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EDITORIAL

Social Sciences form a core part of academics. The work being undertaken by the subjects like Sociology, Economics, Political Science, Psychology, Law, History and the like, is essentially social in nature. The reason is that the obligation is not only professional, but also moral. There is a need that the papers authored by the experts from different subjects touch the very core angles of the social issues and social contents being focused in research writing. Education as a sector has evolved multifold and the options to explore in terms of technology and learning are many more than ever imagined. More so, research has become a global phenomenon now. Research on any particular themes is not limited to one region or nation now. Social aspects need rigorous efforts to be understood, explained and explored; and the biggest onus lies on the shoulders of the social scientists of the world. Magazines, journals and other research related outcomes and products, unlike never before stand more responsible for taking on this task in order to spread the word to the desired limits. *The RGNUL Social Sciences Review* (RSSR) as a Journal of knowledge has always striven for discussing the most contemporary contents, which are the call of the time and we aim to expand our mission in the coming time. RSSR is an interdisciplinary journal and it seeks interdisciplinary approaches and explorations on all current social, economic, cultural, legal issues having bearing on multiple aspects of human life. Contributions designed in comprehensive manner about the present socio-legal systems with an inclusive focus on future developments and possibilities have been the real thrust and shall continue to be so. Rajiv Gandhi National University of Law, Punjab and *The RGNUL Social Sciences Review* (RSSR) thank all the contributors and congratulate them for making their presence in academia felt through their research works. We also welcome more scholars, academicians and professionals from different fields to contribute papers to the journal to make it even more successful venture of the institution.

Dr. Jasleen Kewlani
Editor in Chief

RGNUL Social Sciences Review

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The Art of Tomorrow: Creativity in the Post-Digital World¹

Abstract:

This study investigates the evolution of art in the post-digital era, examining how digital technologies have transformed artistic practices, aesthetics, and the relationship between artists and audiences. By analyzing key developments in post-digital art, including the hybridization of media, the rise of interactivity, and the impact of social media, the paper investigates how these factors have redefined creativity and artistic expression. Furthermore, this study investigates the impact of cutting-edge technologies such as artificial intelligence and virtual reality on the evolution of art. By examining prominent artists and art movements, the paper highlights the complexities and opportunities presented by the post-digital landscape, ultimately arguing for a nuanced understanding of the relationship between technology, culture, and artistic innovation.

Keywords: Post-digital art, hybrid media, interactivity, digital technologies, AI in art, post-digital aesthetics, digital activism, art and technology, creative processes, visual arts, art movements, ethical art.

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From Canvas to Code

The advent of the digital revolution in the late 20th century fundamentally transformed various aspects of human life, including the domains of art and creativity. Digital technologies, from personal computers to the internet, have reshaped how art is created, distributed, and experienced. However, as we progress into the 21st century, the saturation and omnipresence of digital technologies have led to the emergence of what scholars and practitioners term the "post-digital era." This era is characterized not merely by the presence of digital tools but by a complex intermingling of digital and analog practices, where the novelty of digital technology has worn off, and it has become a seamlessly integrated part of our everyday lives (Cramer 12).

Understanding art and creativity in the post-digital era is crucial for several reasons. Firstly, it allows us to comprehend how artists are adapting to and utilizing the pervasive digital landscape to create innovative works that challenge traditional boundaries (Bishop 45). Secondly, it sheds light on how the audience's interaction with art is evolving in a hyper-connected world (Manovich 78). Lastly, it provides insights into the broader cultural, social, and political implications of art created in this era, offering a reflection of contemporary society's values, struggles, and aspirations (Ratto and Boler 67).

This objective of this research work is to examine the multifaceted nature of art and creativity in the post-digital era through the lens of "New Media Theory." By adopting this theoretical framework, we seek to understand how digital technologies have transformed artistic practices, audience experiences, and the broader cultural landscape. The key research questions guiding this study include:

- How has the concept of art evolved in the post-digital context?
- What are the defining characteristics of post-digital art and creativity?
- In what ways have digital technologies influenced the creative processes and practices of artists?
- How do post-digital artworks engage with and reflect contemporary cultural, social, and political issues? (Anderson, 2006, p. 22; Sterling 33)

The objectives of this paper are to:

- Analyze the historical transition from digital to post-digital art.
- Identify and discuss the unique features and practices of post-digital art.
- Examine the role of digital tools and platforms in shaping creative expression.
- Investigate the impact of post-digital art on audiences and cultural discourse (Shanken 59).

Investigating art in the post-digital era using 'New Media Theory' can offer valuable insights into the evolving relationship between technology, creativity, and social structures. This research has the potential to inform artistic practices, enhance audience engagement, and contribute to a deeper understanding of contemporary culture.

Digital Tides: A Theoretical Undercurrent

Digital Culture, Analogue Soul: Defining the Post-Digital Era

The term "post-digital" encapsulates a period where digital technology has transcended its novelty, becoming an intrinsic and ubiquitous facet of daily life. Florian Cramer posits that the post-digital is characterized by a seamless blend of digital and analog practices, where technology's presence often goes unnoticed (Cramer 13). This era marks a resurgence of tactile experiences while concurrently incorporating digital advancements, resulting in a hybrid approach to media and methods. The emergence of "digital natives," individuals immersed in digital technology from birth, further underscores the post-digital condition, as technology is an inherent aspect of their lives and worldview.

From Brush to Byte: The Evolution of Artistic Expression

Technological advancements have consistently shaped the trajectory of art and creativity. From the revolutionary impact of the printing press to the democratization of image-making through photography, each technological leap has expanded artistic possibilities. In the post-digital era, this evolution accelerates, with digital tools seamlessly integrated into the creative process. Manovich highlights the emergence of a new media language that merges digital and analog elements, fostering a more fluid and interconnected approach to creativity (89). This evolution extends beyond tool utilization to encompass

audience interaction and engagement. As Nicholas Negroponte observes, the diminishing distinction between digital and analog realms fuels innovative artistic expressions that transcend traditional boundaries (54). For instance, the advent of digital photography has challenged traditional notions of authorship, ownership, and the art object, while social media platforms have transformed how art is disseminated and consumed (Manovich 120).

Building Blocks of Post-Digital Creativity

The understanding of post-digital art is underpinned by several key theories and concepts. Hybridity, blending digital and analog elements, is central to this field (Shanken 45). Interactivity, emphasizing audience engagement, is facilitated by digital platforms (Bishop 67). Remix culture, repurposing digital content, fosters a dynamic art scene (Tribe and Jana 29).

Post-digital art often involves a "cybernetic approach" blending physical and digital media (Shanken 78). This hybridity fosters new forms of sensory engagement and spatial exploration (Kwastek 102). Interactivity in post-digital art extends beyond mere engagement to collaborative creation, aligning with the broader cultural trend towards democratization and collective authorship (Bishop 102; Jenkins 124).

The post-digital era prioritizes the creative process, encouraging a dynamic and open-ended approach (Ratto and Boler 58). This fosters deeper engagement and empowerment among creators (Gauntlett 84). Specific technologies like AI, VR, and AR contribute to post-digital art practices. For instance, AI-generated art raises questions about authorship and originality (Buchanan 72). VR and AR create a seamless fusion of the physical and digital worlds, providing immersive experiences for users (Steuer 95).

The audience's role in post-digital art is evolving. From passive consumers to active participants, audiences co-create meaning and value (Jenkins 145). Social media platforms facilitate this shift, enabling direct interaction between artists and audiences (Van Dijck 112).

By understanding these key theories and concepts, we can appreciate how art and creativity are being redefined in the post-digital era. This theoretical framework

sets the stage for exploring the practical implications and manifestations of post-digital art.

From Canvas to Code: A Historical Overview

Masters of the Physical Realm

Prior to the digital revolution, art primarily relied on physical materials and manual techniques. Traditional mediums like painting, sculpture, and printmaking dominated the art world. The creative process was often solitary, emphasizing the artist's skill and the artwork's physicality. This era valued craftsmanship and the tangible nature of art (Shanken 15). For example, the Renaissance period showcased the mastery of perspective and realism in paintings by artists like Leonardo da Vinci and Michelangelo. The audience's role was primarily passive, appreciating the artwork's aesthetic qualities within a gallery or museum setting.

From Brush to Byte: The Digital Shift

The late 20th century marked the advent of the digital era, revolutionizing art creation, distribution, and consumption. Personal computers, graphic design software, and the internet expanded artistic possibilities. Digital tools introduced new aesthetics and production methods, as described by Lev Manovich as the "language of new media" (32). Digital art movements like net art and glitch art emerged, exploring the digital medium's potential (Tribe and Jana 45).

The internet democratized art, enabling global access and distribution. However, the digital divide, where access to technology varied, impacted participation in the digital art world. Online platforms fostered global art communities while also raising questions about authenticity and ownership (Paul 61). This era marked a shift towards interactive and participatory art forms, blurring the lines between artists and audiences.

Hybrid Creativity: The Post-Digital Landscape

The post-digital era represents a further evolution, where digital and analog practices are seamlessly integrated. This era is characterized by a hybrid approach, blending physical materials with digital technologies to create innovative artworks (Cramer 17). For example, artists like Neri Oxman combine 3D printing with biological materials to produce intricate and organic sculptures, blurring the boundaries between nature and technology (Oxman 123).

Moreover, the emergence of augmented reality (AR) and virtual reality (VR) technologies has expanded artistic possibilities, creating immersive experiences that merge the physical and digital worlds (Kwastek 61). Artists like Marina Abramović have explored the potential of VR to create interactive and site-specific installations, challenging traditional notions of art exhibition and audience engagement (97).

This era also witnesses a resurgence of interest in craft and handmade objects, often combined with digital tools (Ratto and Boler 73). The maker movement, with its emphasis on DIY culture and digital fabrication, has influenced contemporary art practices (Doherty 88). Artists like Oron Catts and Ionat Zurr's work with tissue cultures exemplify the hybridization of art, science, and technology in the post-digital era (Catts and Zurr 156).

Evolution or Revolution? Art across Eras

While the pre-digital, digital, and post-digital eras represent distinct phases in the evolution of art, certain continuities persist. The fundamental human desire for creative expression remains constant across these eras. Additionally, the role of art as a means of cultural commentary and social critique has endured. The pre-digital focus on craftsmanship and materiality persists in the post-digital era, albeit in a transformed context where digital tools are seamlessly integrated into the creative process (Negroponte 41).

However, significant disruptions have occurred. The digital and post-digital eras have democratized art-making, expanding access to tools and platforms. This has led to a more diverse and inclusive art world. Moreover, the emphasis on interactivity and participation has transformed the relationship between artists

and audiences, fostering a more collaborative and engaged art ecosystem (Jenkins 98).

The post-digital era, in particular, challenges traditional notions of authorship, originality, and the art object. The increasing hybridization of physical and digital elements challenges the traditional boundaries between art and life, raising questions about the meaning and purpose of artistic creation and reception (Drucker 53).

An examination of these historical shifts provides valuable insights into the complex relationship between art, technology, and culture. This foundation is crucial for exploring the specific features and practices that define contemporary art.

Digital Dawn: Key Moments

The transition to the post-digital era is marked by several key milestones reflecting the integration of digital and analog practices. The mid-2000s, often referred to as Web 2.0, facilitated greater user interaction and collaboration online. The rise of social media platforms allowed artists to reach a global audience and interact directly with their followers (O'Reilly 42).

Advanced digital fabrication technologies, like 3D printing and laser cutting, became more accessible, merging digital design with physical creation (Benyus 59). Augmented reality (AR) and virtual reality (VR) technologies further blended digital and physical realms, offering immersive experiences (Lichty 72). For instance, artist Marina Abramović's use of VR in her work expanded the possibilities for audience interaction and engagement.

Technology's Brushstroke: Shaping the Art World

Digital technologies profoundly impacted art and creativity. The democratization of art-making tools lowered barriers to entry, with software like Adobe Creative Suite and open-source alternatives becoming accessible (Dittmar 81). Artists gained unprecedented control over their creative process, experimenting with digital mediums and techniques.

The internet revolutionized art distribution, bypassing traditional gatekeepers. Platforms like Instagram, DeviantArt, and Behance enabled artists to reach global

audiences (Cohen 95). This democratization, however, raised questions about copyright, ownership, and the value of art in the digital marketplace.

Digital technologies fostered interactive and participatory art forms. Artists created works responding to viewer input, challenging traditional notions of authorship. For example, interactive installations by artists like Ryoji Ikeda explored the relationship between technology, space, and the audience (Grau 110).

AI and machine learning introduced new possibilities, blurring lines between human and artificial creativity. Google's DeepDream and OpenAI's DALL-E generated art, challenged conventional ideas of authorship and originality (McCormack 129).

While offering new opportunities, digital technologies also raised concerns about accessibility and digital divide. Not everyone had equal access to technology or the skills to utilize it effectively.

By examining these milestones and impacts, we understand the unique characteristics of post-digital art. The next sections delve deeper into these features and practices.

Blurring Boundaries: The Post-Digital Aesthetic

Hybridity and Innovation: The Post-Digital Aesthetic

The post-digital era is characterized by the seamless integration and hybridization of digital and traditional media and techniques. Artists today are not confined to a single medium; instead, they blend various forms to create innovative and multifaceted works. This hybridization reflects a broader cultural shift towards interconnectivity and convergence, where boundaries between different artistic disciplines become increasingly fluid (Grau 45).

A notable example of this hybridization is the use of digital tools in conjunction with traditional art forms. For instance, many contemporary painters and sculptors incorporate digital elements into their work, using software like Adobe Photoshop or 3D modeling programs to design or enhance their pieces before realizing them in physical form (Grau 45). This process allows for a greater range

of experimentation and precision, as artists can manipulate and perfect their designs in a virtual space before committing to the physical medium.

Moreover, the rise of digital fabrication technologies, like 3D printing and laser cutting, has transformed the creation of art. These tools enable artists to create intricate and complex designs that would be challenging or impossible to replicate by hand. The combination of digital design and physical fabrication results in unique hybrid works that embody both the precision of digital technology and the tactile quality of traditional craftsmanship (Benyus 67). This fusion of techniques is exemplified in the work of artists like Iris van Herpen, who employs 3D printing to create intricate and avant-garde fashion designs that redefine the limits of textile art (Glover 23).

In addition to merging digital and physical techniques, post-digital artists often combine various media to create multimedia installations and performances. These works may include elements such as video projections, soundscapes, and interactive components, creating immersive environments that engage multiple senses. For example, the artist team Random International is known for their large-scale installations that blend digital technology with physical materials to create interactive experiences that respond to the presence and movement of viewers (Sterling 82).

The hybridization of media and techniques in post-digital art challenges traditional notions of artistic categories and encourages a more interdisciplinary approach to creativity. This trend reflects the interconnected nature of contemporary society, where the boundaries between different fields and disciplines are increasingly blurred.

Breaking the Fourth Wall: Interactive Art Practices

Interactivity and user participation are defining features of post-digital art, distinguishing it from the more passive engagement associated with traditional art. This era invites active involvement, transforming viewers into participants and co-creators. Digital technology facilitates this shift, providing tools for designing responsive and participatory experiences (Paul 39).

Rafael Lozano-Hemmer's "Pulse Room" exemplifies interactive art, using biometric sensors to create a shared experience through heartbeats (Paul 39). The

internet fosters user participation, as seen in projects like "The Johnny Cash Project," a crowd-sourced music video (Howe 102). Virtual and augmented reality expand interactive possibilities, creating immersive experiences where viewers navigate and manipulate virtual spaces (Kwastek 72).

Interactivity challenges traditional hierarchies, promoting a democratic and inclusive approach to creativity. This participatory model aligns with broader cultural trends towards collaboration and community (Jenkins 87).

The Journey is the Destination: Process-Oriented Art

In the post-digital era, there is a growing emphasis on the artistic process rather than the final product. This shift reflects a broader cultural move towards valuing the experience and journey of creation, as well as the evolving nature of art in a digital context. Artists in the post-digital era often focus on the methods and interactions involved in creating their work, inviting audiences to engage with and understand the processes behind the art (Jones 45).

