 2003). Due to their involvement with the criminal justice system, families may experience discrimination in the housing market, with landlords and housing providers declining to rent to them. A. Geller, I. Garfinkel, C. E. Cooper, and R. B. Mincy (2009). Families having a history of incarceration could be subject to greater scrutiny and law enforcement intervention in some areas because they are perceived as being innately criminal. M. L. Comfort (2007). According to Travis, Solomon, and Waul (2001), dependents may experience social exclusion from local gatherings, organisations, and activities, which might restrict their social and recreational options. Due to the prejudice and discrimination they experience within the healthcare system, families that are affected by incarceration may experience inequities in healthcare access and treatment (Williams, D. R., & Sternthal, 2010). The possibility that child welfare authorities will get engaged with families can rise as a result of stigmatisation and discrimination, which can put such families under more stress and public scrutiny (Hagan, J., & Dinovitzer, R., 1999). Public education and awareness programmes to combat misconceptions and biases connected with the relatives of incarcerated people are necessary to address stigmatisation and discrimination. Equal possibilities for dependents of convicted offenders may also require legal protections against discrimination based on familial relationships. Reduced stigma and discrimination's detrimental impact on these families can be achieved with the help of support networks and community organisations.

Legal and Custody Issues: Impact of incarceration upon dependents: Legal disputes over child custody, visiting privileges, and family court processes may arise as a result of incarceration, adding stress to the lives of dependents (Gabel, K., & Johnston, D., 1995). Criminal defendants' incarceration may result in a number of legal and custody concerns for their dependents, particularly children. These problems can be difficult to understand and navigate. The incarceration of one parent can result in custody battles with the custodial parent or other family members when neither parent is already incarcerated (Poehlmann, J., & Eddy, J. M., 2010). Children of incarcerated parents may be placed in foster care when

there are no acceptable family members to care for them, which could result in a traumatic separation from their families (Shlafer, R. J., & Poehlmann, J., 2010). The parent-child relationship during incarceration may be limited by legal constraints and logistical difficulties that prevent regular visits between incarcerated parents and their kids (Dallaire, D. H., Ciccone, & Wilson, L. C., 2012). To make decisions for the incarcerated parent or to access their financial resources for the family's well-being, family members may need to apply for legal guardianship or powers of attorney (Travis, J., Solomon, A. L., & Waul, 2001). According to the situation, child support orders may need to be revised to reflect the new financial condition of the incarcerated parent (Geller, A., Garfinkel, I., Cooper, C. E., & Mincy, R. B., 2009). Even after release, legal obstacles, such as limitations on housing and employment, may make it difficult for recently jailed parents to reintegrate into the lives of their children (Travis, J., Western, & Redburn, 2014). When a parent is imprisoned, Child Protective Services (CPS) may become involved, especially if there are worries about the child's welfare or the parent-child relationship (Hagan, J., & Dinovitzer, 1999). Legal experts, social workers, and support services must be involved in navigating these custody disputes in order to guarantee that the best interests of the child and the family are taken into account. For the obstacles and inconveniences suffered by family members of convicted offenders to be as minimal as possible, coordination amongst various groups is essential. Legal changes and regulations that take into account the particular requirements of these families can also help to mitigate these problems.

Limited Support Systems: Impact of incarceration upon dependents: Due to the stigma attached to incarceration, families with incarcerated members may find it difficult to receive support services including counselling, financial aid, and educational opportunities (Travis, J., Solomon, A. L., & Waul, 2001). Dependents of convicted criminals frequently have insufficient support networks, which can make it harder for them to cope with problems both during and after incarceration. These assistance programmes are essential for assisting families in coping with the different difficulties brought on by having a loved one in prison. **Lack of Emotional Support:** Due to the stigma associated with incarceration, families may endure emotional pain and isolation, which can result in a lack of emotional support from friends and community members (Comfort, M. L., 2007). Families may experience financial difficulty if they can't afford to pay for their fundamental requirements, such as housing, food, and healthcare (Geller, A., Garfinkel, I., Cooper, C. E., & Mincy, 2009). Children in particular may need counselling and treatment to deal with the emotional and psychological impacts of having a family member behind bars. Their wellbeing may be hampered by limited access to mental health care (Arditti, J. A., & Few, A. L., 2006). Children whose parents are in prison may experience academic and emotional difficulties, and they might not have access to educational support services and programmes that are tailored to their particular requirements (Murray, J., & Murray, L., 2010). Legal difficulties with child custody, visitation privileges, and other matters may be faced by families. Their capacity to traverse these complicated legal procedures may be hampered if they have limited access to legal counsel (Gabel, K., & Johnston, D., 1995). Families affected by incarceration may

lack access to support groups and community organisations that are explicitly focused on meeting their needs (Poehlmann, J., & Eddy, J. M., 2010). As a result, they may have fewer options for coping and healing. Access to reentry services, which are essential for a successful reintegration and include housing help and employment assistance, may be difficult for former inmates and their families (Travis, Solomon, & Waul, 2001). A thorough effort is needed to address the inadequate support networks for family members of prisoners. This entails the creation of community-based support programmes, improved accessibility to social services, and initiatives to lessen the stigma attached to incarceration. To make these families' lives more comfortable, cooperation between governmental bodies, nonprofits, and local leaders is crucial.

Conclusion: In conclusion, the difficulties faced by the family members of convicted criminals are significant and ubiquitous, ranging from financial instability to emotional misery to housing insecurity to social shame. The references given highlight the long-term effects of these problems on families, especially children, who frequently experience the worst effects. A comprehensive strategy incorporating legal changes, improved access to support services, and a decrease in the stigma associated with incarceration in society is needed to address these complex problems. Breaking the cycle of intergenerational hardship experienced by these dependents requires substantial reforms in the criminal justice system, social services, and community assistance initiatives. This is necessary to address the structural problems at play and to ease the hardships these dependents confront. The cycle of disadvantage can be broken and more equal outcomes for impacted families can be achieved by recognising the long-term effects and putting in place policies that prioritise the welfare of these dependents.

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Novel Insights, An International Journal of Multidisciplinary Studies

A Peer-Reviewed Quarterly Research Journal

ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)

Volume-I, Issue-III, February 2025, Page No. 190-195

Published by Uttarsuri, Sribhumi, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI: 10.69655/novelinsight.vol.1.issue.03W.020



Swami Vivekananda's Role in Women Empowerment In Today's Society

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Received: 23.01.2025; Accepted: 18.02.2025; Available online: 28.02.2025

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Abstract

At the end of the 19th century, the western education created a stir in Indian life; the people of the country were living in misery. At such a time Swami Vivekananda, a brave monk from India, came forward to awaken these poor oppressed people to new activities. In the last ten years of the 19th century, he devoted his life to restoring the heritage of the people of India as well as energizing the youth of the country into national life. Discussing the life and philosophy of Swami Vivekananda, it is known that the outstanding work he has done for the progresses of India. We will focus on those issues in the present discussion.

Keywords: Women, Empowerment, Education, Vivekananda, National.

At present time, the first thing that is needed to guide people in the right direction is to lead them to live in an atmosphere of equality and friendship. Eliminate all differences between men and women and join them in equal rights. As long as there is no equality between men and women, any society cannot progress. According to Swami Vivekananda the progress of women depends on getting real education. If women are properly educated in the society, not only they will be developed, but India as a whole will be developed with them. That is why Swami Vivekananda brought education into the society as an essential element for empowering women along with food, clothing, and shelter. Swami Vivekananda's chosen education was not just getting a degree or just getting a job. So according to Swami Vivekananda education is "Education is the manifestation of the perfection already in man."¹ Education helps develop the infinite potential within man. Swami Vivekananda's teaching brings awareness to people's minds. So the picture that emerged in Swami Vivekananda's mind has an equation of past, present, and future society. So the path he showed for women empowerment is equally applicable to today's society because he never chose man and woman as two elements. The same spirit that is in the

women is the same spirit that is in the man. According to Vedanta Shastra, if the same Brahman is present in all living beings, then they can never be any fundamental difference between man and woman.

Discrimination between man and woman has been going in the society through different levels of development of human civilization. From the most primitive period onwards we see this discrimination sometimes naked, sometimes hidden, sometimes flexible and sometimes so terrifying that it is thought about. From ancient times till today, patriarchal social systems have assumed that this inequality between man and woman is eternal. This discrimination in society has always been and will continue to be a pre-determined decision for the past few centuries. The RkVedic social system was patriarchal, but even then the status of women within the society was immense. Even if a girl child was born, she was accepted with joy in the society. Women wear trend was in proper educational system. Women wears were allowed chanting with Vedic mantras. Women were taught in different schools. Women used to participate in *yāga yajñas* despite being concubines of their husbands. Women like Ghosa, Apala, Mamata, Lopamudra etc reached a high level of women education and women empowerment during the RkVedic period. But after the later Vedic period the position of women was greatly reduced. It was considered shameful for a woman to give birth to a daughter. The rules in the society regarding the marriage of women started to become stricter then before. The Maitrayani Samhitā States that women's drinking wine and gambling were treated as almost the same level in the society. Uttariya Samhitā states that women are worse than dishonest men. Child marriage, polygamy, etc are all observed in society during this era.

Mahrshi Manu, the author of ManuSamhitā, a famous book of Hindu scripture says that, girls should be brought up with care. They need proper education; even the gods of heaven are pleased when women are respected in the society. From this discussion of Manu it is understood that the days of bad luck for women in Hindu society has begun. As a result, women were not allowed to laren education, women were married as minors, men attracted to polygamy and child marriage was practices in the ancient time. In the 18th and 19th centuries the condition of girls becomes increasingly dire. Women are deprived of these two birthrights of education and freedom. They were confined only to the bonds of the household. In the 19th century women's education gained great prominence under the leadership of Raja RamMohan Roy, Ishwar Chandra Vidyasagar, as well as Henry Louis Vivian Derozio as a result of their life-long efforts and agitation, oppression and violence against women has been greatly reduced. The society became aware of the employment of women and their education the effort for the development of women empowerment which had been fulfilled by Swami Vivekananda, because Swami Vivekananda wanted to make Indian women equal in society. He was not a believer in the special power of women by making some new laws. For him the real purpose was to develop all aspects of women in the society. While pointing out the reasons for this degradation of women in the society, he saw extreme oppression of women as the main reason. A woman was always humiliated in the society by men. That is why Swami Vivekananda wanted to develop the personality of

women in the society in such a way that they can establish themselves successfully anywhere. So Swami Vivekananda hopes that if the women of India were educated, then fearless courage would automatically emerge in them. Therefore he said, "Educate your women first and leave them to themselves; then they will tell you what reforms are necessary for them."²

So Swami Vivekananda wanted to make women proficient in religion, arts, science, cooking, swimming, homemaking, all these things. Along with that he talked about all-round empower of women by keeping ideal characters in the society. So he said, "Sītā is unique; that character was depicted once and for all. There many have been several Rāmas, perhaps, but never more than one Sītā! She is the very type of the true Indian women, for all the Indian ideals of a perfected women have grown out of that one life of Sītā; and here she stands these thousands of years, commanding the worship of every men, women, and child throughout the length and breadth of the land of Āryāvṛta"³. Swami Vivekananda repeatedly spoke about the fundamental education of women in society so that they themselves can overcome all the adversities of the society and move forward. But most of the girls in our country are mentally and physically week. If there is a little problem, they cry. That's why Swami Vivekananda wanted to awaken the strength of a lion in the body of girls. Vivekananda talk about self-defence to empower women so he said, "In the present day it has become for them also to learn self- defence. See how grand the Queen of Jansi was! So shall we bring to the need of India great fearless women- women worthy to continue the traditions of Sanghamittra, Lila, Mira Bai"⁴ Swami Vivekananda was greatly inspired by Sri Ramakrishna Dev in the question of women's empowerment. This is what Swami Vivekananda said about Sri Ramakrishna, "He was the savior of women."⁵ The manner in which Sri Ramakrishna Dev showed respect and motherhood towards the woman is unforgettable in the pages of world history. He always worships women as mother. The Goddess in whose service Sri Ramakrishna Dev was always immersed was Bhavatarini, the adorable Goddess women power. So it can be stated that Swami Vivekananda learns how to respect women from Ramakrishna deva. That's why he could say if *jīva* is Shiva then a woman is Ishwari. So Swami Vivekananda believes that what is needed to educate all forms of ignorance of a nation is the provision of all forms of empowerment and development of women as well as man. In fact Swami Vivekananda wanted women to find a higher life in the society. For this reason he also focused on the spiritual development of women along with improving the way of education.

We already know that India's literacy rate for women was very low after independence. Although the enrollment of girls in various fields of education is greatly increasing, but another major problem shown among them is that of dropout. According to Government of India MHRD report 2003-2004 half of girls do not complete their upper primary education. While it is true that, the number of schools and colleges in urban and rural areas have increased to a great extent according to statistics. Discrimination against women in the workplace is highest in rural areas. In our current society men are trying to maintain their dominance by using their physical strength. The status of women in society as a whole has

reached a very dangerous level. The birth of a girl child in the village is tantamount to a curse. At present, feticide is happening almost everyday in the society. Difference of behavior towards boys and girls are still present within the family. That's why opportunities for education and other curriculum activities are given to boys more than girls. Conservatism in the society especially among the Muslim community, and scheduled castes, and tribes is creating a lot of obstacles in the expansion of women's empowerment and their education. Many illiterate mothers fail to give proper education to their children. These mothers believe that their main responsibility is to make girls good at house work by arranging their marriage. Educating girls by sending them to school is a waste of time. That is why we have to think about the upliftment of village girls according to Swami Vivekananda. So Swami Vivekananda wanted to identify educated Brahmacharini within the village. They can educate all the women from within the village. So he said, "The duty of teaching in the school for girls ought to devolve absolutely on education widows and Brahmachārinis"⁶

So finally it can be said that the realization of an idea happen only when a bright burning paradigm is in front of our eyes. That signing example is Swami Vivekananda. Swami Vivekananda by applying his dispassion and spirituality has awakened the self-esteem and self-respect of the entire female race throughout the history of the world. So Swami Vivekananda's first plan in India was to empower women. For this empowerment of women, he first chooses their enlightenment. Today it has to be said that various commissions have played their important role in the field of women's development like Radhakrishnan Commission (1948-49), Mudaliar Commission (1932-34), and National Committee of Women Education (1958). At present, various schemes have been launched by the central and state government of India by women empowerment. The schemes approved by the Central Government are Beti Padhao Beti Bachao, Shiksha Samridhi Yojana, Mahila Shakti Kendra scheme etc. Schemes run by the state government are Kanyashree, Ruposhree, Shikhasree, etc.

The social status of women has remained the same. Today we have reached the 78th year of independence. But the place of social freedom for women is still bound in the darkness of subjugation. At present the cases of violence and rape against women are increasing in the society. In India many women have been raped in police custody, hospitals and workplace. According to statistics about 275 women were raped in India between 2017-2022. In our country women are worshipped as a source of power, but women face various social oppression in the society. We must not forget one thing; women's contribution to India's freedom of independence is undeniable. Brave women like Matangini Hazra, Rani Lakshmi Bai were born on the soul of India, those who sacrifice their lives for the freedom of the country. It is true that India is independent today, but has women's freedom and women's empowerment become a real in the society? We must keep our eyes on that. Swami Vivekananda realises long ago that the progress of India could not be made by man alone. Therefore, he wanted to empower women replace their educational and cultural values in the society. Because we all know women are like the field of grain and men are the seeds of

that grain. The union of this field and the seed made possible the origin of the animal world. In Sāṃkhya Philosophy we also see the creation process of the world as a result of the union of Prakṛti and puruṣa. Today, not only in India, but the whole world women have shown their talent in education, administrative activities, sports, in various international competition, and female astronauts have been reached the moon and develop their talents. So we must remember Swami Vivekananda's words today, "O India! Forget not that ideal of thy womanhood Sītā, Sāvitrī, Damayantī; forget not that the God thou worshippest is the great Ascetic of ascetics the all-renouncing Śaṅkara, the Lord of Uma."⁷ If we can understand the values of Swami Vivekananda's message of women empowerment and awaking of women's power in the entire society, then surely many problems of women will be eradicated very soon. Only then will the idea of Swami Vivekananda's women empowerment in the society surely take a seat in the world assembly.

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Novel Insights, An International Journal of Multidisciplinary Studies

A Peer-Reviewed Quarterly Research Journal

ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)

Volume-I, Issue-III, February 2025, Page No. 196-203

Published by Uttarsuri, Sribhumi, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI: 10.69655/novelinsight.vol.1.issue.03W.021



Beyond Boundaries: Transforming Gender Ideologies in Patriarchal Societies in Laapataa Ladies and Thappad

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Received: 27.01.2025; Accepted: 18.02.2025; Available online: 28.02.2025

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Abstract

The study investigates the violence against women and the evolution of women from submissive to independent in the discourse of Hindi cinema borrowing from the concept of New Woman. This research paper examines the characters of Phool and Jaya from the film Laapataa Ladies (2024) and Amrita from the film Thappad (2022). The comedy/drama movie, Laapataa Ladies has a moral ending. The film deals with the journey of two newly wedded brides who inadvertently get exchanged, as a result of which both the women go through a series of misadventures. The movie Laapataa Ladies delves into the themes of women's aspirations, self-discovery and financial independence offering a new and refreshing take on feminism. Whereas the film Thappad deals with marital physical violence against women, Amrita, a housewife, shares a loving relationship with her husband and supports him in achieving his ambitions. But her life is shattered when her husband slaps her at a social event. Through the various primary and secondary sources, the paper examines how women step out from patriarchal ideologies, subjecting them to gender-based violence and domestic abuse. The paper identifies a shift from traditional, orthodox narratives to universal narratives centered around rights. The paper discusses the concept of the New Woman as she is challenged by gender norms and structures asserting a new public presence in the existing patriarchal society. This paper also represents how women, who once were limited to a domestic space have now evolved in every aspect of life viz., study, work, socializing, and financial independence.

Keywords: Identity, Patriarchal ideologies, Violence, Orthodox narratives, New Woman.

“Feminism is the radical notion that women are human beings.”

- Cheris Kramerae

Introduction: Feminism is a broad phenomenon, a topic to be discussed publicly to make people aware of the need of such ideologies, often considered as overly emphasized. But the matter of fact is that Feminism is a perpetual topic, because women have always been oppressed in various forms in a society predominated by men. Many researchers and writers have meditated on Feminism. For instance, Mary Wollstonecraft stated in her work *A Vindication of the Rights of Woman: With Strictures on Political and Moral Subjects* (1792) discusses how lack of education was one of the main reasons responsible for the violence against women. She opines “It is time to effect a revolution in female manners - time to restore to time. Their lost dignity - and make them, as a part of the human species, labour by reforming themselves to reform the world. It is time to reform the world. It is time to separate unchangeable morals from local manners” (113). She rejected the thought that women are naturally weaker than men. She believed and argued that it is society that gives the gender roles to the sexes to play their entire life. She also argued that education is the main reason for the predominance of women by men.

Writers, such as Margaret Fuller and Virginia Woolf also discuss violence against women in the fields of education, politics, employment, and literature. Margaret Fuller did not support the specific gender roles and believed that women are not confined to household duties. In contrast, on the other hand, Virginia Woolf stated that women’s writing was not acceptable and was rejected by the male critic. The status of women in India has always been a subject of matter; women have been regarded as a symbol of spirituality/empowerment in our scriptures. Yet they were denied many rights and were treated unequally in medieval civilizations. Women have suffered bigotry in the context of domestic violence, rape, harassment, dowry, sati system, child marriage, female infanticide, etc.

With the passage of time, the world was progressing as a result of which societies developed, and women thought about themselves as individuals rather than associated identities, which in a patriarchal society has more often than not been dependent on their relations with the male members in their life. “New Woman,” the term, was coined by Sara Grand in her article “A New Aspect of the Woman Question” (1894), it is a social movement that began in the latter half of the Victorian Era. This social idea describes the woman as independent, physically adept, having a political voice, mentally acute, who can work, study, and can socialize on a par with men. They stepped out of the house, breaking all the gender-biased taboos and myths forbidding/denying them freedom of will. There were movements started to bestow women with the same rights, power, and opportunities as Men, to be treated in the same way. Women in India have made significant progress in recent years and have contributed to Indian society in respect to education, teachers, science and technology, sports, police, arts and entertainment, etc.

Vocalizing Against Old Customs: Hindi cinema has also depicted the character of women as new and evolving. One of the most prominent is *Laapataa Ladies*. This film embraces domestic violence, the veil system (ghunghat pratha), patriarchal dominance, freedom of women and identity. This film revolves around two major female characters Jaya and Phool, two brides, exchanged in train rides while journeying to their husband's home. The names of the female lead and their role throughout the movie has also shown a metaphorical resemblance: that women are not like the flowers which can be only gifted and discarded once withered. The names of the two female protagonists have significant meaning, the name Phool means 'flower,' her character throughout the movie has maintained the position of a flower, not in a bouquet or in a private garden which always need to be looked after by a gardener (Deepak, Phool's husband). Instead she develops and evolves as nature's child, a wildflower, who could survive in the wild, which has its own beauty and own use rather than being bound and used as a decorative prop, a bouquet.

The society assigns gender roles to the female sex, oftentimes sex and gender are mistaken as synonyms and substitutes, whereas the truth is that the two are two very different concepts. Pramod K. Nayar, too, states in *Contemporary Literary and Cultural Theory: From Structuralism to Ecocriticism* (2010) that "Sex is biological, gender is social" (90). Thus, it is true that society, patriarchal society in particular, assigns gender roles to these sexes. Women are taught to accept that they are born to be a mother, housewife and are secondary to men. Women are made to follow the sets of rules, laws and customs. These womanly roles flow and are passed on from one generation to another, from one woman to the other, from one generation to the other, from a mother to a daughter. These passing of tradition can be seen in the Kiran Rao's movie *Laapataa Ladies*, when newly married Phool departs for Deepak, her husband's house a lady from her village advises her to be mindful of her veil "once you have adorned the veil, learn to keep your eyes down" (00:03:30). Phool at many intervals continues to be schooled by the females around her, for instance her conversation with Manju Mai where the latter comments on Phool's upbringing "your mother didn't make you smart, she made you a fool" (00:38:21 – 00:38:22). Phool defends, highlighting her domestic skills and responds "I am not a fool, I am good at household chores, I can sew, cook, sing, pray..." (00:38:25 – 00:38:29).

In recent times women are evolving, they are pushing against the walls of the roles assigned by society in the name of gender, carving a niche for themselves by claiming individual identities. They are changing the prevalent patriarchal ideologies and orthodox narratives. They are making themselves strong, they are setting a new meaning to a word called 'women'. They are showing what they are capable of by creating and earning opportunities proving that their roles, skills, and capabilities cannot be bound and confined under the homogenous umbrella of gender roles assigned by the norms of a patriarchal society. Manju Mai called all these teachings that pass from one woman to another "Fraud work" (01:19:12). In *Laapataa Ladies* Phool she was totally dependent on husband but after being left alone on the station she has no one to be dependent on. And after that only we get to know Phool's evolving character. She brings out her best, started earning, and started to

know how the world is and how it works. In the end, she made herself a new woman by realizing her own capabilities.