This emphasis on process is evident in the rise of participatory and interactive art forms that prioritize engagement and co-creation over static, finished works. For example, the work of process artist Allan Kaprow, known for his "Happenings" in the 1960s, laid the groundwork for contemporary practices that value the temporal and experiential aspects of art. Kaprow's approach emphasized the event and the involvement of the audience, transforming art into a dynamic and collaborative process (47).

In the digital realm, the process of creation is often made visible through online platforms and social media, where artists share their work-in-progress, solicit feedback, and collaborate with others. Platforms like Instagram and Behance provide a space for artists to document and share the stages of their creative journey, fostering a sense of transparency and community (Grau 63). This openness not only demystifies the artistic process but also encourages a conversation between the artist and their audience, making the creation of art a collective experience.

Moreover, the use of generative art techniques, where algorithms and computational processes play a central role, further exemplifies the emphasis on process. Generative artists like Casey Reas and LIA create works that evolve and

change over time, driven by code and randomization. These works highlight the procedural nature of digital art, where the rules and algorithms set by the artist define the creative output (Galanter 39; Reas 114)). The focus shifts from the final image to the underlying processes that generate it, underscoring the importance of the journey rather than the destination.

Blending Realms: Physical and Digital Convergence

The integration of physical and digital realities is a hallmark of post-digital art, reflecting the increasingly blurred boundaries between the virtual and the tangible in contemporary society. Artists are exploring ways to merge digital technology with physical spaces and objects, creating hybrid works that exist in both realms and engage audiences in new and innovative ways (Smith, 2020, p. 102).

One prominent example of this integration is the use of augmented reality (AR) to enhance the physical world with digital content. AR technology allows artists to enhance physical artworks or environments with interactive and dynamic digital elements. For instance, artist and designer Keiichi Matsuda's AR projects create immersive environments where digital information seamlessly integrates with physical surroundings, offering new ways to perceive and interact with space (77).

Similarly, virtual reality (VR) creates entirely immersive digital environments that can simulate physical presence. Artists using VR technology, like Rachel Rossin, create virtual worlds that viewers can explore and interact with, blurring the lines between reality and digital simulation (88). These experiences challenge traditional notions of art as a static object, transforming it into an immersive and participatory event.

In addition to AR and VR, the use of digital fabrication technologies like 3D printing and CNC milling connect digital design and physical creation. Artists like Anouk Wipprecht combine 3D printing with fashion design to create wearable art pieces that incorporate both digital precision and physical materiality. These works exemplify the hybrid nature of post-digital art, where digital and physical processes are interwoven to produce innovative and complex forms (Wipprecht, 2017, p. 92).

Furthermore, the "Internet of Things" (IoT) extends the integration of digital and physical realities by embedding connectivity and interactivity into everyday objects. Artists and designers use IoT technologies to create responsive environments and objects that communicate and interact with users, transforming the physical world into an interactive digital interface (Sterling 104).

The integration of physical and digital realities in post-digital art reflects broader cultural and technological trends towards convergence and hybridization. This fusion challenges traditional distinctions between the virtual and the real, encouraging innovative artistic expressions that engage with the complexities of contemporary existence.

Masters of the New: Case Studies in Post-Digital Art

Innovators and Visionaries: Post-Digital Artists at Work

The exploration of post-digital art is best illustrated through the works of prominent artists who embody the principles of this era. One such artist is Refik Anadol, whose work integrates data and machine learning with traditional aesthetics to create immersive, data-driven installations. Anadol's "Infinity Room" (2015) uses real-time data visualization and projection mapping to transform physical spaces into dynamic, ever-changing environments. This work exemplifies the fusion of digital and physical realities, inviting viewers to experience a constantly evolving digital landscape (Anadol, 2015, p. 22).

Another notable post-digital artist is Jenny Holzer, known for her use of electronic media and LED technology to convey powerful messages. Holzer's "Truisms" series (1977-1979), which displays aphoristic statements on electronic billboards and public spaces, merges text with digital technology, creating a dialogue between the viewer and the artwork. Holzer's work highlights the capacity of digital media to amplify artistic expression and engage with public discourse (45).

In the realm of fashion and wearable technology, designer Anouk Wipprecht stands out for her innovative use of 3D printing and embedded electronics. Wipprecht's "Spider Dress" (2015) features robotic limbs that react to the proximity of people around the wearer, blending fashion with interactive technology. This work demonstrates the potential of digital fabrication to create

responsive and interactive garments that challenge conventional fashion design (Wipprecht, 2015, p. 67).

Mapping the Post-Digital Art Landscape

Several art movements have emerged in the post-digital era, each reflecting the diverse ways in which artists engage with digital technology. One such movement is glitch art, which embraces the aesthetic and conceptual potential of digital errors and malfunctions. Glitch artists like Rosa Menkman use corrupted digital files and malfunctioning hardware to create works that highlight the fragility and imperfection of digital systems. Menkman's "The Collapse of PAL" (2010) explores the visual and auditory distortions caused by outdated video technology, turning technical failures into a unique artistic language (83).

Another significant post-digital movement is net art, which uses the internet as both a medium and a subject. Artists like Olia Lialina and JODI (Joan Heemskerk and Dirk Paesmans) create works that critique and play with the conventions of online culture. Lialina's "My Boyfriend Came Back from the War" (1996) employs hypertext to tell a fragmented, interactive story, while JODI's "My%Desktop" (2002) deconstructs the user interface of a computer operating system, revealing its underlying structure and inviting viewers to navigate a digital labyrinth (Lialina 37; JODI 59).

Additionally, the bio-art movement incorporates biological processes and living organisms into artistic practice, often facilitated by digital technology. Artists like Eduardo Kac use genetic engineering and biotechnology to create living artworks. Kac's "GFP Bunny" (2000), a genetically modified rabbit that fluoresces green under blue light, challenges ethical and philosophical questions about the intersection of art, science, and life (102).

From Studio to Screen: Artists and Social Media

Social media and online platforms have profoundly influenced artistic practices in the post-digital era, transforming how artists create, share, and engage with their work. Platforms like Instagram, DeviantArt, and TikTok provide artists with unprecedented access to global audiences, allowing for real-time feedback and interaction. These platforms democratize art-making by lowering barriers to entry

and enabling artists to connect with a wider audience without the need for traditional gatekeepers like galleries and museums (Gauntlett 56).

One example of the impact of social media on art is the rise of "Insta-art," where artists create works specifically designed for Instagram's visual-centric format. Artists like Yayoi Kusama and Daniel Arsham use Instagram to share their immersive installations and sculptures, leveraging the platform's popularity to enhance visibility and engagement. Kusama's "Infinity Mirrors" exhibitions, for instance, have become Instagram sensations, attracting millions of visitors who share their experiences online, thereby amplifying the reach and impact of her work (Kusama 79).

Furthermore, online platforms facilitate collaborative and participatory art projects that involve audiences in the creative process. The "Johnny Cash Project" (2010), an online collaboration where participants contributed drawings to create a collective music video for Johnny Cash's "Ain't No Grave," exemplifies how digital platforms can enable large-scale, crowd-sourced art projects. This participatory model reflects the post-digital emphasis on process and community, blurring the lines between artist and audience (Cash Project 88).

Moreover, social media has enabled the emergence of new art forms that rely on digital and networked technologies. Memes, for example, have become a popular form of digital folk art, spreading rapidly across social media platforms and reflecting contemporary culture and politics. Artists like Shigetaka Kurita, the creator of the original emoji, have influenced how visual language evolves in the digital age, illustrating the dynamic interplay between technology and artistic expression (95).

The Sensory Experience: Post-Digital Art

Visual Language of the Post-Digital

In the post-digital era, visual aesthetics are marked by the convergence of digital and traditional art forms, resulting in new modes of expression that challenge and expand conventional understandings of visual art. One of the defining features of post-digital aesthetics is the incorporation of digital glitches, distortions, and artifacts into artworks. These visual elements, once considered undesirable, are now embraced for their ability to reveal the underlying processes and

imperfections of digital media. For example, the work “The Glitch Moment (um)” celebrates the beauty of digital errors, transforming corrupted data into compelling visual compositions that question the nature of digital fidelity (Menkman, 2011, p. 15).

The use of augmented reality (AR) and virtual reality (VR) has also introduced novel visual aesthetics by merging the physical and digital worlds. Artists like Keiichi Matsuda use AR to create "hyper-reality" environments where digital information seamlessly overlays physical spaces, offering new ways to perceive and interact with reality (33). This blending of realities not only enhances visual experiences but also challenges viewers to reconsider their relationship with the surrounding environment.

Moreover, the aesthetics of data visualization have gained prominence in post-digital art. Artists such as Refik Anadol utilize large datasets to generate intricate visual patterns and immersive installations. Anadol’s “Melting Memories” (2018) transforms brainwave data into fluid, dynamic visualizations, creating a sensory experience that bridges art and neuroscience. This approach exemplifies how data-driven art can produce aesthetically captivating works that also convey complex information (Anadol, 2018, p. 48).

Digital Soundscapes: Music in the 21st Century

Sound and music have undergone significant transformations in the post-digital context, with digital technologies enabling new forms of auditory expression and interaction. One major development is the use of algorithmic composition, where software generates music based on predefined rules and patterns. This technique allows composers to explore novel sonic landscapes and create complex, evolving soundscapes. For instance, the work of composer and artist Eno with generative music involves creating systems that produce music that is never the same twice, emphasizing the fluid and dynamic nature of digital sound (72).

The integration of digital technology with traditional musical instruments has also led to the creation of hybrid instruments that expand the possibilities of sound production. Instruments like the Reactable, an electronic tabletop musical instrument, allow performers to manipulate sound in real-time using physical objects and touch gestures. This interaction between the physical and digital

realms creates a distinctive auditory experience that combines traditional performance with digital innovation (Jordà et al. 93).

Furthermore, the emergence of online platforms and social media has made music production and distribution more accessible, enabling artists to connect with a global audience without relying on traditional gatekeepers. Platforms like SoundCloud and Bandcamp enable musicians to share their work directly with listeners, fostering a more participatory and collaborative music culture. This shift has given rise to new genres and subcultures that thrive in the digital ecosystem, such as vaporwave, which appropriates and remixes digital and analog sounds to create a nostalgic yet futuristic aesthetic (Grafton 58).

Machine Creativity: AI in the Art World

Artificial intelligence (AI) and algorithms have become integral to the creation and conceptualization of art in the post-digital era, offering new tools and paradigms for artistic expression. AI-driven art often involves machine learning algorithms that analyze and generate images, music, and other creative outputs. One prominent example is the work of the art collective Obvious, which uses generative adversarial networks (GANs) to generate paintings. Their piece "Portrait of Edmond de Belamy" (2018) made headlines for being the first AI-generated artwork sold at a prestigious auction, highlighting the potential and controversy of AI in the art world (Obvious 29).

AI's role in art extends beyond creation to curation and interaction. Interactive installations like "Deep Dream" by Google engineer Alexander Mordvintsev use neural networks to transform photographs into dream-like, surreal images, inviting viewers to engage with and alter the artwork through AI processes (81). This interactivity underscores the collaborative nature of AI-driven art, where the machine and human inputs combine to produce unique outcomes.

Moreover, AI's ability to process large datasets empowers artists to explore new conceptual and aesthetic territories. For example, artist Trevor Paglen collaborates with AI to create works that critique surveillance and data collection practices. His project "ImageNet Roulette" (2019) uses a machine learning algorithm to classify images based on a dataset, revealing the biases and limitations inherent in AI systems. This work emphasizes the ethical implications

of AI and its impact on society, challenging viewers to reflect on the intersection of technology and human values (Paglen, 2019, p. 104).

The Digital Toolkit for Creativity

From Solo to Social: The Evolving Artist

In the post-digital era, the concept of creativity has undergone significant redefinition. Traditional views of creativity often emphasized individual genius and the production of original works. However, the integration of digital technology into artistic practices has shifted the focus towards collaboration, process, and the remixing of existing materials. This new paradigm acknowledges that creativity is not merely about generating novel ideas but also about how artists interact with and transform existing digital and physical elements (Paul 78).

The emergence of digital culture has democratized the tools of creation, allowing a broader range of people to engage in artistic practices. YouTube and Instagram enable artists to distribute their work widely and receive immediate feedback, fostering a more inclusive and dynamic creative environment. This shift has led to a more collective understanding of creativity, where the contributions of diverse voices and perspectives are recognized and valued (Gauntlett 56).

Moreover, the post-digital age has seen the rise of the "prosumer," a blend of producer and consumer, who actively engages in creating content rather than passively consuming it. This phenomenon challenges the traditional boundaries between creators and audiences, suggesting that creativity is a shared endeavor. As David Gauntlett notes, "Making is connecting," and in the post-digital world, this connection is facilitated by digital networks that link individuals across geographical and cultural boundaries (42).

Building Together: Collaborative Creativity

Collaboration and networking are central to creativity in the post-digital era. The interconnected nature of digital technology allows artists to work together across distances, combining their skills and ideas in ways that were previously impossible. This collaborative approach is exemplified by projects like "The Exquisite Forest," an online interactive art project developed by Chris Milk and Aaron Koblin in collaboration with Google. The project invites participants to

create animations that grow and evolve based on contributions from others, demonstrating how digital platforms can facilitate collective creativity (Milk and Koblin 73).

Networked creativity also manifests in the use of open-source software and collaborative tools that enable artists to build on each other's work. Platforms like GitHub, originally designed for software development, have become popular among artists for sharing code and digital resources. This open-source approach encourages experimentation and innovation, as artists can modify and expand upon existing projects, fostering a culture of continuous improvement and shared knowledge (Raymond 88).

Furthermore, social media and online communities are crucial for fostering collaborative creativity. Websites like DeviantArt and Reddit provide spaces for artists to share their work, receive constructive feedback, and engage in collaborative projects. These communities help artists to develop their skills, gain inspiration, and form networks that can lead to further creative opportunities (Baym 97).

Digital Tools: The Artist's Arsenal

Digital tools and technologies have fundamentally transformed the creative process, offering new possibilities for artistic expression and innovation. Software programs like Adobe Creative Suite, Blender, and Ableton Live provide artists with powerful tools to create and manipulate digital content, from graphic design and 3D modeling to music production and video editing. These tools not only enhance the efficiency and precision of the creative process but also enable artists to explore new artistic territories (Adobe 45).

Artificial intelligence (AI) and machine learning are becoming increasingly important in the creative process. AI algorithms can generate music, visual art, and even literary works, offering artists new ways to experiment with and expand their creative boundaries. For instance, AI-generated art by artists like Klingemann explores the potential of machine creativity, using neural networks to produce intricate and surprising visual compositions that question conventional ideas of authorship and originality (36).

Moreover, digital fabrication technologies like 3D printing and laser cutting, allow artists to bring their digital designs into the physical world with unprecedented precision and flexibility. These technologies enable the creation of complex structures and forms that would be challenging or impossible to achieve manually, expanding the possibilities of sculpture, fashion, and product design (Lipson and Kurman 59).

In addition to these tools, the internet itself serves as a vast resource for inspiration and collaboration. Artists can access a wealth of information, tutorials, and digital assets online, enhancing their ability to learn new techniques and incorporate diverse influences into their work. This access to a global repository of knowledge and creativity democratizes the creative process, making it more accessible and inclusive (Shirky 84).

Art and Activism: A Double-Edged Sword

Art as Activism: A Visual Voice

In the post-digital era, art remains a potent vehicle for social and political commentary. Artists leverage digital technologies to amplify their messages, engage broader audiences, and provoke critical discussions on contemporary issues. Digital platforms provide artists with new avenues to critique and challenge societal norms, injustices, and power structures (Jones 47).

One prominent example is the work of Ai Weiwei, a Chinese contemporary artist and activist known for his critical stance against the Chinese government. Ai's utilization of digital media, such as social media platforms like Instagram and Twitter, allows him to reach a global audience and raise awareness about human rights abuses and political repression. His installation "Sunflower Seeds" (2010), consisting of millions of hand-painted porcelain seeds, critiques mass production and individuality, reflecting on the social and political implications of China's economic policies (Ai Weiwei 54).