The New woman is witnessed in the character of Pushpa/Jaya in *Laapataa Ladies*. She was a progressive and educated lady with a modern mindset, who did not want to be dependent on her husband. One of the instances when Jaya proves to be a New Woman is when she defends Deepak for mistaking her as Phool, agreeing with his reasons that “this veil is nothing short of a tent, it conceals a lady’s face and doesn’t let her see beyond the shoes in front of her” (00:14:37). The word ‘conceal’ can be used as contrast to cosmetic concealer, used to camouflage the marks on face, similarly the veil helps conceal the marks not of acne or accidents alone but bruises resulting from abuse suffered by women. The misfortune of the change of veiled brides suffered by Phool, Jaya, and Deepak in the film shows that the practice of customs and rituals prevalent from old times is the cause for the problem discussed in Kiran Rao’s *Laapataa Ladies* (2023). Jaya as a new woman has changed the orthodox narrative not only for Deepak’s family but also of the grey character of Inspector Shyam Manohar, who on learning the truth has a change of heart and helps Jaya escape the clutches of her greedy and abusive husband, Pradeep. It is unheard of for women to address their partners by their names in many regions, especially rural spaces, and Jaya questions the practice by sharing her thoughts stating that “when the man has a decent name, why not use it?” (00:53:08). “Deepak...Deepak” (01:52:20), were the first words uttered by Phool, when she sees him at the station, addressing him by his name portrays Phool’s evolution as a woman, as she unlearns the age-old customs and teachings.

Jaya was educated, had a bachelor's degree and wanted to study organic farming. Her knowledge and ideas regarding the subject both shocked and impressed Deepak’s family and friends. Women, when given opportunities, can fly high like Jaya and Phool did at the end of the film. Phool who changed and added to her ascribed ‘womanly roles’ decides to step out for a job and help her husband towards the end of the movie. Whereas on the other side Jaya with a new thought and mindset was ready to fly high and achieve her goals. She even changed the view of Deepak’s family on ‘ghunghat pratha’ and ‘uttering husbands name’. Kiran Rao’s *Laapataa Ladies* embodies the concepts of a New woman through the characters of Phool and Jaya.

Voices Against Domestic Violence: “Worldwide, almost one-third of women aged 15 - 49, have been subjected to some form of physical or sexual violence. A majority of domestic violence incidents go unreported” (01:59:00 – 01:59:19) as conveyed in Shashanka Chaturvedi’s film *Do Patti* (2024). Currently, women have forged ahead from this violence and as is evident in Anubhav Sinha’s film *Thappad* (2022). The film narrates the tale of Amrita and Vikram, a married couple. In the movie Amrita is portrayed as a capable homemaker, she deeply loves her ambitious husband and fulfills the role of a supportive and caring wife and a friend towards her husband. This film portrays the journey of Amrita’s quest, realization and endeavour to reclaim her respect, identity and happiness as an individual on being slapped by her husband. This film portrays abuse (slap) as a form of domestic abuse and a violation of a female's rights to self-respect. In the opening sequence

of the film, Vikram decides to celebrate his appointment as Head of the London office by hosting a party at home. He engages himself in a heated argument with one of his employers and when Amrita intercedes between them, Vikram slaps Amrita. This is the catalyst event, where Amrita's life is turned upside down. The whole movie revolves around this incident. This incident was an eye opener not only for Amrita but for everyone associated with Amrita and her marriage with Vikram.

It is assumed that the only responsibility of a married woman is to prioritize others and their needs before herself and this is reflected in the conversation between Sunita and her husband "I take care of your home, tolerate your mother's tantrums. I cook for other people, then cook for you ... you beat me and then I sleep" (00:05:53 – 00:05:58). Women are always taught to be calm and tolerant. Women are only given the duty to nurture relations. These words of wisdom are shared as generational inheritance with women by their mother and grandmother since ages, this is how women were schooled to think, a practice evident in Anubhav Sinha's film *Thappad*. Amrita's mother and mother-in-law both shared their insights on the situation as in their opinion Amrita's reaction for just a slap, and not a repetitive event, was unreasonable. Sandhya (Amrita's mother) on learning the cause of Amrita's decision to divorce Vikram questions her parenting and nurturing her daughter "Where did we go wrong, we raised her, educated her, ... married her into a good family" (01:09:35 – 01:09:40); "women have to learn tolerance to keep the family together, one has to suppress one's feeling" (01:09:52 – 01:09:55); "my mother said a home is more important, her mother taught her a home is all-important" (01:10:52 – 01:10:55). Vikram's mother too affirms similar biased and gendered ideology on speaking with Amrita in attempts of convincing her to move on from the incident which she knows had shattered Amrita to the core but still suggests that "women must learn to tolerate" (01:34:19).

Inequalities and humiliations that a woman encounters in the domestic realm are considered natural, and acceptable. Netra is a wife and a successful lawyer and despite being very successful she is humiliated by her husband. Her accomplishments are narrated as validation of being the wife of a successful man and daughter-in-law of a successful lawyer. Rohit tells Netra "With only five years experience, you have the top cases. Why? ... its privilege, because you're justice Jai Singh's daughter-in-law, and you're Rohit Jai Singh's wife. My wife" (00:33:48 – 00:34:01). Amrita forged ahead and fought this battle herself. A slap is not just a slap rather it's time for women to wake up, to realize and think of themselves as individual, as human beings. Amrita realizes that women are significant, invaluable and deserve to be respected, and being questioned and told repeatedly that her reaction and decision to get a divorce over a small mishap was unreasonable. This new Amrita, fighting for herself, is portrayed in the conversation with Netra, her lawyer, when even Netra asks to know the real reason "one slap cannot be the reason" (01:04:34); "that's unusual, Amrita people may think you are unreasonable" (01:04:55). Amrita questions that "don't those people think slapping is unreasonable" (01:04:59), to which Netra answers "maybe but your reaction could be seen as unreasonable" (01:05:03).

Amrita's response gives us a glimpse of the effect of abuse, of any form, has on its victims, their predicament where they start questioning their existence and identity:

I can't respect myself any more, I chose to be a housewife, no one forced me, I was happy to be a part of his dreams and his life, but along the way I might have become the kind of person someone slaps, isn't that unreasonable, he cannot hit me, just a slap? He cannot slap me (01:05:09 – 01:05:41).

Men are always considered to be powerful, leaders, protectors of the house, this happens when Vikram realises that he is not getting promoted, his aggressive nature, impulsive reaction and violence breaks out. Vikram wants to leave the office where he is not respected but women doing the same would be wrong, if they do so then they have no shame and no manners. The fact that even after having slapped Amrita amidst a social gathering, Vikram doesn't feel remorseful or even apologetic rather his self-centered nature where he prioritizes his reputation over her wife's well-being is evident when he ponders and shares his thoughts with Amrita the same night he slapped her "I realized that I have no value ... this is ridiculous ... I cannot stay in a job where I am not valued" (00:41:22 – 00:41:30). Abusing women or slapping them is just a moment for men, it is their way to show love as Vikram's friend says to the lawyer "a little physical aggression is an expression of love" (01:20:35). A woman neglects herself, her preferences, her identity, her needs, and life in favour of prioritizing others before herself. This was when Amrita pondered on the established societal norms by questioning herself and mother in law "I was so busy keeping Vikram happy..., I even forgot blue was not my favourite colour, my favourite colour is yellow. Right papa?" (02:00:50 – 02:00:59). In fact, Amrita asks for valediction from her father for what she used to love.

We can also notice that Amrita was the one who was putting effort in the marriage but on the other side Vikram wanted to buy her apologies, trying to emotionally manipulate her by forcing her and buying jewellery for her. This shows that their marriage is a one-sided investment of emotions. Amrita too could have suffered like her mother and numerous other women in silence but she raised her voice against the injustice because her father, Sachin Sandhu, was very supportive of her decision to step out of a relationship that once was loving and had now turned abusive and manipulative.

Amrita's father is a progressive man, hence, he supports her, especially after Amrita's mother reveals her unfulfilled dreams and he realizes his unintentional and indirect involvement in her sufferings since he was unable to understand her dreams. Her mother's rhetorical question "Didn't I have desires" (01:10:05) inadvertently reveals her dreams, she stated that her father wanted her to sing on All India Radio, but she had to compromise after marriage. She questions "Should I have looked after the house and kids or sing songs?" (01:10:23) with Amrita, her mother, Sunita, Netra fought for themselves and changed their way of living. What these women wanted was their happiness, freedom, respect and dignity in their own home. Not only Amrita but other supportive characters have developed and fought for themselves, seeing Amrita fighting for herself, her respect and happiness Netra and Sunita both take stand for themselves in their marriages. This incident provides a

platform for Amrita to find her own identity and to fight against domestic violence. She believed that the slap was unfair and the most unfair is expecting a woman to move on because it was just a moment that happened because the man was drunk, irritated and frustrated.

Violence is not always physical and tangible; but can also be psychological and emotional as is evident in A. Jayaprabha's poem, *Stares (Chupulu)* published in her book *Vanamadi Modoo Paadam* (Third Foot of Vamana) in 1988, educates us on ways to fight against such attacks. A. Jayaprabha is a feminist poet and a critic, she is a pioneer in the feminist movement in Telugu literary criticism. Her poetry also depicts the feminist concerns. She embraced the problems that women faced but also the inherent strength and courage that women displayed in every aspect of life. In this poem she portrays how women are assaulted by the stares of men on a daily basis, men - who have no shame or regret about their gaze, look at women as a "drooling dog" (l. 16). In this poem she stated that there is no safe place on the earth where we (women) are safe. We have threats on each and every step of our life but this does not mean that the earth is not ours; "But the earth is mine too" (l. 34). We are also human beings. We have to make our eyes sharp and stare back at them. She stated "stares for stares" (l. 38) she made herself strong and fought for herself. A. Jayaprabha has shown an awareness and the courage of a woman, how she fought back for herself.

Conclusion: Every woman should live a life of dignity, respect, decency and equality, free from fear, violence and discrimination. The film *Laapataa Ladies* and *Thappad* embraces women's rights, and freedom and how they challenged patriarchal norms. Women are confronting the entrenched stereotypes and questioning the societal norms that confine them to predefined roles, thereby constraining their ability to assert their identities and pursue their dreams. In recent times, women are enjoying more liberty and equality than before. Many women are leading the society as teachers, doctors, and even entrepreneurs. Women have earned respect in sports, winning medals and setting world records. They have a great impact in every field, for instance - Indira Gandhi, the first and only female Prime Minister and the first woman to lead a democratic country. Kiran Bedi, the first female officer to join the IPS in 1972. Mary Kom is an Indian Olympic boxer and an inspiration for women in India. She broke the stereotype that married women, especially mothers cannot become successful athletes, through her grit and determination. Hence, women are becoming self-aware and are fighting for themselves, not only women but society is getting realization, their thinking is changing, and they are coming in support of/with women. Now women are physically strong, financially independent, and are socialising on a par with men.

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Novel Insights, An International Journal of Multidisciplinary Studies
A Peer-Reviewed Quarterly Research Journal
ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)
Volume-I, Issue-III, February 2025, Page No. 204-223
Published by Uttarsuri, Sribhumi, Assam, India, 788711
Website: <http://novelinsights.in/>
DOI: 10.69655/novelinsight.vol.1.issue.03W.022



Jury Trial: A Comparative Legal Analysis between Bangladesh, India and Europe

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Received: 10.01.2025; Accepted: 25.02.2025; Available online: 28.02.2025

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Abstract

Research serves as the primary means to generate knowledge. This study constitutes a modest attempt to conduct research on Jury Trials: A Comparative Legal Analysis between Bangladesh and Europe and America. The objective of this research is to unveil and scrutinize the significance, criticisms, and conditions of the jury system worldwide, with a specific focus on assessing the appropriateness of the jury system in Bangladesh.

This study commences with an introductory statement and historical background, followed by a delineation of the aims, objectives, rationales, and limitations. Subsequently, it is grounded in a comprehensive literature review, wherein the key terms are elucidated.

The research methodology section elucidates the methods, data collection procedures, sample size, research area, and research questions. This section serves as the framework guiding the investigation into jury trials and their comparative legal aspects.

Furthermore, the study delves into central research findings, presenting data analysis derived from interviews and surveys.

Keywords: Jury Trial, Functions of Jury, Criminal Justice System, Bangladesh, India, Europe, Comparison, Effectiveness.

1. Introduction: The concept of Jury is an important part of legal studies with its historical background. It is the most evasive and multi dimensional issue with immense importance. In this study the background, aspects, role, dilemma, controversy and other dimensions of jury trial system have been considered as ‘focal points’.

A **jury trial** is a legal proceeding in criminal justice system with the presence of selected qualified persons from mass citizens as the representatives of '*public opinion*'. Jury trials are used significantly in serious criminal cases in almost all '**common law**' legal systems. This paper seeks to analyze the condition of jury trial with a global view by making a comparative study among the major countries, concerned with Jury system. In a criminal justice procedure, the main aim of a judicial system is to ensure a free and fair trial to protect the citizen's right. If we look upon the history, we can clearly see that, jury trial has a long historical background to preserve civil liberty.

The main function of jury is to analyze the facts of cases and to commence deliberation. In both civil and criminal cases, they play direct role to bring out justice. Academically it is said that, Jury trial system plays a helping role to flourish democracy. Many theorists argue that, in Jury trial system, the participation of civil society and expert opinion ensures transparency and accountability of criminal justice system. How would you explain the correlation between 'Jury trial system' and 'Democracy'? On the other hand, it is said that, trial by Jury serves no useful function and should therefore be abolished. Some theorists argue, Jury trial makes the judicial system complex, slow, prolonged and ambiguous.

This research will critically scrutinize the pros and cons of jury system and its application in Bangladesh. This research will also analyze the facts of avoiding jury system in 3rd world countries like Bangladesh and India.

2. Historical Background: Jury trial with its historical root has been a significant part of legal studies. Jury system in civil law countries developed in 19th century, when some European countries attempted to initiate the '**Anglo-American Criminal Jury system**'. Such changes reflect the importance, that civil law countries place on non-professional participation in court system. (Dammer & Albanese, 2013;)

The concept of the jury system was probably imported into Britain after the Norman Conquest, though its early functions were quite different from those today. Early jurors in England acted as witnesses providing sources of information on local affairs. But they gradually came to be used as adjudicators in both civil and criminal disputes. Under Henry II, the jury began to take on an important function, moving from reporting on events they knew about, to deliberating on evidence produced by the parties involved in a dispute. Gradually it became accepted that a juror should know as little as possible about the facts of the case before the trial, and which is the position today.

The modern jury evolved out of the ancient custom of many ancient Germanic tribes whereby a group of men of good character was used to investigate crimes and/or judge the accused. The same custom evolved into the *vehmic* court system in medieval Germany. In Anglo-Saxon England, juries investigated crimes. After the Norman Conquest, some parts of the country preserved juries as the means of investigating crimes. The use of ordinary members of the community to consider crimes was unusual in ancient cultures, but was nonetheless also found in ancient Greece. The modern jury trial evolved out of this custom in the mid-12th century during the reign of Henry II. (Daniel, 2003)

18th century England: In 1730, the British Parliament passed the Bill for Better Regulation of Juries. The Act stipulated that the list of all those liable for jury service was to be posted in each parish and that jury panels would be selected by lot, also known as sortition.

Anglo-Saxon England: Historical Treatise on Trial by Jury, Wager of Law, and other co-ordinate forensic institutions formerly in use in Scandinavia and Iceland. 1832 The Scandinavians, when not on the Viking warpath, were a litigious people and loved to get together in the 'thing' to hear legal argument. They had no professional lawyers; A Danish town in England often had, as its principal officers, twelve hereditary 'law men'. The Danes introduced the habit of making committees among the free men in court (William, 1875)

Later Middle Ages: In the 12th century, Henry II took a major step in developing the jury system. Henry set up a system to resolve land disputes using juries. A jury of twelve free men was assigned to arbitrate in these disputes

Early modern period: The first paragraph of the Act that abolished the Star Chamber, long a bone of contention between the early Stuart kings and a significant fraction of their subjects, on 5 July 1641 repeats the clause on the right of a citizen to be judged by his peers (NS, 2000) (Trial by Jury in criminal cases was introduced into Belgium in 1830. It was introduced into the kingdom of Greece in 1834. In Portugal it was partially adopted in 1832.

3. Objectives of the study: The objective of this study is

- i. To explore the inherent significance and multi-dimensional aspects of jury trial system.
- ii. To explain the probability and effects of the jury system to reorganize the judicial procedures of Bangladesh, India and Europe.
- iii. To draw attention of law-makers and law-implementers about it.

4. Limitations of the study: Despite putting forth my utmost effort to ensure the excellence of this study, numerous obstacles were encountered throughout the research process. These challenges included my lack of prior research experience, financial constraints, and the daunting task of undertaking the entire study single-handedly within a limited timeframe. Additionally, obtaining interviews with individuals directly involved in the judicial process proved to be particularly challenging, especially securing appointments with judges familiar with the criminal justice system. Moreover, the extensive nature of jury analysis presented difficulties in thoroughly examining the subject within the confines of word limits. Furthermore, the scarcity of reference materials on this topic necessitated extensive time and labor in searching for relevant books, articles, and journals. Despite these hurdles, every effort was made to overcome these limitations and produce a comprehensive study.

5. Literature Review:

Definition of the Concept: Although enough literature and secondary data are not available about the issue, but I like to define the key words.

5.1: What is Jury?

Jury refers to a group of representatives selected to conduct the criminal justice process as a 'body of experts'. They gradually came to be used as adjudicators in both civil and criminal disputes. As the constituent part of the court, jury works with judges to provide legal verdict of any case.

Juries are called 'Lay judges', who come from typical citizens, not professional legal personnel. They are usually elected or chosen by government agencies responsible for monitoring the activities of courts. (Dammer & Albanese, 2013;)

The word *jury* derives from (Norman) French, "*juré* (sworn)". (6. Bander J Edward, 1979)

According to the jurisdiction and rights of courts, judges and juries work as 'Public Officers' and hold prime positions. (Curts, 1890)

"A group of persons selected according to law and given the power to decide questions of facts and return a verdict in the case submitted to them. In certain context jury embraces any fact-trier, including an arbitrator or a trial judge sitting in a non-jury proceeding." (Garner, 2008)

5.2: What is Jury Trial?

"Jury trials are used in a significant share of serious criminal cases in almost all '**common law**' legal systems, and juries or lay judges have been incorporated into the legal systems of many '**civil law**' countries for criminal cases." (Samons, 2007)

"A **jury trial** is a legal proceeding in criminal justice system, in which verdict is deliberated by a judge with the assistance of a panel of jury who are selected according to legal procedure." (Rahman, 2006)

Jury makes a decision findings the fact and analyse the depth of the cases. It is distinguished from a bench trial.

"Jury system is a judicial procedure, which is used primarily in socialist and common law system. It is a method of adjudication in which one or more 'lay judges' help the professional judges come to a decision." (Dammer & Albanese, 2013;)

Many states of the world followed jury system as the part and parcel of their adjudication branch.

"A trial in which the factual issues are determined by a jury not by the judge and also termed as a trial by jury." (Garner, 2008)

5.3: Steps in Jury: A complete criminal trial typically consists of six main phases, each of which is described in more detail below:

- 1) Choosing a Jury

- 2) Opening Statements
- 3) Witness Testimony and Cross-Examination
- 4) Closing Arguments
- 5) Jury Instruction
- 6) Jury Deliberation and Verdict

5.4: Types of jury: In the analysis of jury we found diversity in the formation and activities of jury by its size and area of working. Among them there are 3 basic types of jury, which are discussed below-

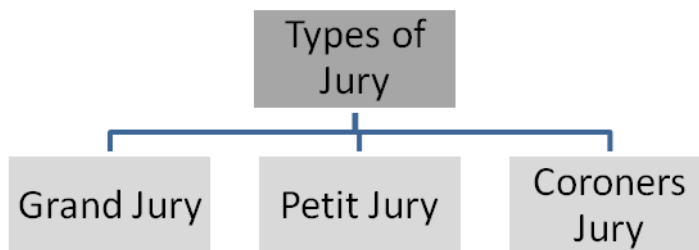


Figure- 1: Types of jury

5.4.1: Grand jury: A body of people (often 23) who are chosen to seat permanently for at least a month and sometimes a year and who, in ex party proceedings, decide whether to issue indictment.

A grand jury, a type of jury now confined almost exclusively to federal courts and some state jurisdictions, determines whether there is enough evidence for a criminal trial to go forward. . Grand juries can also be used for filing charges in the form of a sealed indictment against unaware suspects who are arrested later by a surprise police visit.

Grand jury is also works in different forms as below (Garner, 2008):

1. Additional grand jury
2. Investigative grand jury
3. Run away grand jury
4. Screening grand jury
5. Special grand jury

A grand jury is traditionally larger than and distinguishable from the petit jury used during a trial, usually with 12 jurors. It is not required that a suspect be notified of grand jury proceedings. In addition to their primary role in screening criminal prosecutions and assisting in the investigations of crimes, grand juries sometimes utilized to perform an investigative and policy audit function.

“The investigation is analogous to grand jury hearings, which are conducted in secret. Grand jury hearings are usually short, however dominated by the prosecutor and designed to make sure that the prosecution will not be frivolous or willful.” (Dammer & Albanese, 2013;)

5.4.2: Petit jury: A jury (usually consisting of 6 Or 12 persons) summoned an empanelled in the trial of a specific case. (Garner, 2008)

“The petit jury” (or “trial jury”) hears the evidence in a trial as presented by both the plaintiff (**petitioner**) and the defendant (**respondent**). After hearing the evidence and often jury instructions from the judge, the group retires for deliberation, to consider a verdict. The size of the jury varies; in criminal cases involving serious felonies there are usually 12 jurors. However, the common law trial jury is the most common type of jury system.

5.4.3: Coroner’s jury: Usually, a jury summoned by a coroner to investigate the cause of death. A third kind of jury, known as a **coroner's jury** can be convened in some common law jurisdiction in connection with an inquest by a coroner. A coroner is a public official, who is charged with determining the circumstances leading to a death in ambiguous or suspicious cases.

In practice, coroner's juries are most often convened in order to avoid the appearance of impropriety by one governmental official in the criminal justice system toward another if no charges are filed against the person causing the death, when a governmental party such as a law enforcement officer is involved in the death. (Garner, 2008)

To make a clear conceptual analysis about ‘jury system’, we need to review the literatures about it. It is important to create a strong paradigm of conceptions to carry out a deep study.

5.5: Jury size: The size of the jury is to provide a "cross-section" of the public. In Williams case, (Williams v. Florida, 1970) the Supreme Court of the United States ruled that a Florida state jury of six was sufficient, that "the 12-man panel is not a necessary ingredient of "trial by jury," and that respondent's refusal to impanel more than the six members provided for by Florida law "did not violate petitioner's Sixth Amendment rights as applied to the States through the Fourteenth. (Robert & L.Paul, 2007)

5.6: Functions of Jury: The main function of jury is to work as a helping body of judge to reach a proper decision by analyzing the facts of cases and to commence deliberation. (Siddique, 2010) The judge gives the direction to the jury on the relevant law, which the jury has to apply to the facts of the case in order to reach a verdict. If it is a criminal case and the jury has given a verdict of guilty, then the judge will decide on appropriate sentence. In civil cases, juries function is to decide on how much money should be awarded in damages.