Similarly, the artist JR uses large-scale photographic installations to address social issues such as poverty, inequality, and immigration. His project "Inside Out" (2011) invites people worldwide to submit their portraits and stories, which are then printed and displayed in public spaces. This participatory art project

empowers individuals to share their voices and experiences, fostering a sense of global solidarity and social activism (JR 67).

The digital art collective "The Yes Men" employs tactical media to stage elaborate hoaxes that expose corporate and governmental misconduct. Their interventions, often disseminated through digital channels, highlight issues such as environmental degradation and economic exploitation, using satire and parody to engage and educate the public (Yes Men 81).

Digital Disobedience: Art and Social Change

Digital activism, or "hacktivism," merges the realms of digital art and political activism, using digital tools and platforms to drive social change. Artists and activists harness the power of the internet to organize movements, disseminate information, and mobilize communities (Garcia 92).

One significant instance of digital activism is the "Black Lives Matter" movement, which utilizes social media to highlight systemic racism and police brutality. Artists participate in the movement by creating and sharing powerful visual content which amplifies the voices of marginalized communities and fosters a collective call for justice. The viral nature of social media helps these artworks reach a vast audience, creating a sense of urgency and solidarity (Garcia 92; Garza 45).

Another example is the use of digital art in environmental activism. The group "Extinction Rebellion" employs striking visuals and performances to draw attention to climate change and ecological destruction. Their digitally disseminated artworks and campaigns galvanize public support and pressure governments to take action on environmental issues (XR 78).

Digital art also plays a crucial role in hacktivism, where artists and programmers use their skills to disrupt and expose oppressive systems. Anonymous, a decentralized hacktivist group, uses digital interventions to challenge censorship, surveillance, and corruption. Their activities, often accompanied by symbolic and provocative imagery, underscore the potential of digital art to resist and subvert authoritarian power (Coleman 99).

The Digital Divide in Art

The integration of digital technologies in art and activism raises significant ethical considerations and challenges. Issues such as privacy, surveillance, and the digital divide must be carefully navigated by artists and activists (Anderson, 2021, p. 67).

One major concern is the potential for digital art to infringe on privacy rights. The use of data and surveillance technologies in artistic projects can unintentionally replicate invasive practices, raising questions about consent and the ethical use of personal information. For instance, "Surveillance Art" work often involves exposing surveillance practices, but it also highlights the delicate balance between revealing hidden systems and respecting individual privacy (Paglen, 2018, p. 112).

Additionally, the digital divide presents a challenge for inclusivity in digital art and activism. Access to digital tools and platforms is unevenly distributed, often along lines of socioeconomic status, geography, and education. This disparity can limit the participation of marginalized communities in digital art and activism, perpetuating existing inequalities (Warschauer 88).

Moreover, the rapid dissemination of digital content can lead to misinformation and the trivialization of serious issues. The viral nature of social media can sometimes prioritize sensationalism over nuanced discourse, potentially undermining the impact of digital art and activism. Artists and activists must navigate these dynamics carefully to ensure that their messages are accurately and effectively communicated (Boyd 76).

Beyond the Present: The Evolving Landscape of Art

Emerging Frontiers: The Future of Art

As we look toward the future of post-digital art and creativity, several emerging trends are poised to shape the landscape. One significant trend is the increasing fusion of digital and biological elements in art, often referred to as "bio-digital" art. This trend explores the intersection of technology and organic life, using biotechnology, genetic engineering, and digital interfaces to create living artworks. Artists like Eduardo Kac, known for his bio-art pieces such as "GFP Bunny" (2000), which involved the creation of a fluorescent rabbit, are at the

forefront of this movement (Kac, 2005, p. 22). These works provoke discussions about the ethics of genetic manipulation and the boundaries between natural and artificial life.

Another trend is the growing use of extended reality (XR), which encompasses virtual reality (VR), augmented reality (AR), and mixed reality (MR). XR technologies provide immersive experiences that blend the physical and digital realms, allowing artists to create interactive environments that engage multiple senses. For example, the VR art installation "Tree" by Zec and Porter immerses participants in the life cycle of a rainforest tree, fostering a deeper connection to nature and environmental awareness (34).

The emergence of blockchain technology and non-fungible tokens (NFTs) is also transforming the art world. NFTs provide a means of verifying and monetizing digital artworks, giving artists new opportunities for financial sustainability and ownership. This technology has led to a surge in digital art markets, with artists like Beeple achieving record-breaking sales for NFT-based works (19). However, the environmental implications of blockchain technology and the speculative nature of the NFT market remain points of contention.

Beyond the Horizon: Innovations in Post-Digital Creativity

Looking ahead, several potential developments and innovations could further revolutionize post-digital art and creativity. One such development is the increasingly sophisticated and autonomous integration of artificial intelligence (AI). AI algorithms are already capable of generating art, music, and literature, but future advancements may enable AI to collaborate more seamlessly with human artists. Google's DeepDream and OpenAI's GPT-3 demonstrate the potential for AI to contribute creatively, prompting discussions about authorship, creativity, and the role of the artist (Mordvintsev 81; OpenAI 113).

Another potential innovation is the development of neural interfaces that connect the human brain directly to digital devices. These interfaces could allow artists to create art using their thoughts and emotions, bypassing traditional physical and digital tools. Companies like Neuralink are working on brain-computer interface technology that could one day enable such direct forms of creative expression (Musk 45). This development would blur the lines between mind and machine, offering unprecedented possibilities for artistic creation.

Advancements in quantum computing may also impact the future of digital art. Quantum computers have the potential to process information at speeds and scales far beyond current digital systems, enabling new forms of complex, data-driven art. Artists could harness this technology to create intricate simulations, dynamic visualizations, and real-time generative art that were previously unimaginable (Nielsen 60).

Crystal Ball Gazing: The Future of Art

Predicting the future of art and creativity in the post-digital age involves both speculation and an understanding of current technological trajectories. One prediction is that the boundaries between different artistic disciplines will continue to blur, leading to more interdisciplinary and hybrid forms of art. Artists will increasingly collaborate with scientists, engineers, and technologists, creating works that incorporate elements of visual art, music, performance, and interactive media (Manovich 103).

Another speculation is that art will become even more personalized and participatory. Advances in data analytics and personalized algorithms could enable artists to tailor their works to individual viewers, creating bespoke experiences based on personal preferences, behaviours, and biometric data. This trend could lead to a more intimate and engaging relationship between art and audience (Pariser 87).

The future may also see a greater emphasis on sustainability and environmental consciousness in art. As the global climate crisis intensifies, artists are likely to explore ways to minimize the environmental impact of their practices, using sustainable materials and technologies. Digital art, which can be shared and experienced without physical transportation, may play a crucial role in this shift (Smith, 2011, p. 52).

Finally, the increasing ubiquity of digital and networked technologies may lead to a new era of global artistic collaboration. Artists from different cultural and geographical backgrounds will have more opportunities to work together, share ideas, and create works that reflect a diversity of perspectives. This global interconnectedness could foster a richer, more inclusive art world that transcends traditional boundaries and fosters greater cultural exchange (Anderson, 2006, p. 74).

Reflections on the Post-Digital Landscape

The exploration of art and creativity in the post-digital era reveals significant shifts in how art is created, experienced, and understood. This research highlights the transition from digital to post-digital, emphasizing the integration of digital technologies with traditional art forms to create new hybrid mediums. Key trends such as the hybridization of media, the rise of interactivity, and the emphasis on process over product illustrate the dynamic nature of contemporary artistic practices (Paul 56; Anderson, 2006, p. 74).

The findings have several implications for the field of art and creativity. First, the hybridization of media and techniques challenges traditional boundaries between artistic disciplines, necessitating new educational models. Second, the rise of interactivity and user participation reflects a broader cultural move towards democratization and inclusivity in creative practices. Third, the integration of digital tools and technologies into the creative process presents both unprecedented opportunities for innovation and challenging questions about the nature of creativity and authorship. Finally, the political and social dimensions of post-digital art highlight the importance of critical engagement with technology (Boyd 76; Mordvintsev 81).

Further research is essential to deepen our understanding of art and creativity in the post-digital era. Future studies could focus on longitudinal studies on post-digital art practices, cross-cultural perspectives, ethical implications of AI in art, sustainability in digital art, and the impact of emerging technologies on art and creativity (Paul 78, Smith, 2011, p. 52; Klingemann 36, Musk 45, Nielsen 60). By focusing on these areas, future research can deepen our understanding of the multifaceted and dynamic relationship between art, technology, and society in the post-digital landscape.

References

- a) Abramović, Marina. *Marina Abramović: 512 Hours*. Serpentine Galleries, 2014.
- b) Adobe. *Adobe Creative Suite*. Adobe Systems, 2020.
- c) Ai Weiwei. *Sunflower Seeds*. Tate Modern, 2010.
- d) Anadol, Refik. *Infinity Room*. 2015.
- e) Anadol, Refik. *Melting Memories*. 2018.

- f) Anderson, Chris. *The Long Tail: Why the Future of Business is Selling Less of More*. Hyperion, 2006.
- g) Anderson, Janna. *NFTs and the Future of Digital Art*. Oxford University Press, 2021.
- h) Baym, Nancy K. *Personal Connections in the Digital Age*. Polity, 2015.
- i) Beeples. *Everydays: The First 5000 Days*. Christie's, 2021.
- j) Benyus, Janine. *Biomimicry: Innovation Inspired by Nature*. Harper Perennial, 2002.
- k) Bishop, Claire. *Artificial Hells: Participatory Art and the Politics of Spectatorship*. Verso Books, 2012.
- l) Boyd, Danah. *It's Complicated: The Social Lives of Networked Teens*. Yale University Press, 2014.
- m) Buchanan, Bruce G. *The Future of AI in Art*. Oxford University Press, 2021.
- n) Cash Project, Johnny. *The Johnny Cash Project*. 2010.
- o) Catts, Oron, and Ionat Zurr. *Tissue Culture & Art Project*. MIT Press, 2013.
- p) Cohen, Peter. *Internet Art: The Online Clash of Culture and Commerce*. New Riders, 2002.
- q) Coleman, Gabriella. *Hacker, Hoaxer, Whistleblower, Spy: The Many Faces of Anonymous*. Verso, 2014.
- r) Cramer, Florian. "What Is 'Post-Digital'?" *APRJA*, vol. 3, no. 1, 2014, pp. 10-24.
- s) Dittmar, Jens. *Creative Digital Art: A Practical Guide*. Springer, 2017.
- t) Doherty, Claire. *Situation: Documents of Contemporary Art*. Whitechapel Gallery, 2009.
- u) Drucker, Johanna. *The Digital Humanities: A Primer for Students and Scholars*. Routledge, 2013.
- v) Eno, Brian. *Generative Music*. Opal Ltd., 1996.
- w) Galanter, Philip. "What is Generative Art? Complexity Theory as a Context for Art Theory." *GA2003 - 6th Generative Art Conference*, 2003.

- x) Garcia, Beatrice. *Art and Activism: The BLM Movement*. University of California Press, 2020.
- y) Garza, Alicia. *The Purpose of Power: How We Come Together When We Fall Apart*. One World, 2020.
- z) Gauntlett, David. *Making Is Connecting: The Social Meaning of Creativity, from DIY and Knitting to YouTube and Web 2.0*. Polity, 2011.
- aa) Glover, Meredith. *Avant-Garde Fashion: Iris van Herpen's 3D Printed Designs*. Thames & Hudson, 2019.
- bb) Grafton, Emily. "Vaporwave: Nostalgia and the Internet." *Journal of Digital Culture*, vol. 4, no. 1, 2018, pp. 55-68.
- cc) Grau, Oliver. *Virtual Art: From Illusion to Immersion*. MIT Press, 2003.
- dd) Holzer, Jenny. *Truisms*. 1977-1979.
- ee) Howe, Jeff. *Crowdsourcing: Why the Power of the Crowd Is Driving the Future of Business*. Crown Business, 2008.
- ff) Jenkins, Henry. *Convergence Culture: Where Old and New Media Collide*. NYU Press, 2006.
- gg) JODI. *My%Desktop*. 2002.
- hh) Jones, Amelia. *Post-Digital Art Practices*. Routledge, 2021.
- ii) Jordà, Sergi, et al. "The Reactable: Exploring the Synergy Between Live Music Performance and Tabletop Tangible Interfaces." *Proceedings of the 1st International Conference on Tangible and Embedded Interaction*, 2007, pp. 139-146.
- jj) JR. *Inside Out*. 2011.
- kk) Kac, Eduardo. *GFP Bunny*. 2000.
- ll) Kac, Eduardo. *Telepresence and Bio Art: Networking Humans, Rabbits, and Robots*. University of Michigan Press, 2005.
- mm) Kaprow, Allan. *Essays on the Blurring of Art and Life*. University of California Press, 1993.
- nn) Klingemann, Mario. *Neural Networks as a Medium*. 2018.
- oo) Kurita, Shigetaka. *The Evolution of Visual Language in the Digital Age*. MIT Press, 2019.
- pp) Kusama, Yayoi. *Infinity Mirrors*. 2017.

- qq) Kwastek, Katja. *Aesthetics of Interaction in Digital Art*. MIT Press, 2013.
- rr) Lialina, Olia. *My Boyfriend Came Back from the War*. 1996.
- ss) Lichty, Patrick. *Real Time Art Manifesto*. University of Chicago Press, 2018.
- tt) Lipson, Hod, and Melba Kurman. *Fabricated: The New World of 3D Printing*. John Wiley & Sons, 2013.
- uu) Manovich, Lev. *The Language of New Media*. MIT Press, 2001.
- vv) Matsuda, Keiichi. "Hyper-Reality." *Hyper-Reality* project, 2016.
- ww) McCormack, Jon. *Creative AI: New Horizons in Digital Art*. ACM Press, 2020.
- xx) Menkman, Rosa. *The Collapse of PAL*. 2010.
- yy) Menkman, Rosa. *The Glitch Moment(um)*. Institute of Network Cultures, 2011.
- zz) Milk, Chris, and Aaron Koblin. *The Exquisite Forest*. Google Creative Lab, 2012.
- aaa) Mordvintsev, Alexander. *Deep Dream*. 2015.
- bbb) Musk, Elon. "Neuralink Progress Update." Neuralink, 2020.
- ccc) Negroponte, Nicholas. *Being Digital*. Knopf, 1995.
- ddd) Nielsen, Michael A. *Quantum Computation and Quantum Information*. Cambridge University Press, 2010.
- eee) Obvious. *Portrait of Edmond de Belamy*. 2018.
- fff) OpenAI. *GPT-3*. 2020.
- ggg) O'Reilly, Tim. *What Is Web 2.0: Design Patterns and Business Models for the Next Generation of Software*. O'Reilly Media, 2005.
- hhh) Oxman, Neri. *The Mediated Matter Group: Nature, Technology, and Art*. MIT Press, 2020.
- iii) Paglen, Trevor. "ImageNet Roulette." *ImageNet Roulette* project, 2019.
- jjj) Paglen, Trevor. *Surveillance Art*. 2018.
- kkk) Pariser, Eli. *The Filter Bubble: What the Internet is Hiding from You*. Penguin Press, 2011.
- lll) Paul, Christine. *Digital Art*. Thames & Hudson, 2015.
- mmm) Ratto, Matt, and Megan Boler, editors. *DIY Citizenship: Critical Making and Social Media*. MIT Press, 2014.