“In discharging this duty, the jury generally cannot draw on prior courtroom experience, since the member typically consists of lay persons who are unfamiliar with how to evaluate the trial evidence.” (Kaplan, 1961)

Typically, the jury only judges guilt or a verdict of not guilty, but the actual penalty is set by the judge. In France and some countries organized in the same fashion, the jury and several professional judges sit together to determine guilt first. Then, if guilt is determined, they decide the appropriate penalty. (Vouin, 1956)

Basically functions of jury can be analyzed in 2 parts:

1. The Jury in Criminal Cases
2. The Jury in Civil Cases

5.6.1: The jury in criminal cases: Although juries are very important in the criminal justice system, they actually deal only in a minority of the cases. 5% of the cases heard in the Crown Court, in majority of the cases either defendant pleads guilty, so there is no need of a jury or the judge directs the jury that law demands that they acquit the defendant. As a result the juries actually decide only around 1% of criminal cases. But on the other hand this **1% amount** of trials and these are the most serious ones come before the court. (Paul, 2010)

5.6.2: The Jury in civil cases: The erosion of the use of the juries in civil cases was gradual and appears to have started in the middle of nineteenth century to refuse to let a case be heard before a jury and to insist that it be heard in front of a sole judge. As a result the use of jury in civil cases is now almost obsolete. Jury trial is working in following cases mostly: *libel and slander; malicious prosecution; false imprisonment; and fraud*. Juries have limited power to adjudicate some limited offences against the penal code and Municipal act which are punishable only with fine or with imprisonment for a limited term. (Chandra, 2003)

5.7: Debates on Jury Trial:

Arguments in favor of jury system:

1. Several advantages have long been claimed for trial by jury, such as: Juries represent the common public and therefore are more likely to judge in line with generally accepted values of the society.
2. It may be more difficult to corrupt 12 jurors than one or several judges.
3. Jury best reflect the views of the society because of random selection from a wide range of population. When a person's liberty is at stake it is a matter of principle that s/he should be tried by his/her peers.
4. The jury is regarded by the public as the 'mirror of individual liberties'.
5. The opinion of the 12 jurors prevents the individual biases.
6. Juries are barometers of public feeling on the state of law,
7. There is no satisfactory alternative to a lay jury.
8. The presence of the lay jury ensures that the proceedings are kept simple.

Arguments against the jury system:

1. Since the decision by jury is a group decision, individual members of the jury may not feel that responsible about their duties and therefore neglect it.
2. Group pressure might be influential on the decision.
3. Juries may be swayed by the current prejudices in the society, which are not supported by law. Complex cases tend to require special expertise to judge the case which a jury does not have.

4. The jury is an uneducated body in the law and is often unable to weigh evidence properly and to understand certain complex matters.
5. Juries are often unable to understand the more complex distinction in the law, Jurors may be dominated by two or three strong minded individuals in the jury.
6. It is a fact that juries acquit proportionately more defendant than the magistrates do. Many critics of the jury system argue that this is a major failing on the part of juries, arising either from their inability to perform their function properly, or from their sympathy with defendants, or both.
7. It is not possible to guarantee that there has been absolutely no tempering with the jury.
8. The unaccountability of the jury by virtue of the secrecy of the jury room, is against the democratic principles.

5.8: Jury Trial in Global Perspective: A Comparative Analysis: With a long tradition, Jury trial is playing vibrant role many countries of the world. The trend, system and procedures of jury may vary country to country, but we found its existence in judicial process of many powerful states of the world. Recent years have witnessed the widespread diffusion of the criminal jury trial across the globe.

Theorists identify 3 basic causes for the world wide spread of jury system. Such as:

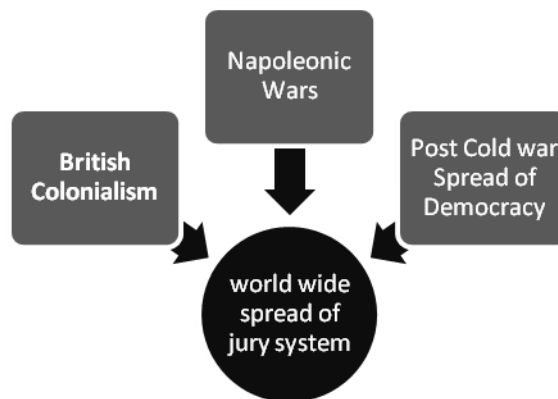


Figure- 2: Causes for the world wide spread of Jury system

As of 2008, **55 of 192 UN member states** employed some variation of jury system to aid in the process of criminal adjudication. (Park, 2010)

Now we will scrutinize the nature and prospects of jury trial in different countries to make global comparative analysis.

5.8.1: Jury Trial in India:

India: Following the ‘colonial legacy of British India’, jury trial was adopted in new independent India. Trial by jury in so far as it became the law of India as a western product.

In the earliest time justice was administered by arbitrators known as '**Panches**' or '**Panchayat**'. (Pullan, 1946)

Juries were formerly used in India up until the famous **KM Nanavati v State of Maharashtra** (1959), which led to the abolition of jury trials. According to some intellectuals-

“Abolition of the Jury system is a positive step in the history of Indian judiciary, since the jury cannot in most cases weigh proper legal complications and is likely to be swayed by popular and painted notions.” (Bibek, Dec 21 2009)

5.8.2: Analysis of Jury system: special reference to UK, and Bangladesh and Europe:

In this research we like to focus a special attention to the jury system of the Bangladesh, India, U.K. and Europe.

United Kingdom: United Kingdom is known as the pioneer of jury system. The law of United Kingdom is uniform and specific compare to others country of the world. They are the most law abiding country of the world and that's the reason to foot them to highest step of success. The main source and origin of laws of United Kingdom is Common law. Thus common law is the foundation of laws of UK as common law was the only system of adjudicating dispute among peoples of the country.

The United Kingdom consists of three separate legal jurisdictions as:

1. Common Law
2. Equity and
3. Statute law

But there are some features common to all of its parts.

England and Wales: In England and Wales (which have the same legal system), minor criminal cases are heard without a jury in the Magistrates' Courts. Middle-ranking (“triable either way”) offences may be tried by magistrates or the defendant may elect trial by jury in the Crown Court. Serious (“indictable”) offences, however, must be tried before a jury in the Crown Court. All criminal juries consist of 12 jurors, those in a County Court having 8 jurors and Coroner's Court juries having between 7 and 11 members. Jurors must be between 18–70 years of age, and are selected at random from the register of voters. In the past a unanimous verdict was required. (Forston, 1975)

Scotland: In Scots law the jury system has some similarities with England but some important differences; in particular there are juries of 15 in criminal trials, with verdicts by simple majority. (Forston, 1975)

Northern Ireland: In Northern Ireland, the role of the jury trial is roughly similar to England and Wales, except that jury trials have been replaced in cases of alleged terrorist offences by courts where the judge sits alone, known as *Diplock courts*. Diplock courts are common in Northern Ireland for crimes connected to terrorism. (Forston, 1975)

Bangladesh: Bangladesh is a development country which because of its economic, political and geographical position is full of crime but does not seek justice properly. We have the law, administrative body, legislative body, Executive Authorities and Judiciary everything to suppress crime and to ensure justice if it committed but hence there are lots of cases where no justice is ensured and moreover crime is increasing day by day.

The jury system existed in ancient India but not in the same form as understood in today's world. There is evidence that the community members used to assist the administration of justice.

Legal system of Bangladesh is a mixer or collection of the rules and laws followed in the other country of the world. Bangladesh got its independence on 16th December 1971. Before the independence it passed through different period of administration process e.g. Hindu, Muslim, British, and Pakistan etc.

The present legal and judicial system of Bangladesh owes its origin mainly to two hundred years British rule in the Indian Sub-Continent although some elements of it are remnants of Pre-British period tracing back to Hindu and Muslim administration. It passed through various stages and has been gradually developed as a continuous historical process. The process of evolution has been partly indigenous and partly foreign and the legal system of the present day emanates from a mixed system which has structure, legal principles and concepts modeled on both Indo-Mughal and English law. The Indian sub-continent has a known history of over five hundred years with Hindu and Muslim periods which preceded the British period, and each of these early periods had a distinctive legal system of its own. At present the jury system of criminal proceedings is not found on the judicial system of Bangladesh.

6. Research Methodology: This section deals with the theoretical framework of the study by analyzing method, sample, source of data, data collection procedure, hypothesis, etc.

6.1: Research Method: I have applied '**Mixed Method**' in this study. Both **qualitative** and **quantitative methods** are followed to conduct this research. But, mostly this study depends on qualitative method. But to minimize the weakness of it, I have used quantitative method with it to conduct the research.

6.2: Data Collection Techniques: To find out the actual fact I have used the following data collection techniques-

1. Interview method
2. Survey method

6.3: Source of Data The paper is based on both **Primary and secondary data**.

Secondary data is collected from *different reference books, research paper, journals, articles, news paper, website, etc.*

Primary data is collected from *Survey and Interview*.

6.4: Sample: My research is mainly based on the views of people related with laws and jurisprudence. So to find out their thinking about the aspects and acceptance of jury trial, I have chosen the persons connected with law based profession, such as- **Judges, advocates, Attorney General, Members of Bar council, chairman and employee of Law commission** etc. under **interview**.

I have also scrutinized view of the '**Law Students**' of some educational institutions of Bangladesh to bring out their opinions by **survey**.

So there are 2 types of samples in this study as follows:

1. Persons connected with law based profession- 13

2. Law Students- 25

7. Hypothesis: In this research I have assumed some hypotheses, which will be tested by this study. These are-

1. Jury trial system plays a helping role to flourish democracy. But Jury trial have lost its widespread acceptance for its complex, slow, prolonged and ambiguous nature.
2. '*The large expenses of jury system*', '*lack of knowledge of jury about judicial procedures*', '*probability of influencing trial by media*', etc as the prime causes of avoiding jury system in 3rd world countries like Bangladesh.
3. It is not appropriate to adopt Jury system fully in Bangladesh. At least in important and serious cases, can jury system be helpful for ensuring fair and speedy trial in Bangladesh.

8. Research Findings:

8.1: Central Research Findings: This research is conducted by following both *qualitative* and *quantitative* method. This section of research contains the **major findings** of data collected from **Survey, Interview**.

In this section I will represent the data those have been collected from interview and survey.

Summarization of the total collected data with features is given in below:

8.2: Findings Of The Data Collected From The law Students By Survey:

Question (1): Theoretically in Jury trial system, the participation of mass people, civil society and expert opinion ensures transparency and accountability of criminal justice system. Do you agree with this view?

From the survey conducted among 25 respondents of law students of different educational institutions, it is found that 72% law student respondents think the participation of mass people, civil society and expert opinion ensures transparency and accountability of criminal justice system.

The finding of this question is shown in the following table:

Answer	Number of Respondents	Percentage
a. YES	18	72%
b. NO	7	28%

Table-1: Opinion about the Transparency and Accountability of Jury trial

The ratio can be understood from the following chart:

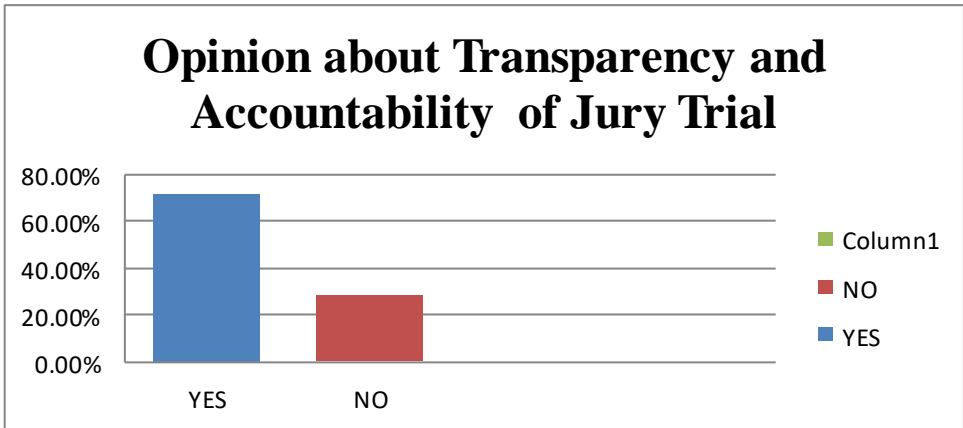


Figure- 3: Opinion about the Transparency and Accountability of Jury trial

Question (2): In many cases theorists identify that, Jury trial makes the judicial system complex, slow, prolonged and ambiguous. Do you think so?

From the survey we can see 60% respondents out of 25 respondents think that Jury trial makes the judicial system complex, slow, prolonged and ambiguous.