- nnn) Raymond, Eric S. *The Cathedral and the Bazaar: Musings on Linux and Open Source by an Accidental Revolutionary*. O'Reilly Media, 2001.
- ooo) Reas, Casey. *Form+Code in Design, Art, and Architecture*. Princeton Architectural Press, 2010.
- ppp) Rossin, Rachel. *Lossy*. Zabłudowicz Collection, 2016.
- qqq) Shanken, Edward A. *Art and Electronic Media*. Phaidon Press, 2009.
- rrr) Shirky, Clay. *Here Comes Everybody: The Power of Organizing Without Organizations*. Penguin Books, 2008.
- sss) Smith, John. *Digital and Physical Integration in Contemporary Art*. Harvard University Press, 2020.
- ttt) Smith, Terry. *Contemporary Art: World Currents*. Laurence King Publishing, 2011.
- uuu) Sterling, Bruce. *The Epic Struggle of the Internet of Things*. Strelka Press, 2014.
- vvv) Steuer, Jonathan. *Virtual Reality: The New Frontier*. MIT Press, 2019.
- www) Tribe, Mark, and Reena Jana. *New Media Art*. Taschen, 2006.
- xxx) Van Dijck, José. *The Culture of Connectivity: A Critical History of Social Media*. Oxford University Press, 2013.
- yyy) Warschauer, Mark. *Technology and Social Inclusion: Rethinking the Digital Divide*. MIT Press, 2003.
- zzz) Wipprecht, Anouk. *FashionTech*. Independently published, 2017.
- aaaa) Wipprecht, Anouk. *Spider Dress*. 2015.
- bbbb) XR. *Extinction Rebellion Handbook*. 2019.
- cccc) Yes Men. *The Yes Men Fix the World*. 2009.
- dddd) Zec, Milica, and Winslow Porter. *Tree*. 2017.

The Disenchanted Social: Dialectics of Ideology, Culture, and Identity in the Industrial Modernity¹

Abstract:

This paper investigates the socio-philosophical intersection of ideology, identity, and culture within the framework of industrial modernity, focusing on themes of disenchantment and re-enchantment. Building on Max Weber's theory of the "disenchantment of the world," it examines the erosion of spiritual frameworks, reshaping of social consciousness, the fragmentation of individual identity, and the rise of Homo-Economicus driven by industrialization and technological advancement. This paper critiques the role of technological imperative on the legal systems of the modern world, fostering a culture marked by hyper-individualism and social fragmentation. The work reflects on historical insights from Toynbee, Quigley and Greer, and reflecting on technological insights from scholars like Lewis Mumford and Jacques Ellul. Key theories from Christopher Lasch, Charles Taylor, and Anthony Giddens illuminate the crisis of identity in a secular age, exacerbated by the commodification of relationships and the erosion of traditional community structures. The paper also explores responses to disenchantment, including literary re-enchantment as seen in the works of J.R.R. Tolkien and Frank Herbert, and philosophical reflections from existentialism. Additionally, it critiques the political economy of growth, highlighting the disparities and environmental challenges arising from relentless economic expansion and arguing for sustainable alternatives to counter the ecological and social disintegration. The conclusion advocates for a return to foundational values such as compassion and cooperation, offering a nuanced perspective on the dialectical tensions between disenchantment and re-enchantment in modernity.

Keywords: Disenchantment, Industrialism, Modernity, Commodification, Identity, Culture, Progress, Social Fragmentation, Tradition, Political Economy.

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Introduction

The logic of an “ever-increasing economy”, embodying a prevalent prejudice of our era—the people of the past naively held beliefs in magic, myth, and religion, whereas contemporary society is enlightened and knows better—has been the cornerstone of modern industrial societies since late 19th century. While driving an unprecedented material progress, this paradigm, however, has inflicted serious socio-ecological costs on the world we inhabit as biological and sociological creatures and has led to the paradoxes often contradicting the very promises of progress. As Carroll Quigley observed, the application of science to the production processes, which we call the Industrial Revolution, led to such an increase in the output of manufactured goods that the entire economic and social system was drastically modified (Quigley). This alteration of socio-economic sphere has led to the “flight from the social,” manifesting in the transformation of ideologies, the commodification of culture, and the crisis of individual and collective identity. ‘Disenchantment’ emerges out to be the principal theme in the understanding of these social consequences of expansionary industrial modernity.

This paper intends to conduct a socio-philosophical analysis of “expansionary industrial Modernity” through a dialectical approach, offering a nuanced analysis of how the very processes that were meant to improve human life have, in many ways, led to a loss of meaning and social cohesion. In scrutinizing the complex nature of this expansion, its limits and the predicaments it engenders, we shall also uncover many inherent contradictions and profound social transformations within the modern society, as the nature of this relentless expansion cannot merely be analyzed in terms of economic growth but must also be characterized by the proliferation of technological systems, bureaucratic structures, and the reach of market logic into all facets of the contemporary social life.

Max Weber’s theory of the “disenchantment of the world” (*Entzauberung der Welt*) refers to an inexorable process of demystification and secularization of the natural world and, therefore, all of the human experience. Weber traced the origins of this process in the prophets of Abrahamic faiths, only to be accelerated by the Protestant Reformation, and being emerging as the “fate” of the modern world (Weber). Theodor Adorno, in contrast, provides a neoclassical interpretation and purports that the process of disenchantment has led to a “totally

administered world”, where the freedom from superstition is intertwined with the cultural alienation and commodification (Adorno and Horkheimer). Pierre Bourdieu's perspective builds on the Weber's concept by emphasizing the social phenomenology of the disenchantment where actors are forced to compete for legitimacy and authority within specialized fields of power (Bourdieu). On the foundations of these concepts, this paper will contribute to the ongoing debates about the nature of progress, the intangible costs of modernity, and the future of social organization in an increasingly technologized world.

The Great Transformation and the Predicament

In enchanted societies, the world was perceived through a lens of mystique and the unknown, where natural phenomena were coupled with spiritual meaning, creating a civilization where myth and meaning were integral to the ritual of daily life. Each member of the body politic of the city and village had a role to play at each stage of life, all directed towards the creation and care of life. This enchantment made an individual not merely an active member of the society but rather an intrinsic component of the transcendental spirituality, which was within and beyond the societal identity. As societies matured in rationalization, the surge of institutionalization and bureaucratization eventually lead to an erosion of those dominant spiritual frameworks and impersonal systems. This shift to mechanical repetition, monotony, and rational apparatuses of industrialization led to absence of what Carl Jung calls “meaningful coincidences” or ‘*Synchronicity*’ in everyday life. *Synchronicity*, akin to the alchemical credo: “As above, so below”, implies the oneness of the man and the surrounding cosmos, the psyche and the matter (Jung). To capture the idea of a society that has lost its sense of enchantment, it must be understood that disenchantment is not a static condition but a dynamic process with its own inherent contradictions.

Quigley's erudite analysis of the 19th century reveals that despite its hopes and promises of progress, the century of Industrialism and rapid change could be characterized as a period of materialism, selfishness, false values, hypocrisy and secret vices. It was these underlying evils that destroyed the century of its hopeful qualities, bringing about the changes to the Overton window of the society and eventual disenchantment (Quigley, *The Evolution of Civilizations*). Karl Polanyi states that in the pre-industrial times, the individual role in the economy was

submerged in the social relationship, and that the rise of market society fundamentally altered this relationship upside down. While previously the individual claims and interests on the material goods had acted as claims to social standing and social assets, now the “disembedding of the economy” from the society led to the economy ceasing to be a manifestation of social relations (Polanyi). This propounds to the broader trend of disenchantment where this “great transformation,” as Polanyi states it, led a minority of influential people, believing in the glorious God of progress, to gain power over the theology and the narrative of the modern world—over political systems, money and technology—in a world where theirs is the only power that matters. Arnold J. Toynbee, a great scholar of the history of decline and fall, illuminates the idea of “creative minorities” in power turning into “dominant minorities” as the enchanted worldview recedes, starting their own struggle with the implications of disenchantment. Efforts to address this crisis often result in new forms of cultural and philosophical movements that further exacerbate the nature of social norms and cultural identity to an even more disenchanted world (Toynbee). An exhaustive analysis of such historical insights suggest that throughout the history, evolving societal norms and new forms of knowledge have been accompanied by the simultaneous disintegration of civilizations, leading to inevitable decline and fall. This perspective also helps us to understand that the glaring absence of “synchronistic enchantment” is part of a larger historical pattern.

Understanding the decline as a long, chaotic process allows us to be thoughtful about the pace of societal changes materializing over centuries rather than years or decades. The “Long Descent,” conceptualized by John Michael Greer, offers a nuanced perspective on how the gradual decline of modern industrial civilization compliments the broad *zeitgeist* of disenchantment. Challenging the notion of rapid, apocalyptic collapse often portrayed in “pop-culture futurology,” Greer suggests that the process of decline spans from one to three centuries, by the end of which every previous human civilization has ended in a dark age (Greer). This disenchanted decline, Greer argues, is not uniform but rather a series of crises and partial recoveries mirroring the dialectics of parallel social change. The tensions between popular expectations of rapid change and the reality of slower historical processes reveal that disenchantment, in itself, is as gradual, complex and dialectical as the long decline of any civilization at its zenith.

Dialectics of Ideology

De-evolution of Social Consciousness and the Rise of Homo-Economicus

Since the mid-17th century, two dogmas have served as the cornerstones of modern thought. One may be referred to the first as the *dogma of materialism*, which holds that everything in the cosmos is essentially just ‘matter in motion’. The second is the *dogma of mechanism*, which insists that everything in the cosmos is the product of precise and, at least theoretically, predictable ‘sequences of cause and effect.’ From this perspective, consciousness is an illusion created by particles of matter interacting in complex but ultimately mechanical ways. Consequently, the questions of meaning and purpose are also regarded as phantoms of similar delusions. However, neither of these two dogmas has been proven and are simply taken on faith by the most people. In the West, during the Renaissance, subjects such as astrology, alchemy, and the related fields were considered legitimate facets of high intellectual culture, with scholars engaging with such matters in public. By the 18th century, those interested found themselves in an intellectual underworld. This shift in general attitudes can be linked to a parallel social phenomenon of that time: the transition and overthrowing of land lorded Monarchy from the power and the rise of bourgeoisie as a new class in the early capitalism. The philosophies of Jean Jacques Rousseau and John Locke provided a social basis for such a change, captivating the popular imagination with promises of newfound freedom and individual liberty. For the first time, the world saw the rise and spread of maritime empires, driven by new theories of Capitalism and vanguard by western trade companies. This led to a new era of “proto-globalism”, Colonialism, and the subsequent Economic Imperialism, not as a policy matter but a stage in the process of disenchantment in itself. A new affluent class of people, characterized neither by the culture nor strength but only the wealth, now had a throttlehold grip over the civilizational destiny: Bourgeoisie. This led an ideological shift towards a paradigm where money became an animating power of our human realm, almost a literal God. George Sorel states that the idea of something moral and good in a society is shaped by the historic phenomenon of violence and that violence is inseparable from the creation of ethics in the society, which in this case might refer to the violence of “enlightenment.” This shift altered the

traditional notions of divine, redefining what is considered sacred, and drew to itself a suitable God, simultaneously de-evolving the ethical framework from one of enchantment to disenchantment, where money is seen as either something separate from sacred or sacred in itself. This new worldview, highlighting a complex interplay of competing ideologies, formed the basis for further expansion and the continuation of “violence of disenchantment” (Sorel). It must be noted that the violence of financial capitalism and the rationalization of economies along with the socio-political rise of the bourgeoisie has led not only to the ideological disenchantment but the birth of “*Homo-Economicus*”, an individual driven purely by self-interest and rational economic gains. Philosophers like Adam Smith wrote treatises exploring the very nature of man as being driven not by benevolence but sheer self-interest (Smith). As J.S. Mills states, “Political economy does not treat the whole of man's nature as modified by the social state, nor of the whole conduct of man in society. It is concerned with him solely as a being who desires to possess wealth, and who is capable of judging the comparative efficacy of means for obtaining that end” (Mill).

Technological Imperative: Social Change and Corruption of Laws

Relentless technological progress has often emerged both as a product and a force of disenchantment. The broader trends of these leaps in industrial modernity reveal an insidious phenomenon of mechanization that affects the society as a whole, compelling it to adapt to the pace and capacities of ‘Machine’. Since the Enlightenment, Western European civilization has particularly advanced the natural sciences to such an extent that the entire society has effectively surrendered to the ‘Machine’. Traditionally, language and rituals held far greater importance for human and cultural development than the tool-making or technology. The spread of mass consumption, driven by consumer credit and advertisement, has ominously shaped the modern nature of the technology, resulting in reduced quality and shorter lifespans of the products. The increased supply of goods ensures that we are consistently bombarded with advertisements encroaching on every aspect of our lives. This logic conveys one underlying message: the need to buy something to be happy and the necessity to replace it consistently. In this way, the reality of technology in the modern world can be seen as a convergence of science, economy and political power rendering all the

life-enhancing eccentricities as useless. Lewis Mumford argues that before the advent of technology, all parts of the planet were bio-viable at some level; however, bio-viability has dramatically decreased as forms and natures of these technologies have advanced rapidly. Mumford's insights into "Megamachines" describe modern industrial technology as a form of Machine that uses humans as its components, in contrast with "Bio technics" (Mumford).

The rise of cars, for example, led to significant changes in how people lived in previous centuries. Resulting in the rise of car-centric cities and infrastructure dominated by advertisements, such phenomenon altered the architecture of social living; human scale forgotten in cities where the insolent, irrational and dehumanized power threatened to render humanity's most precious collective achievement—civilization—sterile. While technology may reduce some drudgery, for example, of housekeeping, it also renders the housekeeper dependent on the machinery—not just on automatic washers and dryers but on an elaborative energy systems required to operate these appliances—the breakdown of which brings housekeeping in its entirety to a complete halt. Thus, the democratizing effects of industrial technology must also not be taken for granted as such a growing dependence on technologies, over which nobody seems to have control, have fostered widespread feelings of powerlessness and victimization. In such an exaltation of the modern world—where life-promoting elements are subordinated to a life-curbing routine—civilization appears to be foreshadowing its own end. It makes a little difference whether the destruction is produced by the uncontrolled urban expansion or the uncontrolled nuclear devastation.

The alteration of *Social* is inextricably intertwined with the *Political*. The industrial modernity has also led to the technologisation and modernisation of political and legal frameworks, which in turn have transformed these systems into mechanisms for maximizing coercion and obedience, rather than facilitating the obedience that arises spontaneously through reflective moral reasoning. The consequent disjunction of judicial element from the law—where the concern is solely on the mechanical application of the law and statutes rather than a philosophical inquiry into their abstract meaning—results in a conception of justice that is increasingly technical, devoid of the self-conscious human

rationality intrinsic to human deliberation. Jacques Ellul articulates profound concerns regarding the shift of law from a moral endeavor to a mere “technique.” In this paradigm, justice itself becomes nebulous and, at times, dispensable, with emphasis shifting towards quantifiable and measurable objectives like order and security. In this context, the distinctions between the judicial and policing branches become indistinguishable; now it is exactly what the judicial branch also defaults into, as an implicit instrument of coercion, what the police enforces the law through explicit coercion (Ellul). Whereas, in pre-modern societies, an excess of laws was perceived as indicative of inefficiency of the State in enforcement, the contemporary legal systems seeks to regulate the issues in advance eventually leading to vast proliferation of laws. This preemptive regulatory approach aligns with the increasingly totalitarian character of modern States, wherein the need for explicit force is rendered useless as the populace internalizes these “invisible” controls, leading to a state of constant coercion.

This milieu leads to the rise of legal technician, charged to predict future problems and devising laws beforehand, in stark contrast to the political philosopher who judges the act in accordance to some moralistic framework after the act has happened. As the law is redefined as an entity actively executed by the State rather than contemplated as an abstract moral ideal, the technician—despite being fundamentally antithetical to the arbitrary value of the judgment—already determines in advance the decision of the judge in the face of a labyrinthine legal landscape. Ellul posits that this very phenomenon elevates the State to a new Godlike status where it cannot adhere to any authority beyond itself (Ellul). Consequently, as the State engages in the execution of laws rather than to their adjudication, the concept of justice itself becomes increasingly abstract and divorced from practical implementation, mirroring the broader crisis of meaning inherent in secular modernity.