The finding of this question is shown in the following table:

Answer	Number of Respondents	Percentage
Yes	15	60%
No	10	40%

Table-2: Assumption about complex, slow, prolonged and ambiguous nature of jury system

The ratio can be understood from the following chart:

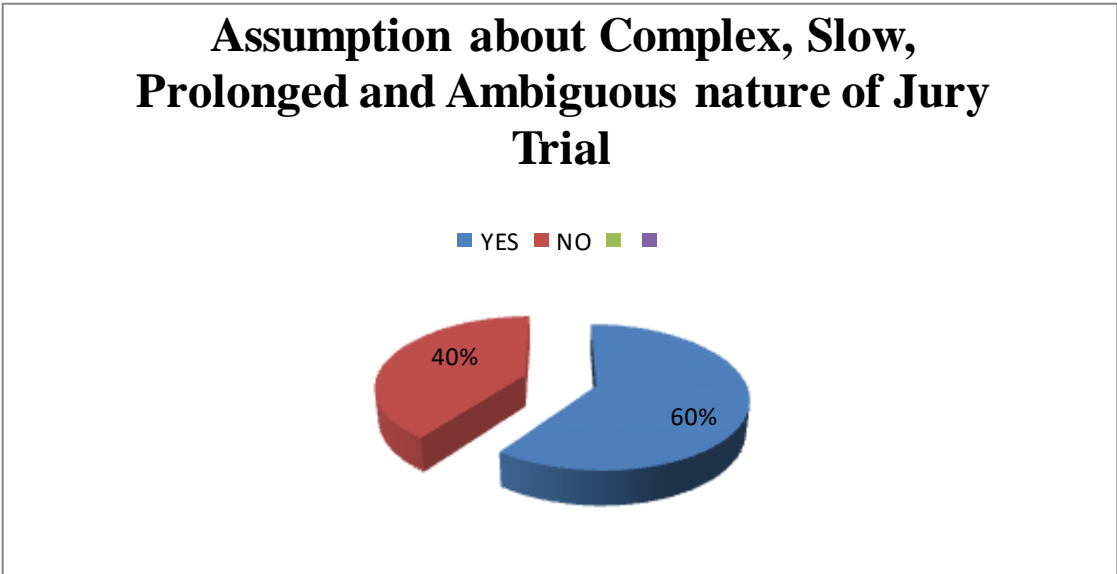


Figure- 4: Assumption about complex, slow, prolonged and ambiguous nature of jury system

Question (3) - According to you, does jury system suit in Bangladesh?

From the data of the survey, among the respondents of 64% think jury system does not suit in Bangladesh.

The finding of this question is shown in the following table:

Answer	Number of Respondents	Percentage
a. YES	9	36 %
b. NO	16	64%

Table-3: Appropriateness of jury system in Bangladesh

The ratio can be understood from the following chart:

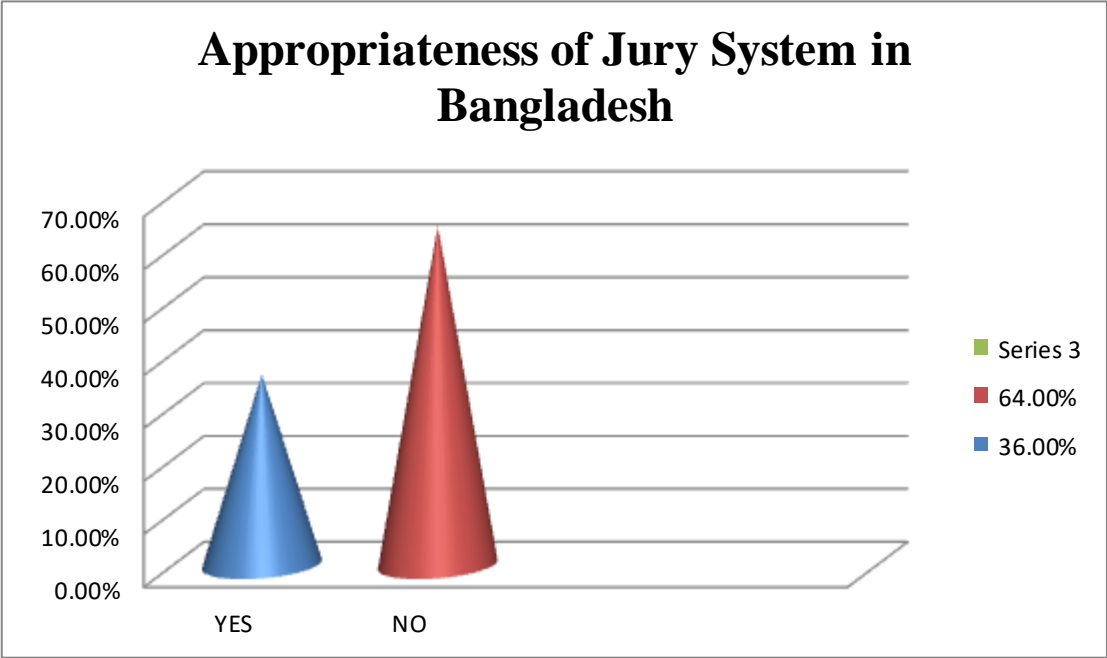


Figure- 5: Appropriateness of jury system in Bangladesh

Question (4) - According to you what is the prime obstacle to enforce jury system in Bangladesh?

In this study we tried to find out the prime obstacle to enforce jury system in Bangladesh. Among the respondents **8%** states that **expensive, prolonged and slow nature** of jury trial is prime obstacle. On the other hand, **20%** think, jury system cannot be adopted for **the probability of influencing trial by media, political persons and biasness of jury**. **72%** think all of these are vital hindrances to enforce jury system in Bangladesh.

The finding of this question is shown in the following table:

Answer	Number of Respondents	Percentage
expensive, prolonged and slow	2	8%
lack of knowledge of jury about judicial procedures	0	0%
probability of influencing trial by media, political persons and biasness of jury	5	20%
All of these	18	72%

Table-4: Prime obstacle to enforce jury system in Bangladesh

The ratio can be understood from the following chart:

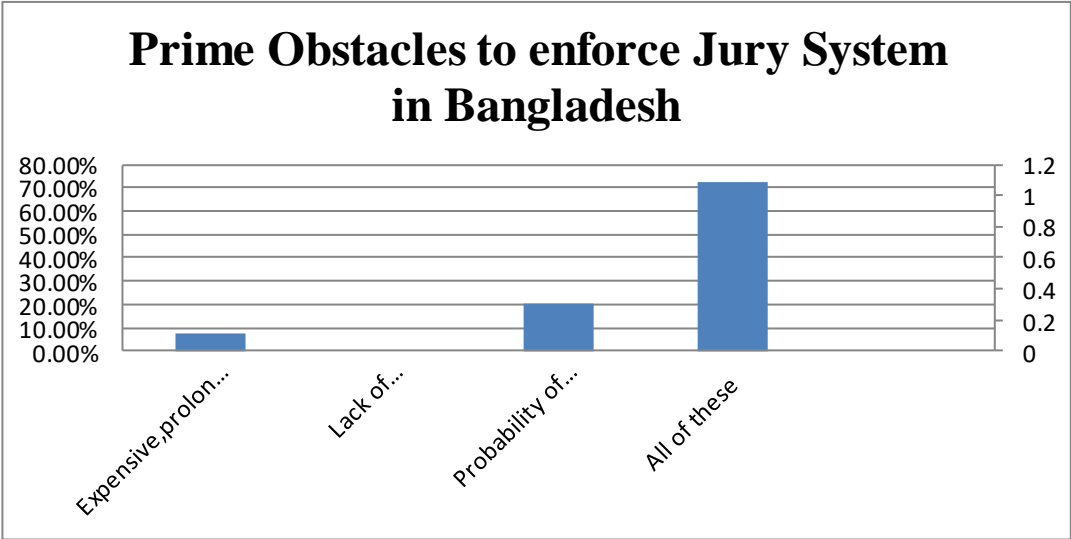


Figure- 6: Prime obstacle to enforce jury system in Bangladesh

Question (5) - At least in important and serious cases, should jury system be adopted for ensuring fair and transparent trial in Bangladesh?

The data collected from survey presented that **88%** respondents argue that at least in important and serious cases, jury system should be adopted for ensuring fair and transparent trial in Bangladesh.

The finding of this question is shown in the following table:

Answer	Number of Respondents	Percentage
a. YES	22	88%
b. NO	3	12%

Table-5: Importance to adopt jury trial in Bangladesh in important and serious cases

The ratio can be understood from the following chart:

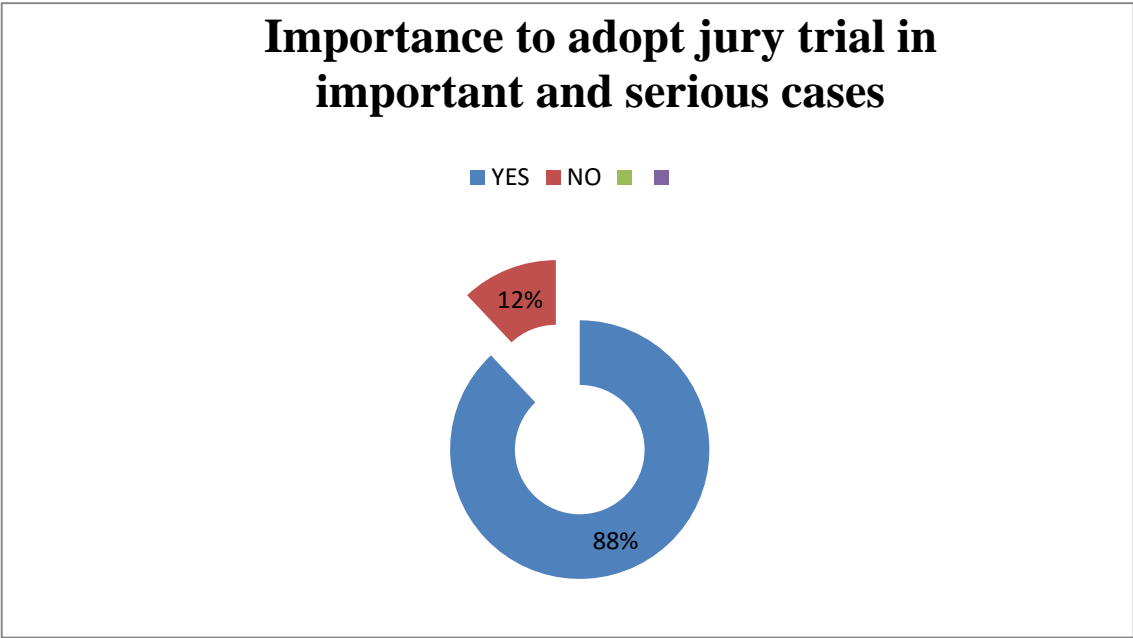


Figure- 7: Importance to adopt jury trial in Bangladesh in important and serious cases

8.3: Findings Of The Data Collected From The Persons In Law Related Profession By Interview

Finding-1: Opinion about the co-relation between ‘Jury trial system’ and ‘Democracy’. From the interviews conducted among the persons who are directly engaged in the law related professions, we found that they explain the co-relation between ‘Jury trial system’ and ‘Democracy’ in following way:

Md Ali Hayder Kamal says:
“to flourish democracy it is a vital question that others opinion will be considered or not. In this perspective jury trial paves the way of public liberty.” (Md. Ali Hayder Kamal, 2024)

With the opposite view **D H Khan** argues:
“I am confused how the jury system and democracy is interrelated. Democracy is a external matter of court and trial system.” (D H Khan, 2024)

Md Atikur Rahman Ovee states that:
“theoretically we found strong correlation between democracy and jury, rather than practically” (Ovee 2024)

Finding-2: Opinion about the complex, slow, prolonged and ambiguous nature of Jury system.
To give opinion about the complex, slow, prolonged and ambiguous nature of Jury system, **Sabuj Barai** states that-

“obviously jury trial creates dilemma in judicial process.” (Barai, 2023)

According to **Biplab Kanti Sarker-**

“Jury trial is largely criticized for its slow and prolonged nature.” (Sarker, 2024)

Adv Mizanur Rahman Shikder says-

“Jury procedure seeks extended time to reach justice.” (Shikder, 2024)

Finding-3: Opinion about the prime causes of avoiding jury system in 3rd world countries like Bangladesh.