Collapse of Culture: Fragmentation and Commodification

Culture serves as a critical lens through which societal ideals are both articulated and challenged, and exhorts society to realize it. This premise that large-scale industrial production undermining local institutions of self-governance and disincentivizes popular initiative also extends to the invasion of the modern industrial system upon culture and personal life. This encroachment engenders

effects analogous to those observed it produces in the social and political realm: 1) a profound loss of autonomy and public agency, 2) a conflation of self-determination with the exercise of consumer choice, 3) the replacement of practical skills with organized expertise. Van Wyck Brooks' analysis of the dichotomy between "High and Low brow cultures," tracing its origins to the 18th century's Puritan duality that separated spiritual and money matters, reveals an enduring cultural schism that fails to reconcile itself. High-brow culture embodying a vacuous idealism, while low-brow culture reflecting a meaningless realism, Brooks argued the two cultures had not met in the middle (Hoopes). Mumford's investigations into technology and culture suggest that the degradation of culture parallels the degradation of labor, driven by the commodification of both nature and culture. This paradox manifests as both diversity and homogenization. Pierre Bourdieu's concept of cultural capital elucidates the intricate interplay between taste, culture and social stratification, demonstrating how taste distinctions, which once served to legitimize cultural hierarchies, have been commoditized and reified as consumable goods (Bourdieu, *Distinction: A Social Critique of the Judgement of Taste*). Consequently, the value ascribed to the works of art deemed great increasingly hinges not upon their inherent beauty or workmanship but upon their status as collector's items, advertising the wealth and leisure also necessary for their consumption. Mass culture, in such a way, is dictated from above, with the intent of creating consumers and not creators.

Such a situation leads to "cultural selfishness" being the characteristic expression of this society, one where predatory individualism morphs into a relentless pursuit of immediate gratification, a diminished concern for the collective, and a society convinced of its lack of future. Such an outlook fosters a perilous perception of the world—one marked by hostility and foreboding—stemming from a fragmented identity increasingly detached from community, posterity and the future. This arbitrary realism, born from an acute awareness of the existential insecurities inherent in the disenchanted contemporary social life, is exacerbated by a self-absorbed projection of these insecurities onto the external environment. According to Christopher Lasch, the rationalized logic of such a democratic society, dictated from above, has thus led to an inevitable leveling of culture into a mass culture, a decline in educational excellence, lowering of taste, lapses of

taste, and overrun of intellectual and aesthetic values traditional to a character of any civilization. His thorough examination of mass culture also reveals a managerial control over the cultural forces, where the production of culture principally benefits the authority of control (Lasch). Perpetuation of fragmentation and the atomization of shared meaning in this disenchanted cultural sphere is, thus, an output of cultural control and cultural collapse.

Hyper-real Identity: The crisis

Meaning in a Secular Age

In an epoch marked by diminishing expectations and intensifying competition for resources and social standing, the symbolic richness of life has been systematically bludgeoned. The rhythms of industrial labor, perpetual consumption, and instrumental rationality alienates individuals from their social nature, precipitating a profound disengagement from the communal, the natural world and, their essence. Carl Jung's archetype of the Self, as a psychological wholeness, is dislodged by the fractured identities driven by external forces (Jung, *The Archetypes and the Collective Unconscious*). In this context, Anthony Giddens' concept of the "reflexive project of the self" posits that the self in the late modernity is compelled to consciously construct their identity as narratives, perpetually redefining themselves in response to existential challenges (Giddens). Charles Taylor's concept of the "buffered self" elucidates the modern individual's perception of insulation from external influences, contrasting to the "porous self" of pre-modern times. This transition from the communal to the hyperindividuality, epitomizing a paradox of heightened material wealth coupled with profound social alienation, underscores the 'flight from social'.

According to Christopher Lasch, the bureaucratic and the mechanical reproduction of culture, exacerbated by the proliferation of audiovisual media, has also been bringing into prominence a narcissistic type of personality. Modern life, mediated by a constant barrage of electronic imagery, transforms interpersonal relationships into superficial transactions. The "society of the spectacle" not only transcribes experiences but also alter their qualitative essence, creating an echo chamber wherein life is perceived as a succession of images or electronic signals. Lasch warns that the distrust caused by the industrial modernity has distorted our perceptions, convincing individuals to seek

verification through photographic representations even to reconstruct personal histories, thereby disorienting the very notion of selfhood (Lasch). The proliferation of social media distorts reality so thoroughly that people feel like actors in a perpetual performance, where every action seems recorded and simultaneously by an unseen audience. This ceaseless self-scrutiny renders the sense of selfhood and identity dependent on the consumption of images of the self, simultaneously calling into question the reality of the external world. Lasch further asserts that contemporary health culture, characterized by a cult of periodic health checkups, cultivates an ethos of eternal vigilance that fosters psychological insecurity. Individuals increasingly derive their understanding of health not from lived experience but from abstract medical constructs, resulting in a narcissistic culture of distrusting of one's own perceptions while being fixated on external validation until technology confirms (Lasch).

As a personality of industrial modernity, *Hyper-individualism* has emerged as a survival mechanism in a society fraught with uncertainty of future—where people no longer dream of overcoming difficulties but of merely surviving them. The recurrent theme of abandoning the earth as a doomed planet, in popular science fiction, underscores this pervasive problem of hyper-individuality. In today's therapeutic sensibility, as the accountability shifts away from the individual, no one is held accountable except the society. Bureaucratic structures exacerbate this alienation, creating an impersonal social order where accountability for any given decision becomes elusive and difficult to locate. These same dynamics, through the organized apparatus of social tutelage, have also infiltrated familial structures, altered the quality of parent-child relationships and creating an ideal of parental perfection with the persistent reliance on expert guidance. The concept of the "Organization Man" articulated by William H. Whyte, alongside Erich Fromm's "Market-oriented personality" and Karen Horney's "neurotic personality," encapsulated the emergence of a new archetype—individuals who could meticulously organize their private lives in alignment with the demands of large organizations, thus commodifying their own identities. In this fragmented landscape, as individuals become commodities, eager to "sell" themselves, with values and affections subject to market dynamics, resulting in an impoverished and reduced sense of self identity.

Loss of Belonging: Civic and Social

As the cultural fragmentation manifests not only in the realm of art and self-expression but also in the very fabric of social relationships, Wilhelm Röpke articulates concerns regarding the de-socializing impacts of industrial modernity, particularly the overemphasis on economic efficacy in the personal sphere of life that precipitates to social fragmentation and the disintegration of community (Röpke). This critique resonates with contemporary phenomena such as the commodification of romantic relationships through dating apps, which exemplify a troubling interplay between technology and social identity formation. Although ostensibly designed to facilitate connections, such platforms paradoxically contribute to the disenchantment of romantic engagements, reducing the search for partners to a transactional process akin to online shopping. The illusion of abundance of choices offered by these apps, while designed to promising to enhance connections often leads to a persistent decision paralysis and dissatisfaction, mirroring a broader disenchantment in modern society. Virtual social spaces foster a "flight from social" phenomena, as face-to-face interactions decline, accelerating the retreat from traditional community structures. This transition exemplifies the permeation of market logic into social spheres once governed by shared norms and values, yielding stark consequences: delayed marriages, declining birth rates, and the erosion of long-standing social institutions. Such developments highlight a broader decline in social cohesion that characterize the modern industrial society. Moreover, the decline of industrial modernity is not uniformly experienced; rather manifests through a complex landscape marked by dialectical tensions between advancement and regression, with these experiences varying significantly across different social strata. As John Michael Greer articulates in his analysis of societal resilience amidst decline, certain social institutions persist, adapting even in the face of growing disenchantment and fragmentation (Greer). Robert Putnam's concept of declining social capital illustrates how the erosion of these community bonds lead to 'collective identity crises' in the modern age and further contributes to fundamental atomization and the retreat from social. In this context, the paradox of material abundance becomes evident; despite unprecedented wealth and access to goods, many individuals experience a profound spiritual vacuity (Putnam). This disconnect reveals a deeper malaise within the industrial modernity, where

economic prosperity fails to translate into meaningful social engagement or fulfillment. Consequently, the breakdown of traditional community structures amplifies the feelings of isolation and disenchantment, challenging individual capacities to forge authentic connections.

Responses to Disenchantment

The Search for Transcendence

Historically, the search for belonging has catalyzed movements like Second Great Awakening, which spawned many neo-spiritual denominations. In a landscape stripped of meaning, where freedom and identity often became burdens, existentialism emerged as a philosophical response to the "crisis of nihilism" and disenchantment. Kierkegaard, Heidegger and Sartre, the stalwarts of this thought, probing the complexities of freedom and the resultant anxiety, produced monumental literature on the character and destiny of the human existence. Conversely, Julius Evola argued that this strand of philosophy actually only misdiagnosed the malaise of modernity by universalizing the general condition of disenchanted humans as the fundamental and given inherent to the all of human nature (Evola).

In the face of broader disenchantment and "ontological insecurity," where traditional sources of meaning have collapsed and the individuals are left to adrift "free" without any transcendental guarantees, there have been many more attempts to recollect the fragmented meaning. Thinkers such as Peter Berger posit a renewed interest to metaphysical explorations, offering frameworks for a renewed search for transcendence and a means of reclaiming fragmented significance (Berger). Jung's exploration of "Synchronicity" offers an alternative lens for perceiving wonder in modern life, pointing to two cultural relics from a more enchanted past: the Yijing and Western astrology, respectively. The Dao, or the way things naturally evolve, is *synchronicity*, as "the way things naturally happen" (Jung). In the ancient Greek, the same concept was also fairly appropriately defined as the "Logos," a term connoted for the order or reason giving not only life to a society but the very meaning.

Literary Prospects of Re-enchantment

The widespread appeal of J.R.R Tolkien's works of fiction, for example, offers a compelling illustration of literary re-enchantment in our modern society. The craft of Tolkien's creations, imbued with profound meaning and wonder, were shaped by the commitments of him being, politically, an unfaltering conservative and, religiously, being a traditional Roman Catholic. The irony is that his works found a fervent audience among the populace whose behaviors, values and beliefs were nearly in stark contrast than his own, particularly those on the other end of political spectrum. This widespread appeal, particularly among those aligned with the political left, reveals a deeper social longing for a "cure" and suggests a lack of belonging to a larger narrative within the liberal logic of modernity.

For the modern man, such mythologies serve as an escape and provide a "cure" of wonder to the disease of socio-cultural fragmentation, where meaning and magic are largely absent in everyday life. This phenomenon extends beyond Tolkien. Frank Herbert, author of *Dune* - widely regarded as one of the greatest science fiction novels ever written - was also a staunch traditionalist, yet his work influenced the counterculture of its time equally profoundly. This pattern of seeking "cure" through fiction and magic is not just entertainment but points to a sense of belonging to something which not only transcends but is an extension of the individual identity. Despite being apparently stripped of meaning in the modern world, there exists a common human desire for wonder, meaning, and shared cultural experiences.

The Political Economy of Growth and its Discontents

Contemporary assumptions regarding economic trajectories have become increasingly outdated, mirroring historical patterns observed during the decline of Rome. Today, the once-prosperous classes face economic adversity, while individuals at the lower end of the socio-economic spectrum may experience unexpected advantages. This shift necessitates a re-examination of the relationship between education and employment, especially in light of rapid automation and digitalization, which are displacing traditional jobs across various sectors. Unlike previous industrial revolutions that generated new employment opportunities, today's technological advancements often lead to a net loss of jobs.

This context has resulted in a notable devaluation of formal education, particularly university degrees, which no longer guarantee employment or economic security. Ivan Illich's critique of institutionalized education remains relevant, as he argued that formal schooling tends to perpetuate social inequalities rather than mitigate them. His perspective calls for a radical rethinking of educational structures resonates in an era where the link between education and socioeconomic advancement is increasingly tenuous. (Illich). Similarly, Henry George highlighted the paradox of economic progress, asserting that advancements in technology and growth often exacerbate poverty and inequality. He believed that while innovation can create wealth, it frequently concentrates that wealth in the hands of a few, thereby widening the gap between rich and poor. George emphasized on cooperation alongside competition in regard to increasing productivity underscoring the need to re-evaluate the perception of economic value and the labor dynamics. (George).

Despite the continued claims of perpetual progress, the prevalent belief in the myth of endless growth has also been challenged by the emerging realities of resource depletion, energy crises, and environmental degradation (Ruppert). The decline of U.S. global hegemony and a reduction in net energy returns from fossil fuels exemplify the limits of the Industrial modernity. Herman Daly's critique of infinite growth highlights the necessity for sustainable alternatives, echoing findings from the Limits to Growth model (1972), which predicted that unchecked growth would inevitably lead to resource depletion and ecological collapse. Subsequent updates to this model have further validated these warnings, emphasizing the urgent need for economic frameworks that account for ecological limits (Meadows) (Daly). In light of these complexities, it is crucial to recognize the inherent contradictions within our current economic paradigm. We inhabit a system characterized by exploitation and unsustainability—one that some might describe as a "Mordor economy," where conflicts are embedded in the ecological and economic structures of civilization. In this landscape, human relationships often reduce to mere transactions of power and exploitation. The need is to explore alternative economic models that prioritize sustainability, equity, and genuine human connection. A nuanced understanding of the interplay between technological advancement, employment, and economic inequality will be vital as we navigate the challenges of modern industrial society.

Conclusion

The phenomenon of disenchantment reveals intrinsic contradictions within industrial modernity, where ideals of progress and rationality coexist with nihilism, alienation, and a pervasive loss of meaning. This disenchantment highlights a critical aspect of our cultural phenomenology: a retreat from the social sphere in response to the ramifications of modern industrial society. The promise of increased freedom has paradoxically led to new forms of social control through technological and bureaucratic mechanisms, resulting in a bifurcation of culture, wherein art and identity become increasingly commodified. In many pre-modern cultural contexts, success was not merely a matter of technical skill but was deeply rooted in a profound connection with divine or transcendental spirits. This connection provided meaning and revealed the Self as part of a larger existence. Such perspectives challenge the modern emphasis on objective efficiency, suggesting that fulfillment arises from relational engagement with the world, where rituals and narratives dissolve the boundaries of space and time, rendering them as significant as physical objects.

Reflecting on the transition to a disenchanted worldview, it is found that conventional narratives often position modernity as the pinnacle of human understanding, dismissing earlier worldviews as mere superstition. This perspective overlooks the complexities of contemporary life, where advancements in science and technology frequently fail to alleviate human suffering. Existential despair, fragmentation, and alienation raise critical questions about the efficacy of a purely materialist worldview. Moreover, modern individualism, while ostensibly liberating, often engenders a profound sense of existential vacuity, exposing a void within daily existence.

Efforts to re-enchant the world persist but are often undermined by entrenched structures governed by the logic of expansionary industrialism and rationalization. A nuanced synthesis of the impacts of disenchantment reveals significant implications for ideology, culture, and identity, highlighting the dialectical interplay of these elements as we navigate the tensions inherent in industrial modernity. Recognizing these complexities can inform future discussions about belief systems in contemporary life, fostering a more inclusive dialogue about traditional worldviews and what it means to live meaningfully in

an increasingly disenchanted age. As we confront future uncertainties, a return to foundational virtues such as generosity, compassion, and cooperation—alongside an emphasis on spirituality and self-discipline—may counterbalance disillusionment and foster a new social imaginary that integrates both personal and communal dimensions and may lead to a fulfilling life in a world marked by disenchanted complexity.

References

- a) Theodor W Adorno, and Max Horkheimer. *Dialectic of Enlightenment*. London: Verso, 1947.
- b) Peter L Berger, . *Facing up to Modernity : Excursions in society, Politics and Religion*. (Penguin, 1979).
- c) Pierre Bourdieu,. *Distinction: A Social Critique of the Judgement of Taste*. London: Routledge, 1984 .
- d) *Distinction: A Social Critique of the Judgement of Taste*. London: Routledge, 1984.
- e) Herman E Daly,. *Ecological economics and sustainable development : selected essays of Herman Daly*. Cheltenham, Uk ; Northampton, Ma: Edward Elgar, n.d.Jacques Ellul, . *The Technological System*. Wipf and Stock Publishers, 2018.
- f) Julius Evola, . *The Fall of Spirituality*. Simon and Schuster, 2021.
- g) Henry George,. *Progress and Poverty*. New York, Ny: Cosimo Inc, 2005.
- h) Anthony Giddens, . *Modernity and self-identity: Self and Society in the Late Modern Age*. Cambridge: Polity Press, 1991. <<https://download.e-bookshelf.de/download/0003/8871/07/L-G-0003887107-0002286451.pdf>>.
- i) John Michael Greer, . *The long descent : a user's guide to the end of the industrial age*. Philadelphia,(Pa.: New Society ; Lancaster, 2008).
- j) James Hoopes, . *Van Wyck Brooks*. Amherst : University of Massachusetts Press, 1977.
- k) Ivan Illich, . *Deschooling Society*. London: Marion Boyars, 1971.