According to **Abm Khairul Haque** “it is very hard to find out persons ‘*free from biasness and corruption*’ in Bangladesh to make jury.” (Haque, 2024)

Hosne Ara Akter states that:

“jury system is very expensive process and does not suit in 3rd world poor countries.” (Akter, 2015)

Alifa Begum thinks:

“Jury system will not be successful for biasness and influence of powerful parties.” (Begum, 2024)

Md Ali Hayder Kamal states that:

“**multiplicity of suit** is another cause of dilemma with jury trial.” (Kamal, 2024)

Finding-4: Scope or possibility to introduce jury system in Bangladesh

According to **Mr. Mahbube Alam,**

“the judicial process has been already complicated with large amount of pending cases and the system suffers from corruption and bribery.” (Alam, 2020) In this situation there is no scope or possibility to introduce jury system.

Md Akramul Hoque says:

“there is no probability to change the existing system.” (Haque M. A., 2021)

9. Research Analysis: From this research we have got many opinions and arguments, which have given a clear idea about the multi dimensional aspects and its role around the world through a comparative analysis.

Now the prime findings and assumptions got from the study are analyzed below:

Jury trial system ensures transparency and accountability of criminal justice system and flourishes democracy: In this research by searching the view of respondents we found jury system has positive features to ensure transparency and accountability of criminal justice system and flourishes democracy.

In the survey we can see 72% respondents think jury trial system is helpful to preserve justice and ensure fair trial.

In the interview we can see, many of them think that, as the jury people are selected from intellectual group and civil society jury represents ‘public opinion’. They are the mirror of

sentiment and demand of mass people. They reflect the citizen rights and liberty of speech for fair trial.

Juries are one of the most democratic aspects of the public life. There is no other right that is so open to the public, where ordinary people participate in decisions of such immediate importance and wield real power. It ensures democracy in right meaning.

Jury system has also been criticized for its complex, slow and prolonged nature: From the opinions collected from interview and survey, the respondents have expressed that, the main fault points of jury trial is its complex, slow and prolonged nature. 60% law student participants in survey think jury trial system seek long term proceedings to dismiss the case. In this study, we can see jury system is not fared well in '*inquisitorial environment*', but results from a '**lack of enthusiasm**' for jury trial. Jury likely to be selected in a lengthy trial would be unable to grasp the issues, evidence and detailed law, which makes it complicated.

Multi dimensional mechanisms work behind the lack of adoption of jury system in the 3rd world countries like Bangladesh: The findings of this research show that, because of multi dimensional mechanisms jury trial fails to reach its goal to ensure fair and proper trial in the 3rd world countries like Bangladesh. '*The large expenses of jury system*', '*lack of knowledge of jury about judicial procedures*', '*probability of influencing trial by media*', etc as the prime causes of avoiding jury system.

We can see the time and costs of jury verdicts are greater relative to bench verdicts. In the 3rd world country "Corruption in Judicial Branch" is a prime obstacle of proper justice. According to **Abm Khairul Haque**, it is very hard to find out persons '*free from biasness and corruption*' in Bangladesh to make jury. (Haque A. K., 2024) In 3rd world countries there is a probability to influence judicial process by '**corporate entity**' to maximize their interest by juries.

Md. Ali Hayder Kamal identifies that '**multiplicity of suit**' is another cause of dilemma with jury trial. (Kamal, 2024)

There is no scope and Possibility to enforce jury trial system in Bangladesh: Jury trial system is not enforced in the judicial system of Bangladesh. From the interview of legal experts, we found that there any scope or possibility to introduce jury system in Bangladesh.

In the present context, jury trial cannot be introduced in Bangladesh. Jury trial can be a great hindrance to the speedy disposal of justice delivery.

According to **Mr. Mahbube Alam**:

"the judicial process has been already complicated with large amount of pending cases and the system suffers from corruption and bribery." (Alam, 2020)

In this situation there is no scope or possibility to introduce jury system.

Opinions to adopt jury system at least in important and serious cases: In this study we seek to know the importance of jury adoption at least in important and serious cases. Only 36% respondents of survey thinks, jury trial can be used in important and serious cases.

On the other hand, many legal experts argue it will make the system more ambiguous. Samir Mollick, says: the probability of influence in serious cases by media with ‘Yellow Journalism’ and rich people will be increased. (Mollick, 2024)

10. Conclusion: Jury trials, as a form of participatory justice, have seen diverse evolution and application across different jurisdictions, reflecting the distinct historical, cultural, and legal frameworks within Bangladesh, India, and Europe. While the jury system is largely obsolete in Bangladesh and India, it remains an integral component of the justice system in several European countries. This divergence is a result of varied socio-political realities, institutional structures, and public perceptions of fairness and efficiency.

In Bangladesh and India, the discontinuation of jury trials stems from concerns about jury impartiality, susceptibility to influence, and the complexities of managing a lay jury in a system dominated by procedural intricacies. The infamous Nanavati case in India, for instance, highlighted the potential for emotional or media-driven verdicts, leading to diminished trust in jury trials. Similarly, in Bangladesh, the challenges of socio-economic disparity and potential manipulation undermined the jury system's credibility, leading to its eventual abolition.

In contrast, several European countries, such as the United Kingdom and France, have retained jury trials, albeit with modifications to address modern-day challenges. The jury system in these jurisdictions is supported by robust legal frameworks, effective juror selection processes, and public trust in judicial institutions. European systems often balance professional and lay participation, ensuring that juries contribute community perspectives while maintaining judicial oversight to ensure legal coherence.

The comparative analysis highlights that the effectiveness of a jury system is not universal but is instead contingent on contextual factors. Countries like Bangladesh and India have adapted their systems to prioritize professional adjudication, emphasizing efficiency and legal expertise. Meanwhile, European countries have sought to preserve the democratic ethos of jury trials while addressing contemporary challenges. Moving forward, the lessons from these jurisdictions underscore the importance of aligning judicial mechanisms with societal values, institutional capacities, and the overarching goal of justice. For nations considering reforms, it is imperative to evaluate whether jury trials can serve their justice systems' specific needs or if alternative mechanisms are better suited to ensure fairness, efficiency, and public trust.

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Novel Insights, *An International Journal of Multidisciplinary Studies*

A Peer-Reviewed Quarterly Research Journal

ISSN: 3048-6572 (Online) ISSN: 3049-1991 (Print)

Volume-I, Issue-III, February 2025, Page No. 224-230

Published by Uttarsuri, Sribhumi, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI: 10.69655/novelinsight.vol.1.issue.03W.023



The Relevance of Vedic Knowledge in Modern Science and Technology

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Received: 15.02.2025; Accepted: 27.02.2025; Available online: 28.02.2025

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Abstract

The Vedas, the ancient sacred texts of India, are revered for their spiritual wisdom. In today's era of rapid scientific progress, it is vital to recognize the experience and knowledge within ancient cultures. Dating back more than 3,000 years, the Vedas provide a wealth of knowledge that is still relevant in our modern world. This paper explores the deep connection between Vedic wisdom and current science and technology, emphasizing how these ancient teachings still inform our evolving understanding of the universe. This article will be an attempt to discuss the relevance of Vedic knowledge in modern science and technology.

Keywords: Vedic Knowledge, Modern Science and Technology, Vedic mathematics, Holistic well-being, Ecological consciousness, Linguistic insights, Cosmic wisdom, Ethical values.

In a time marked by rapid advances in science and technology, it is vital to appreciate the continuing wisdom within ancient cultures. The Vedas, the ancient sacred texts of India, are often revered for their spiritual insights. Beyond their mysticism, they have an intense reservoir of knowledge that aligns with today's growth. We will embark on a journey to explore the multifaceted importance of Vedic knowledge in our modern world. The interrelation between Vedic wisdom and modern science and technology is excellent. The Vedas offer a special perspective on the interaction between humanity and nature, emphasizing the interconnectedness of all living beings and prescribing harmony with the environment. This comprehensive vision of the world is in line with current ecological principles, where sustainability and balance are the most important against climate change and environmental degradation. The Vedas show a deep respect for nature and its ecosystems, promoting an ecological spirit associated with current environmental protection movements.

The Vedas offer great insights into the cosmos, describing in detail the components of nature, astronomical bodies, and the interrelationship of all life. They present a comprehensive vision in which everything is seen as heavenly and part of a larger cosmic order. The Vedas also contain complex instructions for rituals called ‘Yajñas’, performed to maintain harmony with nature, reconcile the divine and ensure individual and collective well-being. Natural forces such as Agni (fire), Varuṇa (water) and Indra (rain) are represented as deities, showing the great respect for nature in Vedic thought. The Vedas are primary sources of knowledge and spirituality. They advocate a harmonious connection between humanity and the natural world, emphasizing respect, understanding and responsible management of the environment.

It also plays a vital role in the initiation of yoga and the mind-body connection. Although the term ‘yoga’ appears in the Vedas, more complete references to the philosophy and practices of yoga are found in later texts such as the Upanishads. It is primarily the Upanishads, within the Vedas, that lay the philosophical foundations of yoga. They explore the concept of the self (Atman) and the ultimate reality (Brahman), both of which are central to yogic philosophy. The pursuit of self-realization and fusion with the divine are major themes in both Vedanta (Upanishadic philosophy) and yoga. The Vedas recognize the deep connection between mind and body, the cornerstone of yoga. Practices such as prāṇāyama (breath control), āsana (physical postures) and dhyāna (meditation) aim to balance and synchronize the mind and body. Through its emphasis on meditation and spiritual development, the Vedas contribute greatly to the evolution of these practices. The Vedas, which contain many mantras and chants, some of which are still used in modern yoga and meditation, occupy a special place. Chanting these sacred sounds is believed to have a profound effect on the mind, promoting peace and concentration, thus establishing a healthy connection between mind and body. The Vedas also give ethical guidelines, aligned with the virtuous principles of yoga, such as non-violence (ahimsa), truthfulness (satya) and self-control (tāpas). These ethical teachings are fundamental to fostering a balanced and harmonious mind-body connection.¹

The Vedas contain not only scientific and technological knowledge, but also philosophical and spiritual teachings that remind people to study the natural world as a way to connect with the divine. Meditation and reflection on nature play vital roles in Vedic spirituality. Although not directly expressed in the Vedas, the concepts of yoga and Ayurveda, ancient systems of wellness, find their roots in Vedic philosophy. Yoga tries to find harmony with the self and the universe, while Ayurveda focuses on natural healing and balance. Modern science has confirmed the positive impact of yoga and meditation on stress reduction, emotional well-being and physical well-being, contributing to its global acceptance. Yoga, apart from its physical appeal, plays a significant emphasis on mental and emotional well-being, providing valuable tools to face a period marked by many stresses and mental health challenges. Derived from Vedic philosophy, yoga is based on the spiritual and philosophical foundations of the Vedas, emphasizing the close connection

between the mind and the body. Although Yoga has developed and diversified over the centuries, its core principles are still deeply rooted in Vedic philosophy and spirituality.²

Another significant gift of Vedic knowledge is Ayurveda, the ancient Indian system of medicine. Ayurveda places great emphasis on preventive health care, personalized treatment, and natural remedies. In this era of high healthcare costs and widespread chronic disease, Ayurvedic principles offer valuable insights into holistic wellness and alternative medicine. The Vedas play a significant role in Ayurveda, and are believed to have originated from the Atharvaveda, one of the four Vedas, around 6,000 years ago. They include songs of praise, rituals and knowledge related to health and healing, creating the fundamental wisdom of Ayurveda. The Vedas show health as a state in harmony with nature and illness as a disturbance of this balance. Ayurveda emphasizes Vedic principles to understand the causes of disease and how to restore health through natural remedies. Classical Ayurvedic texts such as Charaka Samhitā and Sushruta Samhitā embody Vedic concepts and teachings and discuss various aspects of health, diagnosis, treatment and lifestyle according to Vedic principles. Both the Vedas and Ayurveda advocate a holistic approach to health, considering the unique constitution of the individual (Prakriti) and seeking to restore balance in the body, mind and spirit, echoing the Vedic concept of unity with the universe. The Vedas conclude the importance of natural elements such as herbs, plants and minerals in healing, which is still a fundamental aspect of Ayurveda, as many Ayurvedic medicines are derived from these natural sources. Ayurveda, an ancient Indian system of medicine, is one of the most important contributions to Vedic knowledge. It plays a great importance on preventive health care, individual treatment and natural remedies, emphasizing overall healing by addressing mind, body and spirit. Its principles of stability and natural remedies are in line with the modern view of holistic health care.³

Vedic mathematics, although not clearly mentioned in the Vedas, is inspired by Vedic literature and philosophical ideas. It offers innovative approaches to problem solving, with techniques found in ancient Vedic texts known for their clarity and effectiveness. These methods find practical applications in many areas of modern science, including engineering, computer science, and data analysis. Some of these techniques also have direct relevance in modern computer science, as they provide more structured algorithms for solving mathematical problems. In the field of cryptography, Vedic mathematics contributes to the development of strong encryption algorithms. Rooted in the spiritual and philosophical ideas found in the Vedas, Vedic mathematics emphasizes correlation and the pursuit of knowledge as a sacred endeavour. By incorporating numerous mental calculation techniques believed to have their origins in Vedic literature, it allows for faster and better planning of arithmetic calculations. Following the Vedic principle of simplicity and unity, Vedic mathematics clarifies mathematical operations and reflects the holistic view of the cosmos presented in the Vedas.