- l) Jung, C G. *Synchronicity - an acausal connecting principle*. Taylor & Francis Ltd, 1985.
- m) *The Archetypes and the Collective Unconscious*. London: Routledge, 1991.
- n) Christopher Lasch,. *The Culture of Narcissism: American Life in an Age of Diminishing Expectations*. W. W. Norton & Company, 2018.
- o) Meadows, Donella H. *The Limits to Growth: A report for the Club of Rome's project on the predicament of mankind*. (Universe Books, 1972).
- p) John Stuart Mill,. *Principles of political economy : and, Chapters on socialism*. Oxford ; New York: Oxford University Press, 1998.
- q) Lewis Mumford,. *Art and Technics*. New York: Columbia University Press, 2000.
- r) Karl Polanyi,. *The Great Transformation: The Political and Economic Origins of Our Time*.(Boston: Beacon Press, 1944).
- s) Robert Putnam, . *Bowling Alone: The Collapse and Revival of American Community*. (New York: Simon & Schuster, 2000).
- t) Carroll Quigley, . *The Evolution of Civilizations*. Indianapolis : Liberty Press, 1979.
- u) *Tragedy and Hope : A History of The World In Our Time*. Cheyenne, Wy: Dauphin Publications Inc, 2014.
- v) Wilhelm Röpke, . *A Humane Economy*. Open Road Media, 2014.
- w) Michael Ruppert, C. *Confronting Collapse*. Chelsea Green Publishing, 2009.
- x) Adam Smith,. *The Wealth of Nations*. W. Strahan and T. Cadell, London, 1776.
- y) Georges Sorel,. *Reflections on Violence*. Courier Corporation, 2012.
- z) Charles Taylor,. *A Secular Age*. The Belknap Press of Harvard University Press, 2007.
- aa) Arnold Toynbee, J. *A study of history : abridgement of volumes I - VI*. Editorial: New York: Oxford University Press, 1987).

bb) Max Weber,. *The protestant ethic and the spirit of capitalism : the revised 1920 edition*. (New York: Oxford University Press, 2011).

PESA's Implementation and Tribal Empowerment: A Sociological Perspective (Empirical Study at Kutamkulli Village, Kanke, Ranchi, India)¹

Abstract:

The aboriginals are the real swadeshi of India, in whose presence everyone else is foreign. These are the ancient people with moral claims and rights thousands of years old. They were the first: they should come first in our regard.

Verrier Elwin

Despite significant role of these tribes been proven as important as any other class or caste or sect, but somehow the societal division has always created less favorable and rather oppressive situation for the tribal communities of various parts of India for which, laws for their protection, upliftment and favors has been framed and enforced in contemporary scenario as much needed. Out of the aforementioned legislations, one such important legislation is PESA, which is seen as a positive development for tribal populations in Scheduled Areas, who had previously suffered greatly, including areas like Jharkhand, Chattisgarh, Madhya Pradesh, etc.

In this paper, the ground reality of the “Panchayati (Extension to Scheduled Areas) Act, 1996” [PESA Hereon], has been presented, with the help of actual statistics and interviews. Also, this paper seeks to explain the various kinds of problems faced by the tribal population and the reasons why the PESA needs to be in place along with the concluding suggestions for the better implementation and benefit to the tribal communities of Jharkhand state.

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Statement of Research Problem

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (*PESA*) is a law enacted by the Government of India for ensuring self-governance through traditional *Gram Sabha*'s for people living in the scheduled areas of India.

The independent territory of the tribal people has always remained in areas with a high degree of autonomy and independency and non-interference. But lately, when ambiguous State laws and legislations started interfering with the autonomy of the tribal and scheduled areas, the Government put in place the PESA Act, under which the set of PESA rules can be applied which may promote social welfare of the Tribal Communities from Scheduled areas.

The aim of the study is to examine empirically how the network of PESA Act and rules helping the tribal causes, development and the implementation of law serving its purpose in uplifting the tribal communities.

A well implemented Act can have the tribal people develop autonomously at their own zones and at par with the other developed areas, as well as their culture and heritage can be preserved and promoted.

Literature Review

1. According to "*Laws, Policies and Practices in Jharkhand*"¹, there are many natural resources in the state of Jharkhand, but the most of which comes under the scheduled areas. Therefore, the areas have a problem of being always overruled by the centralized laws, hence to develop, decentralization in Jharkhand is needed. This article gives me an idea to relate law and policies to the social issues to understand them better, but the gap found in this article is that it didn't gave much importance to the effects of laws, policies and political practices on the development of the tribal people of Jharkhand.

¹ (Nandini Sundar) *Laws, Policies and Practices in Jharkhand*, 40 Economic and Political Weekly 4459–4462 (2005).

2. According to “*Enhancing PESA: the Unfinished Agenda*”², PESA Act, 1996 had a potential of improving upon this progressive legislation. From this article I got an idea to look at the political side of the PESA implementation which helped me to understand the hindrances in its implementation, although, there is a same gap found in this article, that it has focused less on the effects on the Scheduled Areas and focused more on political and legislative parts.

3. According to “*Juxtaposition between Development and Tribal Rights: A Story of Determined Struggle of Niyamgiri Tribes*”³, there has always been a struggle to safeguard the rights by the tribal people against non-tribal people as well as the government authorities. This article gave me an idea to look at the case of *Niyamgiri* Hills of Odisha, which is a very famous case when it comes to the rights and developments of tribals as well as looking at the other Acts that failed, which brought the formulation and implementation of PESA Act. The only gap in this article is that it gave minimal focus at the ground level representatives, like the Manchs and the NGOs focused on tribes.

4. According to a staff reporter at *The Hindu*, (2017)⁴, the PESA assumed immense importance for the tribal communities as it would protect them from displacements and alienation of the land. This article gave me an idea to focus on the Southern regions as well and that it would make a good case study for understanding the topic of my research even better. The gap in this article is regarding the point that it is focused only on the land acquisition part in the PESA Zones.

² (Kamal Choubey) *Enhancing PESA: The Unfinished Agenda*, 50 Economic and Political Weekly 21–23 (2015).

³ (Akshay Anurag & Neha Meena) *Juxtaposition between Development and Tribal Rights: A Story of Determined Struggle of Niyamgiri Tribes* SCC Blog (2019), <https://www.scconline.com/blog/post/2019/08/09/juxtaposition-between-development-and-tribal-rights-a-story-of-determined-struggle-of-niyamgiri-tribes/> (last visited Sep 1, 2024).

⁴ Staff Reporter, *Implement PESA Act in letter and spirit* (The Hindu 2017).

Theoretical Framework:***Development Theories***

Development theory is a collection of ideas on how to bring about desired changes in society. These theories are based on a number of different social science fields and techniques. Multiple hypotheses are explored in this article, as well as recent advances in these theories. There are various reasons for the development process and its inequities depending on which theory is examined.

Theories of Conflict

Conflict theories are sociological and social psychological viewpoints that emphasize a materialist interpretation of history, a dialectical method of analysis, a critical approach toward current social arrangements, and a political programmed of revolution or, at the very least, reform. Conflict theories highlight power disparities, such as class conflict, and contrast historically dominant ideologies. As a result, it is a macro-level analysis of society. Karl Marx is widely considered as the father of social conflict theory, which is one of sociology's four fundamental paradigms.

Significance of this Study

The researcher has undertaken of this research work so as to find out the gaps and loopholes, like functional incapacities in the formulation and implementation of PESA Act in the Scheduled Areas, especially in the State of Jharkhand, so that further findings based on this study may be contributed to the development and upliftment of the tribal community in the scheduled areas, and act in furtherance of betterment of the society altogether. This study may help to bring light to the tribal issues at the grass root level and case studies of the same. This study will also help in suggesting the policy measures in this regard.

Research Objectives

This study has been conducted with the manifold objective:

- To bring out the process of implementation of PESA Act

- To find out the contribution of PESA Act in the development of the Tribal communities
- To find out the impact of PESA Act in decentralization
- To check whether PESA Act has helped in the protection of Natural Resources like land, forests, minerals, etc.
- To find out if PESA Act has helped in protecting the sacred culture of the tribal communities.

Research Hypothesis

1. PESA Rules are facing hindrances in implementation at the grass root level.
2. PESA implementation has kept at priority the development of the Tribals.
3. PESA Act contributes in the autonomous governance of the Scheduled Areas.
4. PESA Act has given a relaxation in the land acquisition and alienation of the tribals.
5. PESA Act has uplifted the tribal communities thereby giving them space for their cultural growth.

RESEARCH METHODOLOGY

Target Population

People of 19-60 years of age from the Scheduled Areas of Jharkhand, including male and female but not transgender as none could be found in the area chosen.

Research Design

This questionnaire is constructed for this study that is experimental research design. Survey research designs entail gathering information by documentation of questions. The survey was held in the *Kutumkulli* Village in *Kanke Block*, in the State of Jharkhand, India.

Also, focused group discussion was done, with the representative of the *Adivashi Buddhijivi Manch* (ABM) chief, for gathering the point of view of the representative class. ABM is a popular, widely known quasi political association

which provides platform for the concerns of tribal communities locally across the State of Jharkhand, focused around the capital city Ranchi.

Sample Size

The researcher will target 20-50 people from different parts of the village and outskirts.

Method of Data Collection

Mixed method approach has been adopted to collect Quantitative and Qualitative Data Collection, both has been employed. Primarily, data from the interviews of the residents of the aforementioned village has been used apart from newspaper statistics.

Introduction

As noted in the policy brief by the United Nations Development Programme (UNDP), the enactment of the **73rd Constitutional Amendment** marked a significant step toward strengthening local self-governance in India. It initiated the devolution of powers and responsibilities from central and state authorities to local government institutions through the establishment of **Panchayati Raj Institutions (PRIs)** as a structured national framework for decentralized governance. Where *panchayat* laws already existed, the States made appropriate adjustments or adopted legislation in accordance with the 73rd Amendment where none existed. The transfer of powers and responsibilities to the PRIs was not uniform or at the same rate, but it happened gradually. The scheduled areas were exempted from the 73rd Amendment, and Parliament passed the *Panchayat* (Extension to the Scheduled Areas) Act, 1996, to address this (PESA). PESA provisions were included into State *Panchayat* statutes through changes and amendments.

Yet, only in 10 states PESA was implemented, one of which is Jharkhand. Although, the rules have not yet been notified in Jharkhand due to political unrest in the State.⁵ So, to get at the depth of it, the researcher has conducted a field

⁵ Secretary, Shri Vivek Bharadwaj will inaugurate the Two-day Regional Conference on Strengthening of Pesa Tomorrow at Pune, Maharashtra, Press release Detail (2024),

survey in the *Kutumkulli* village, *Kanke* Block of Jharkhand, a semi developed village, the results and interpretations of which are presented as follows:

About The Village

The village of *Kutumkulli* is situated approximately 25 kilometers from the city of Ranchi and 10 kilometers from *Kanke* Block, within the *Kutumkulli Panchayat*. The rural population, consisting of approximately 600-1,200 households, resides in semi-developed villages characterized by predominantly concrete and mud-brick dwellings. The community exhibits a diverse religious composition, encompassing *Hindus*, *Muslims*, and tribal populations. Unemployment is a prevalent issue, with a significant portion of the residents living below the poverty line. Despite these challenges, modern amenities such as smart phones, telephones, and solar power have begun to penetrate the village, symbolizing the gradual integration of technology and modernization.

The primary sources of drinking water for the village are tube wells and seasonal wells, reflecting the reliance on local water resources. Rural poverty remains a defining characteristic of the region, exacerbated by the dysfunctional state of the local government system, as evidenced by the inoperative *panchayat*. The cultural fabric of the village is enriched by the celebration of various festivals, including *Durga Puja* and *Eid*, showcasing the community's religious diversity and adherence to traditional practices.

GALLERY



Picture 1: *The entry view of the village showing a water tank, which is empty, therefore non- functional, in such scorching heat. On the side, there is ration shop, as seen, is closed.*

<https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1994916#:~:text=Out%20of%20the%20ten%20PESA,respective%20State%20Panchayati%20Raj%20Acts> (last visited Sep 2, 2024).



Picture 2: The sevika of the panchayat kindergarten school is being interviewed, by the author. (Conclusions attached at last) She was well educated till matriculate and was cooperative.

Picture 3: The primary school at the Kutumkulli Village, and the students here are taught basic mathematics, Hindi alphabets, and basic mannerisms with mid-day meal.



Picture 4: The domestication of goats and hens are very common as a source of basic food consumption due to the lack of agricultural facilities.

Sociological Observations

“Sociology is not a science. Sociology in miniature is a cry for help.”

Emile Durkheim

The primary source of livelihood for a majority of the village's inhabitants is agriculture. However, the absence of adequate irrigation infrastructure severely limits agricultural productivity, compelling farmers to engage in monoculture practices. This dependence on a single crop exposes the local economy to significant risks associated with fluctuating market prices and adverse weather conditions.

The village is plagued by a relatively high unemployment rate, forcing many residents to seek employment opportunities in other regions. This migration has led to a brain drain, depriving the village of skilled labor and contributing to a decline in local economic activity.

Despite government initiatives aimed at improving the lives of rural populations, a significant portion of the village's residents have not benefited from these programs. This disparity may be attributed to factors such as limited awareness of government schemes, bureaucratic hurdles, and inadequate implementation mechanisms.

PESA and Its Brief

Simply published by ministry, and opined by *Ajay Dandekar*,⁶ PESA represents a departure from colonial governance laws that pervade administration of people and natural resources, promoting people-centric governance. 'PESA is a unique piece of legislation, often referred to as a Constitution within a Constitution, that attempts to bring together in a single frame two completely different worlds: the simple system of tribal communities governed by their respective customs and traditions, and the formal system of the State governed solely by laws.'

It recognizes the village as a natural unit of the community (defined as a habitation or group of habitations, the natural village as opposed to the administratively defined unit based on population) and it's *Gram Sabha* as pre-eminent (as opposed to the elected *Gram Panchayat* as in the states' *Panchayat Raj Acts*). The *Gram Sabha* was regarded as having the authority to exercise a variety of powers.

⁶ (Ajay Dandekar & Chitrangada Choudhary) *PESA, Left-Wing Extremism and Governance: Concerns and Challenges in India's Tribal Districts*, Anand (2010).

Some of its sections like Section 4⁷ along with its sub clauses a to o describes how the PESA Rules are to be framed in consonance with the tribal customs as well as the statutory body provisions and to give space for the autonomous self-rule, including the rules laid down for the *panchayat* election, which clearly mentions about people choosing a leader from the village who is of the scheduled caste and how the further *panchayat* is to be constituted and the powers it will get conferred, to function autonomously from the State Government but not crossing the lines of State Laws and provisions.

PESA makes mandatory for Scheduled Areas the much-ignored Directive Principle of State Policy of establishing a virtual "Village Republic," as envisaged in Article 40⁸. The tribal peoples, who were forced by law to approach some authority or another of an alien 'outside' their world, with PESA makes the familiar setting of the open assembly of the village formally specified as *Gram Sabha* to become the centre of governance.

Field Observations with Statistics

Category of Subject: -

Serial Number	Categories	Number	Percentage
1	ST	5	1
2	SC	7	1.4
3	OBC	8	1.6
4	General	0	0
5	Others	0	0

⁷ (PESA Act, 1996) § 4, No. 40, Acts of Parliament, 1996 (India).

⁸ (INDIA CONST. 1950) art. 40

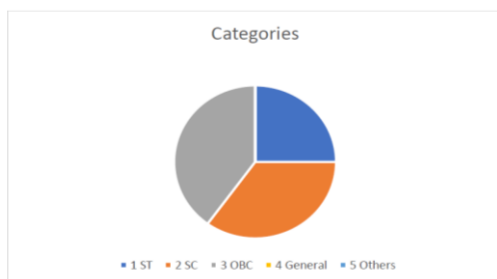


Chart 1: Categories' representation

This data presents the categories of the subject, the majority of which are Schedule Castes and Schedule Tribes, and the minority is of the Other Backward Class.

To record this data was the first step in the interview, as it will classify the numbers of beneficiaries and the subject of the PESA Act.

Age Groups of Subjects: -

Serial Number	Age	Number	Percentage
1	18-29	7	1.4
2	30-39	6	1.2
3	40-49	4	0.8
4	50-60	4	0.8

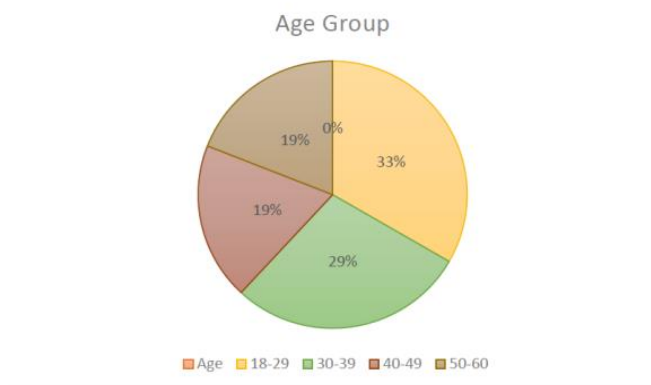


Chart 2: Age Group representation

The age group of the residents was important to know, in order to formulate the suggestions and to formulate the policies in accordance, so the maximum benefits can be delivered to each section of residents.

The youth was less in the village and mid aged population was more, and also active.

Gender: -

Serial Number	Gender	Number	Percentage
1	Male	12	2.4
2	Female	8	1.6
3	Others	0	0

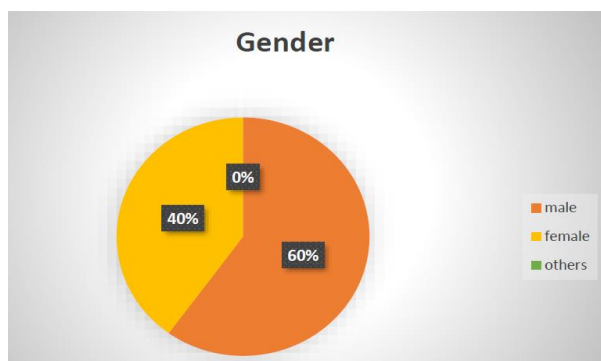


Chart 3: Age group representation.

To know the gender of the subject will help in gender specific policy formulation and it is also important to know the percentage of women, so that PESA specific reservations can be

made.

It can be seen during the field survey, that women are more actively participating in the village social life.

Employment: -

Serial No.			Employed	No.	Percentage
1			Yes	12	2.4
2	No	8	1.6		

Employment



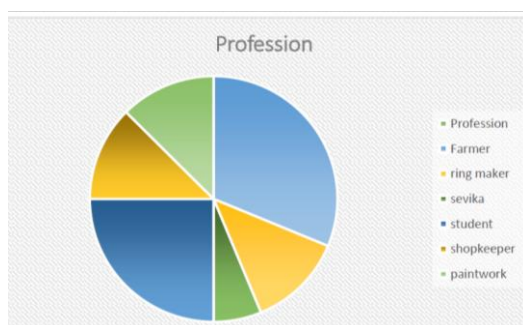
Chart 4: Employment Representation

To know the employment status of the subject is necessary, so as to find out the ground reality of any government schemes, and also to ascertain the reasons and solutions for unemployment.

Though there is employment, but not permanent, and also, there is high unemployment rate.

Profession: -

Serial Number	Profession	No.	Percentage
1	Farmer	5	1
2	<i>Sevika</i>	1	0.2
3	Ring Maker	2	0.4
4	Student	4	0.8
5	Shopkeeper	2	0.4
6	Paintwork	2	0.4

**Chart 5:** Profession set representation

These are the various professions that the subjects are engaged in, as known from the survey.

Among which there are students too, who are not employed, or do freelance work of all types.

Mostly, there are farmers, who make some amount of income seasonally.

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Tribe: -

Serial Number	Tribe	Number	Percentage
1	<i>Oraon</i>	8	1.6
2	<i>Mehta</i>	6	1.2
3	Muslim	6	1.2



Chart 6: Tribal group representation

To know the tribes to which the subjects belong are also necessary, to substantiate the other categories questions. Also, another religion is altogether added along with the tribes, because during field survey

we got to know that apart from these two majority tribes, the only minority is of this religion.

Education: -

Serial Number	Level	Number	Percentage
1	10 th	13	2.6
2	12 th	6	1.2
3	Graduated	1	0.2

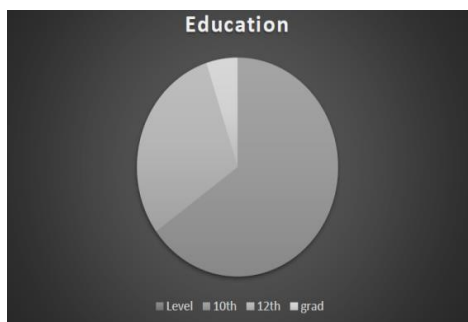


Chart 7: Educational Condition representation

The graduation level of the subject is important as it will help to collect easy responses, as it helped; also, it helped to ascertain the provisions of basic education and higher education facilities available.

When seen, a high number of the subjects are 10th pass, and a very low number of subjects are 12th passed. And for graduation, only one person is out of the village for the same.

Idea about PESA:

Serial Number	Idea	No.	Percentage
1	Yes	1	0.2
2	No	19	3.8

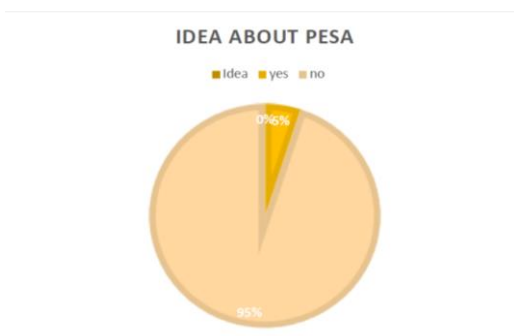


Chart 8: Representation of people who know and do not know about PESA Act

Idea about PESA is important to ask, as without a basic idea of the act, the follow up questions could not have been answered. As we can see, 19 out of 20 people has no idea

for the same, so to complete the survey, we explained them the brief of PESA, and the rules and provisions under the same, and based upon the fair relativity and understanding, the survey was answered elaborately by the subjects.

Land Owning: -

Serial Number	Land	No.	Percentage
1	Commercial	0	0
2	Agricultural	16	3.2
3	Ancestral	17	3.4
4	Alienated	11	2.2

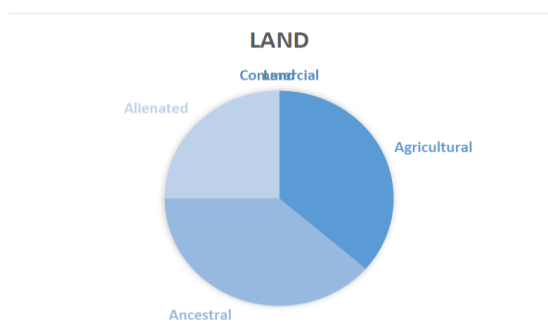


Chart 9: Land owning representation, including commercial, ancestral and agricultural land.

As PESA has the provisions and one of the purposes of the Act also states about the land rights of the tribal community, it is important to know if the subjects

own the land, of what type and the alienation of them from their land.

As seen from the survey, very less of the subject owns lands, in small amount, that too only for agricultural purposes and most of them have ancestral land and the a good number of people have been alienated from their land by crook and due to lack of legislations and facilities in their favors, they have failed to claim it back yet.

Cultural Practices: -

Serial Number	Practices	No.	Percentage
1	Free Practice	20	100
2	Contributions	18	3.6

3	Societal Development	20	100
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Chart 10: Cultural Practices representation

By societal development, the researcher aimed and explained the question to mean all the other scopes of development, benefits, loopholes and hindrances that could have

existed but not covered by the researcher. This question was put at the end, which also worked as suggestion receiver.

By contributions, the researcher asked, if PESA will contribute in the cultural practices and advancement of the same, the response to this was fairly positive.

PESA's help in overall societal development: -

Serial Number	Help	Number	Percentage
1	Community Power	3	0.6
2	Official Work Made Easy	2	0.4
3	Women/Widow Upliftment	11	2.2
4	More Youth Focused	3	0.6
5	Children Upliftment	1	0.2

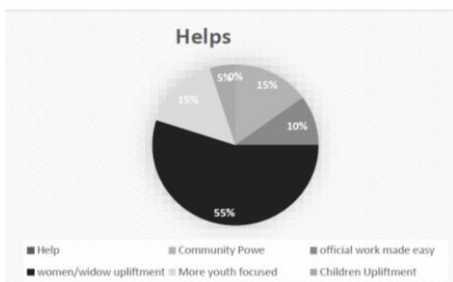


Chart 11: Various help and expected benefits of implementation of the Act.

As an extension and substantiation to the above question, if PESA will be implemented accurately as formulated, at the ground level, the aforementioned benefits will be there. The majority of the

subject expects the widow support and women upliftment.

How will PESA implementation prevent land alienation?

Serial Number	Prevention	Number	Percentage
1	Community Support	4	0.8
2	Rights Strengthen	8	1.6
3	Less Illegal Land	3	0.6
4	More Land Available	5	1

Prevention of Land Alienation

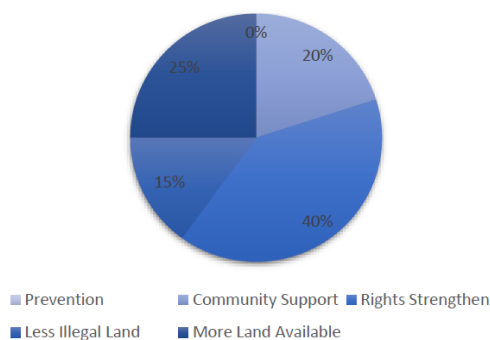


Chart 12: Representation of Prevention of Land Alienation by various methods.

The implementation of PESA Act and Rules are also important in the context of land rights, the provisions for which is given separately in the sections of PESA, which is bona-fide beneficial to the Scheduled population.

As seen from the survey, there is a major problem of the land alienation, especially illegally occupying the ancestral lands of the subjects, and the same can be prevented by the various methods as expected by the subjects, and the most preferable is community support and strengthening of land rights and the grants of the same.

By less illegal land, the researcher explained and asked if there is any illegal occupying of the land by the outsiders, the incidences of which are commonly seen.

Powers Needed by Panchayat Heads: -

Serial Number	Powers	Number	Percentage
1	Autonomy	6	1.2
2	Funds	4	0.8
3	Corruption	10	2

Powers needed by the Head

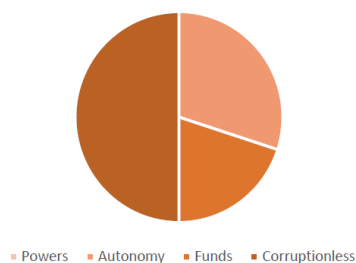


Chart 13: Representation of various powers needed by the head of the village.

By the head, *Panchayat* head, or the *sarpanch* or *mukhiya* is being referred to.

As seen in the survey, corruption is the major problem with the *mukhiya* and the complaints of lack of funds allotment is the major cause and hindrance to the development schemes application in the village.

Development Scheme Awareness: -

Serial Number	Schemes	Number	Percentage
1	MANREGA	20	100
2	JDY	15	3
3	AY	8	1.6
4	<i>Pashu Palan</i>	3	0.6

**DEVELOPMENT SCHEMES
AWARENESS**

• Schemes • Manrega • JDY • AY • Pashu palan

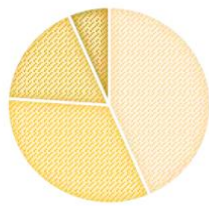


Chart 14: Representation of awareness among the residents regarding various developmental schemes.

Apart from unawareness of the PESA Act, which was unfortunate and an irony, the villagers were aware of the other developmental schemes. Major of which was

MANREGA.

But even the benefits of MANREGA are not being delivered on time and there is a cumbersome process with ignorant officials at all levels.

Developments and Benefits if PESA is applied:

Serial Number	Benefits	Number	Percentage
1	Social Upliftment	5	1
2	Infrastructure	4	0.8

3	Communal Upliftment	7	1.4
4	Basic Amenities	2	0.4
5	Agricultural Facilities	2	0.4

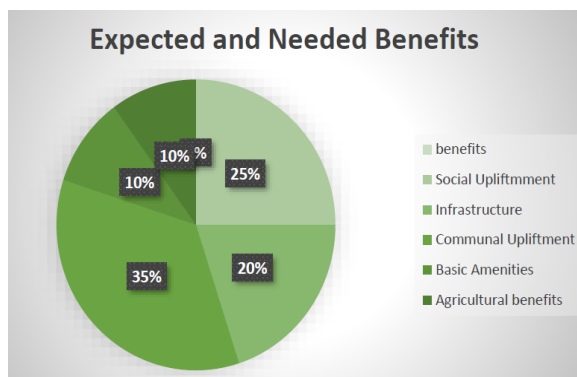


Chart 15: Representation of various expected needs and benefits from the Act

By expected needs and benefits, the combined and interpreted replies of the subjects are presented on the questions regarding what are the benefits being expected by

them on the implementation of the PESA on ground level and what developments are needed, to which the reply was in resonance, signifying that there is nothing extra apart from the absolute basic rights and deserving of the villagers that has been expected.

The major of which are communal upliftment and infrastructure including road, water, electricity, etc. as mentioned here on.

Developments needed and expected: -

Serial Number	Developments	Number	Percentage
1	Water	3	0.6
2	House	7	1.4
3	Electricity	3	0.6

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4	Road	2	0.4
5	Irrigation	3	0.6
6	Transportation	2	0.4

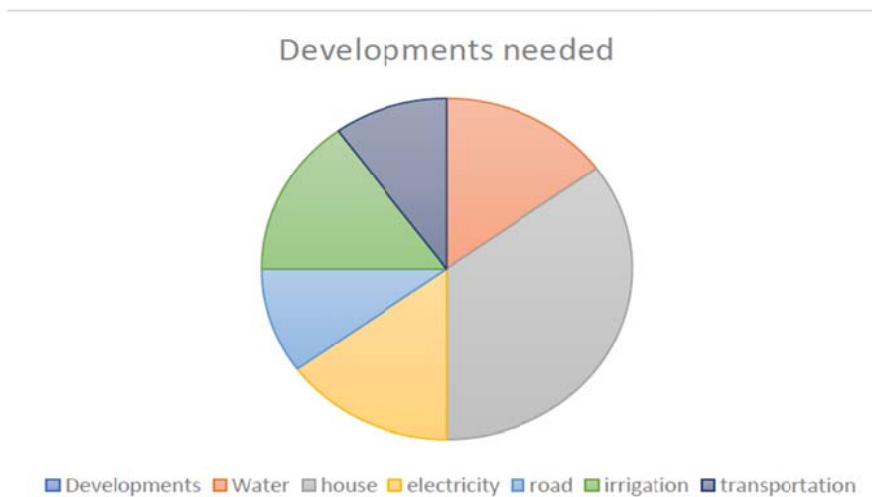


Chart 16: Representation of various developments needed in urgency.

As an extension and substantiation and to bifurcate further, this question was asked. The subjects replied with their needs and expectations from the PESA implementation to fulfill the same.

The majority of the subjects are in dire problems due to lack of road and transportation, hindering the education and employment options.