Over time, Vedic mathematics serves as a practical application of Vedic wisdom in the modern context. Although the Vedas themselves do not directly tell about mathematical techniques, their philosophical foundation and emphasis on knowledge played a role in the

growth of Vedic mathematics. This system offers a variety of shortcuts and strategies for mental calculus, demonstrating the enduring relevance of Vedic knowledge in contemporary mathematical practices. The Vedas also recommend strict respect and reverence for the natural world, considering it divine. This mindset encourages an enthusiastic treatment of the environment. Central to Hinduism, as found in the Vedas, is the concept of Ahimsa, or non-violence. It advocates compassion for all living beings, discouraging harm to animals and the environment. Vedic rituals often require offerings to natural elements such as fire, water and plants, reminding us of our dependence on nature and the need to maintain balance. The Vedas are concerned against waste and excess, while insisting on the responsible use of natural resources to avoid environmental degradation. Recognizing the recurring nature of seasons, life and ecosystems, the Vedas encourage sustainable practices and living according to natural rhythms.⁴

Moreover, the Vedas encourage the value of respecting and protecting nature, consistent with sustainable farming practices. These practices aim to protect soil fertility, biodiversity and water resources. References in the Vedas to agricultural practices, such as crop rotation and natural fertilization, coincide with modern agro-ecological principles, reducing dependence on synthetic inputs and promoting ecological balance. Many Vedic rituals and festivals are intertwined with agricultural cycles, encouraging sustainable planting and harvest times, in harmony with natural rhythms. The Vedas also provide information on the conservation and management of water resources, emphasizing the importance of structured irrigation techniques and responsible water management in sustainable agriculture.

By preserving ancient knowledge of plants, herbs and traditional agricultural techniques, the Vedas provide valuable guidance on sustainable agricultural practices and the use of indigenous plants. By incorporating these teachings into modern farming practices it is possible to promote sustainable agriculture by respecting the environment, conserving resources, and fostering ethical and harmonious relationships between people and nature. Vedic texts also contain agricultural wisdom regarding the best time to plant and harvest crops according to seasons and astrological events, knowledge vital to sustenance and prosperity. They provide advice on agriculture and land management that aligns with the contemporary orientation of sustainable agriculture, such as crop rotation, organic farming and the use of natural fertilizers, practices that increase crop productivity and environmental sustainability.

Various hymns and verses from the Vedas offer ecological wisdom, emphasizing the importance of protecting forests, rivers and wildlife. Although the interpretation and application of Vedic teachings may vary between individuals and communities, they have notably contributed to a cultural and spiritual appreciation of ecological balance in Hinduism. In addition, they affected environmental movements in India and beyond. Vedic understanding of the natural world provides valuable insights. Concepts such as the interconnectedness of all living things and the emphasis on environmental sustainability are relevant in modern ecological and environmental sciences. The reverence of the Vedas for nature and its ecosystems is in line with the growing awareness of the importance of

preserving our planet. Therefore, Vedic wisdom emphasizes the interconnectedness of all living beings and emphasizes the importance of maintaining ecological balance. These ideas are in line with the contemporary efforts of environmental science and sustainability.⁵

The influence of the Vedas increases linguistics and computer science, but indirectly. The precise and structured nature of Sanskrit, the language of the Vedas, has inspired linguists and computer scientists. It provides valuable insights into natural language processing, machine learning, and artificial intelligence. In the realm of speech recognition, Sanskrit phonetic accuracy has the potential to improve voice-controlled alliances and virtual assistants. The Vedas provide detailed phonetic explanations of Sanskrit sounds, which linguists have studied to understand the articulation of sounds, with wider applications in linguistics. Pānini, an ancient Indian grammarian, prepared the Pāninīyam grammar system based on Sanskrit, as found in the Vedas. This system is the basis of linguistics and formal language theory. Linguistic studies guided by the Vedas played a role in the development of NLP algorithms, which allow computers to understand and process human languages. Some computer scientists have explored the possibility of using Sanskrit or similar languages as a basis for programming languages, attracted by their logical and distinctive structure. The formal language structures applied in Pāninīyam grammar and the study of linguistics have informed the expansion of algorithms for AI and machine learning, particularly in the field of syntax analysis. Although the Vedas themselves are not directly applied in current linguistics or computer science, the linguistic insights gained from their study, along with the grammatical traditions of India, have contributed greatly to these fields. Therefore, the study of Sanskrit, the language in which the Vedas are written, has gained valuable information regarding natural language processing and artificial intelligence. The complex grammar and its precise structure encouraged linguists and computer scientists to develop more systematic language processing algorithms.⁶

The Vedas have great knowledge of astronomy and cosmology and play an important role in these fields. They provide precise calculations and explanations of celestial bodies, which interest astronomers and modern scientists. For example, the Rigveda, one of the oldest Vedas, contains songs of praise that describe celestial entities such as the Sun, Moon, stars, and constellations, suggesting that Vedic scholars had experiential knowledge of the night sky. The Vedas also influenced the expansion of Hindu calendar systems, providing guidelines for time-keeping and the celestial phases essential to religious practices and agricultural activities. In addition, they introduce concepts such as the 'Cosmic Egg' (Hiranyagarbha) and different realms or Lokas, which determine Hindu cosmological thought. Instruments such as the gnomon (shanku) are mentioned for tracking the movement of the sun and moon, reflecting earlier attempts at observational astronomy. Many Vedic myths and stories have celestial aspects, such as the churning of the sea (Samudra Manthan), which symbolizes cosmic events. Accurate knowledge of the celestial bodies was crucial to determining the appropriate moments for rituals. Although the Vedas contain significant astronomical information, some claim that their ancient knowledge may have influenced the early developments of astronomy. Due to the correct calculation of the

position of the celestial bodies found in the Vedas, some suggested that this knowledge could inform modern astrophysics. However, it is important to note that the Vedas are essentially religious and philosophical texts, and that modern astronomy and cosmology were advanced through objective observations, mathematics and sophisticated instruments. Despite this, the Vedas remain culturally and historically significant for their contributions to the ancient Indian understanding of the Universe.⁷

An interesting relationship between Vedic knowledge and modern science arises in the field of quantum physics. Some scholars suggest that Vedic concepts of consciousness, especially the interconnectedness of all life, resemble the strange and counterintuitive nature of quantum phenomena. Exploring these contours could provide deep insights into the nature of reality itself. This highlights how philosophical concepts in Vedic texts converge on concepts like those in quantum physics, encouraging a conversation about the interconnectedness of reality.⁸

There is a great wealth of philosophical, ethical and moral teachings in the Vedas. Although they preceded modern science and technology, their influence continues in contemporary approaches to ethics and morality in these areas. For example, Vedic teachings emphasize ethical behaviour, compassion, and the pursuit of knowledge, all of which are relevant to current debates about the ethics of artificial intelligence and responsible technological growth. Principles such as non-violence (*ahimsā*), truth (*satya*) and compassion (*karunā*) continue to be relevant in the contemporary world, guiding ethical decision-making in scientific and technological activities. The Vedas emphasize the need to live in harmony with nature. In the context of modern science and technology, this call is reiterated as an important call for responsible and sustainable development that minimizes damage to our environment. As science and technology advance, they regularly raise dilemmas and ethical questions about the outcome of our actions. The ethical principles implanted in the Vedas can serve as a source of inspiration and guidance to face these complex dilemmas.⁹

In addition, the Vedas explore the complex connection between the mind and the body, emphasizing the importance of mental well-being. In modern science, there is greater acceptance of the profound influence of mental and emotional states on physical health and general well-being. The concept of interconnectedness and unity, so prevalent in the Vedas, is in line with modern scientific fields such as ecology and systems theory, which emphasize the interrelated nature of our world. They emphasize the urgent need for a holistic and ethical approach in our interaction with the environment. Vedic teachings emphasize the ethical treatment of animals and the land. This philosophy is perfectly aligned with sustainable agriculture, promoting humane animal husbandry and responsible land use.¹⁰

Furthermore, the Vedas emphasize the vital importance of environmental ethics, which is the concept of 'Dharma' (duty) towards nature. The duty is placed on people to protect and preserve the environment, avoiding negligent exploitation. It is worth noting that while the

Vedas provide valuable insights into ethics and morality, modern science and technology operate within their own defined ethical frameworks, often influenced by a diverse range of secular and philosophical perspectives. However, individuals and organizations within these fields can produce the ethical and moral teachings of the Vedas to uphold ethical and responsible practices.¹¹

In conclusion, we can say that the relevance of Vedic knowledge in modern science and technology is beyond doubt. Whether it is comprehensive health care, sustainable agriculture, advanced mathematical techniques, ecological awareness, linguistic awareness, cosmic knowledge, ethical values, or intense philosophical intuition, the wisdom contained in the Vedas continues to inspire and illuminate our quest for a deeper understanding of the world around us. Whether it is comprehensive health care, sustainable agriculture, advanced mathematical techniques, ecological awareness, linguistic awareness, cosmic knowledge, ethical values, or intense philosophical intuition, the wisdom contained in the Vedas continues to inspire and illuminate our quest for a deeper understanding of the world around us. By combining ancient knowledge with modern discoveries, we have the potential to find a more harmonious and sustainable future for humanity. In doing so, we respect the enduring legacy of Vedic knowledge and its lasting impact on our rapidly evolving world. In this convergence of ancient wisdom and modern progress, we realize that the Vedas are not just relics of the past, but a bright lamp that shows our path to a brighter and clearer future.

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Novel Insights, *An International Journal of Multidisciplinary Studies*

A Peer-Reviewed Quarterly Research Journal

E-ISSN: 3048-6572

P-ISSN: 3049-1991

Published by **Uttarsuri**, Karimganj, Assam, India, 788711

Website: <http://novelinsights.in/>

DOI Prefix: 10.69655

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Next Issue: May, 2025
Email: editor@novelinsights.in



Atmadeep

A Peer-Reviewed Bi-monthly Bengali Research Journal

ISSN: 2454-1508 DOI Prefix: 10.69655

Website: <https://www.atmadeep.in> Email: editor@atmadeep.in

Publisher: Uttarsuri

Frequency: Bimonthly

Next Issue: May, 2025

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Published by:
Uttarsuri
Sribhumi, Assam, India