Smooth Implementation Suggestion: -

Serial Number	Suggestions	Number	Percentage
1	Cut Corruption	8	1.6
2	Public Support	3	0.6
3	Policy Framing	3	0.6
4	Better Representation	6	1.2



Chart 17: Representation of various suggestions grouped, for better implementation of the Act.

This question was added to get the unfiltered point of view of the villages, if any left during the specific questions. The accumulative reply of which was that to

have a smooth implementation of the PESA Act and its rules on the ground level, Corruption has to be cut down and the better representation of the *mukhiya* is required at the higher governmental institutions.

Limitations of the Study

The study faced several significant challenges due to the language barrier, time-consuming nature of the research, and difficulties in gaining participant cooperation. As the researcher was fluent only in Hindi, communication with subjects who spoke other native languages was hindered, leading to misunderstandings and difficulties in establishing rapport. The novelty of the research topic made it necessary to invest considerable time in each interview to ensure mutual understanding and consensus. Additionally, many households were reluctant to participate, expressing fear or shyness, which further hampered the recruitment process. The working hours of the participants also posed a challenge, as many were away from home during the day, limiting the availability of potential subjects.

In most of the interviews, subjects deviated from the questions and took an opportunity to put forward their private grievances, which was irrelevant to the topic, though would have been informative otherwise.

Conclusions

“Starvation, and not sin, is the parent of modern crime.” Oscar Wilde

Findings from the Data

When the seasonal source of employment is gone or not available, when the road to cities where the farming produce is sold are blocked or inaccessible, where the means to modern education like network and internet connection is unavailable, where the basic sources of honest livelihood and food are systematically made unavailable or seemingly inaccessible, then a society resorts to the same crime it condemns on itself like stealing, shoplifting, dacoit, blackmailing and other illegal dealings to satisfy hunger prangs and survival instincts over laws, and societal morals. These smaller bits of big impacting actions will eventually lead to increased crime rates instigate/motivate criminals. This can clearly be seen from the charts and its data mentioned above.

The study revealed several underlying issues within the community. A strong community-oriented mentality prevailed, with a preference for communal

benefits over individual advancement. The village faced a scarcity of basic amenities, such as water, electricity, and high schools, with access to water being dependent on seasonal wells and a mostly non-functional tube well. Despite the desire for education and upward mobility, the youth were hindered by limited resources and opportunities. Widows, particularly those without sons, were particularly vulnerable due to the lack of support systems. The PESA Act was intended to empower the community through the election of local representatives, but the current *mukhiya*, a non-resident with little concern for the village's problems, was perceived as corrupt. Funds allocated for development were often misappropriated by officials at the State level. While the central government's beneficial schemes were appreciated, their implementation was hampered by corruption at the local level. Addressing the issues of unemployment and lack of education required improvements in infrastructure, such as roads and transportation facilities. The ward *parshad* system created bureaucratic hurdles for obtaining essential documents, highlighting the need for an autonomous tribal government operating in parallel with the state government.

Majority of the population are not even aware about the PESA Act and its rules, when it is made for their own benefit, which shows that it has not been implemented on the ground level, and also shows that no sincere efforts have been made to make the subjects aware of such benefits.

PESA Rules of the Act are facing hindrances in being implemented at the grassroot level

The provisions of the act clearly lay down the rules for the election of the *mukhiya* within the tribe, which is yet not applied whereas there has been one election, is held already and one is on hold, which is the major reason why no one is accountable for any kind of loss or inconvenience to the villagers at large. The major hindrance in the grass root implementation is the ignorance of the state government itself and of lack of representation of the *mukhiya* in the major institutions of the state government. Each passing day brings a novel urgency and problems requiring immediate attention of the authorities. Some issues are as basic as saturated but are a matter of life and death, for instance, the *kachha sadak* or the un cemented roads with potholes and gravels, lack of electricity and sanitation and the hygiene issues and diseases caused by open defecation.

PESA Act's Implementation has not prioritized the Tribal Development.

The Rules of the Act are mostly pertaining to the autonomous self-government of the Scheduled Areas and which in return will benefit in the societal upliftment of the subject. But meanwhile, the Other Backward Class (often including BC-II or Non- Creamy Layer) and the general of the scheduled areas is not likely to benefit much from the Act. Also, the major problems are yet to be addressed by the state government, which is ignored. If there had to be any welfare, it will start from the implementation of the PESA Act and its rules, but even in this implementation the government officials are the ones who are not letting the benefit reach directly to the beneficiaries.

PESA Act will create Autonomous Government, if applied

The Section 5 (o)⁹, lays down the rules regarding the election and the further sub clauses lays down the criteria of the nomination for the *mukhiya* election for the *panchayat*. It lays down that a person from the Scheduled Area and Tribe is only eligible to contest for the election of the *mukhiya* and the further voting will take place as it takes place for any other government posts. But the rules are not being applied and are hindered for the private benefits of a handful of officers. Therefore, if PESA Act is applied with all its clauses to the grass root level, then it will create a bona-fide autonomous government which will be representative of the tribals.

Problems of Land Acquisition

The problems of land acquisitions by the tribal communities are major, and there is no written scope in the PESA Act for this problem. It can be a shortcoming of the formulation of the Act, but there have been no problems of land acquisition faced by the Scheduled Tribes in the village. Though, there are very less people who own some land, that too ancestral, are used for kitchen agriculture. Though, PESA Act will strengthen the land ownership rights of the tribals, but the Act has completely ignored the other category of residents in the area, who have lost their *Khatyani* ancestral land to the tribal acquisitions.

⁹ PESA Act, 1996, § 5, sb. cl. O, No. 40, Acts of Parliament, 1996 (India).

Communal Harmony

Communal Harmony is already there in the village. There have been no cases of community rivalry, even during the festivals, or there have been no cases of riots. All the communities harmoniously practice their faiths and celebrate their festivities.

In this context, the PESA Act may not require any specific exceptions, nor does it appear necessary to provide additional benefits within this particular sphere.

Suggestions

1. The upcoming elections should be held with the implemented rules of the PESA Act. Due to political party agendas, the growth and fulfillment of basic necessities should not be traded off or shifted over to another election period.
2. In consultation with the relevant Ministries and Departments, *Panchayat Raj* Institutions, develop a state-specific plan and programme for administrative assistance for *Gram Sabha*.
3. Efforts and commissions should be setup by the state government for the identification of villages left out of Scheduling in the PESA States and development of a proposal for President Notification.
4. The Ministry of Tribal Affairs should be the one undertaking the implementation of the PESA Act in the Scheduled areas, therefore during the *Vidhan Sabha* (State Legislative) sessions; the questions should be raised on this point for discussion in the house.
5. The aforesaid solution will bring more media attention to the topic, therefore more awareness and pressure on the government institutions would be there to work and transparency can be maintained.
6. The developments under the PESA Act should be brought under the scope of RTI.
7. Examining the provisions of the State *Panchayat* laws and subject legislation for inconsistencies or non-compliance with the PESA regulations, and reformulating or formulating them.
8. Understanding PESA as a new governance paradigm, a programme for perspective formation, this can be done if more student institutions like us would volunteer the awareness campaign.

9. The aforementioned will create a public consensus and awareness for their rights, which will upsurge the unity, which will not allow the escapism from the accountability.

10. Issue directions to the States under Proviso 3 of the Fifth Schedule⁷⁰ and Article 339 (2) 71¹⁰ on a number of essential issues that are not covered by PESA but are relevant to PESA and Scheduled Areas.

11. Ensuring that the *Gram Sabha* and *panchayats* at the local level have autonomy and that the structures above do not intrude on the powers of the institutions below; inclusion of tribal habitations not included or left under the Fifth Schedule.

12. Reorganization of Scheduled Area into districts entirely made up of Scheduled Area in order to rationalize Scheduled Area.

¹⁰ INDIA CONST. art. 339, cl. 2, 71.

Administration of Justice in Ancient India with Special Emphasis on Women¹

Abstract:

In ancient India, the administration of justice was a multifaceted system deeply rooted in the socio-political fabric of the time. This research paper explores the intricacies of the ancient Indian judicial system, shedding light on its structures, processes, and underlying philosophies.

At the heart of ancient Indian justice administration was the concept of dharma, or righteous conduct, which governed both individual behavior and societal norms. Dharma formed the basis of law and justice, emphasizing moral principles and ethical values in resolving disputes and maintaining social harmony.

The ancient Indian judicial system was decentralized, with different regions and communities often having their distinct systems of justice. Local councils, known as sabhas and samitis, played a significant role in adjudicating disputes and dispensing justice at the grassroots level. These councils were comprised of respected elders and community leaders who applied customary laws and traditions to resolve conflicts.

In addition to local councils, ancient India also saw the emergence of royal courts, where kings and rulers administered justice on a broader scale. The king, or raja, was considered the ultimate arbiter of justice and was responsible for upholding dharma and ensuring the welfare of his subjects. Royal courts employed a hierarchy of officials, including judges, magistrates, and courtiers, who assisted the king in dispensing justice and maintaining order in the kingdom.

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The legal system in ancient India encompassed a wide range of laws and regulations covering civil, criminal, and administrative matters. Legal texts such as the Manusmriti, Arthashastra, and Dharmashastra provided guidelines for governance, justice administration, and social conduct. These texts codified laws, established procedures for trials and punishments, and outlined the rights and duties of individuals within society.

Furthermore, ancient Indian justice administration was characterized by its emphasis on mediation, arbitration, and reconciliation as methods of dispute resolution. Courts encouraged parties to resolve their conflicts amicably through negotiation and compromise, with judges serving as mediators to facilitate settlements.

The administration of justice in ancient India was a complex and nuanced system deeply influenced by cultural, religious, and philosophical beliefs. By exploring the structures, processes, and values inherent in ancient Indian justice administration, this research paper seeks to provide insight into the rich legal heritage of the region and its enduring impact on modern concepts of justice and governance.

Keywords: History, Dharma, Dharmashastra, Justice, Caste, Rural Administration, Punishment

Introduction

In ancient India, the administration of justice was a fundamental aspect of society, deeply rooted in the principles of *dharma* (righteousness), fairness, and equity. Dating back to several millennia, the system of justice in ancient India evolved, influenced by various socio-cultural, religious, and philosophical factors. This essay will explore the administration of justice in ancient India, highlighting key institutions, legal principles, and practices that characterized the judicial system of the time.¹

¹Anupam Sharma, *Police in Ancient India*, 65(1) Indian J. Pol. Sci. 101, 101-10 (2004), <http://www.jstor.org/stable/41855800>.

At the heart of the administration of justice in ancient India was the concept of *dharma*, which encompassed moral, ethical, and legal principles governing individual conduct and societal order. *Dharma* formed the basis of the legal system and was upheld by rulers, judges, and legal scholars alike. The ancient Indian legal tradition was deeply ingrained in the Dharmashastra texts, including *Manusmriti*, *Arthashastra*, and *Yajnavalkya Smriti*, which codified laws, norms, and procedures for resolving disputes and administering justice.²

One of the central institutions of justice in ancient India was the king's court or royal assembly (*sabha*), where disputes were adjudicated and judgments were delivered by the king or his appointed judges. The king was considered the upholder of *dharma* and the ultimate authority in dispensing justice. The royal court was often assisted by learned Brahmin jurists and advisors who interpreted legal texts and provided counsel on matters of law and governance.

In addition to the royal court, local assemblies (*sabhas*) and village councils (*panchayats*) played a vital role in the administration of justice at the grassroots level. These decentralized bodies resolved disputes and maintained order within their respective communities, guided by customary laws, local traditions, and the principles of *dharma*. Village elders, respected community leaders, and elected representatives formed the core of these assemblies, ensuring the participation of the community in the dispensation of justice.³

The legal system in ancient India was characterized by its flexibility and adaptability to diverse social contexts and changing circumstances. While the *Dharmashastra* texts provided overarching principles of justice, they also allowed for discretion and interpretation based on the specific needs and conditions of different regions and communities. This decentralized and pluralistic approach to justice ensured that the legal system remained accessible and responsive to the needs of the people.

²R. K. Gupta, *Law & Order Administration in Ancient India*, 65 (1) Indian J. Pol. Sci. 111, 111-22 (2004), <http://www.jstor.org/stable/41855801>.

³Sharma, *supra* note 1

Furthermore, the administration of justice in ancient India emphasized reconciliation, mediation, and arbitration as preferred methods for resolving disputes. Litigation was seen as a last resort, with efforts made to encourage amicable settlements and consensus-building among parties. Mediators (*panch*) played a crucial role in facilitating negotiations and reaching mutually acceptable solutions, guided by principles of fairness, equity, and compromise.

In conclusion, the administration of justice in ancient India was a multifaceted system guided by principles of *dharma*, fairness, and community participation. From the royal courts of kings to the grassroots assemblies of villages, the legal system was characterized by its inclusivity, flexibility, and emphasis on reconciliation. While the specifics of legal procedures and institutions may have varied across regions and periods, the overarching ethos of justice as a cornerstone of societal order remained constant throughout ancient Indian history.⁴

Objective of Study

The objective of this research paper on the administration of justice in ancient India is to explore and analyze the key principles, institutions, and practices that governed the legal system of the time. By examining ancient texts, historical records, and scholarly interpretations, the study aims to uncover the underlying concepts of justice, the role of rulers and legal authorities, and the methods used for resolving disputes. Through a comprehensive exploration of ancient Indian jurisprudence, the paper seeks to contribute to a deeper understanding of the evolution and significance of legal traditions in shaping societal norms and governance structures.

Research Methodology

The research methodology adopted for this research work/study involves a multidisciplinary approach. Primary sources such as *Dharmashastra* texts,

⁴Jitendra Naryan, *Corruption in Administration in Ancient India*, 66(3) Indian J. Pol. Sci. 559, 559-574 (2005), <http://www.jstor.org/stable/41856149>.

historical records, and inscriptions provide foundational knowledge. Secondary sources including scholarly articles, books, and archaeological findings offer context and analysis. Comparative studies with other ancient legal systems aid in understanding unique features. Methodological frameworks encompass textual analysis, historical interpretation, and comparative analysis. A critical examination of primary and secondary sources, coupled with interdisciplinary perspectives, ensures a comprehensive understanding of the administration of justice in ancient India.

Literature Review

In exploring the administration of justice in ancient India, scholars have drawn upon a rich array of sources spanning religious texts, legal treatises, historical accounts, and archaeological findings. One seminal work in this field is *The Arthashastra* attributed to Chanakya (Kautilya), which provides detailed insights into governance, law, and justice during the Mauryan period. Chanakya's treatise offers a comprehensive overview of administrative practices, including the establishment of courts, appointment of judges, and procedures for adjudicating disputes.

Another foundational text is the *Manusmriti* (Laws of Manu), an ancient legal code that delineates the principles of dharma and lays down rules governing social conduct, morality, and justice. Scholars have examined the Manusmriti to understand its influence on legal thought and practice in ancient India, particularly regarding issues of caste, gender, and property rights.⁵

In addition to classical Sanskrit texts, historians have turned to archaeological evidence and inscriptions to reconstruct the legal systems of ancient India. The discovery of inscriptions on pillars, coins, and cave walls has provided valuable insights into the administration of justice, including the role of local assemblies

⁵*Id.*

(sabhās) and village councils (panchayats) in resolving disputes and maintaining order at the grassroots level.⁶

Recent scholarly research has also explored the intersection of law and religion in ancient India, examining how religious beliefs and rituals influenced legal practices and the dispensation of justice. Studies have highlighted the role of Brahminical texts and rituals in legitimizing royal authority and shaping legal norms, as well as the emergence of alternative legal traditions such as Buddhist and Jain jurisprudence.

Furthermore, interdisciplinary approaches incorporating anthropological, sociological, and comparative perspectives have enriched our understanding of justice in ancient India. Comparative studies with other ancient civilizations, such as Mesopotamia, Egypt, and Greece, have shed light on commonalities and differences in legal systems, judicial procedures, and conceptions of justice.⁷

The literature on the administration of justice in ancient India is multifaceted and interdisciplinary, drawing upon a wide range of sources and methodologies. Through a careful analysis of religious texts, legal treatises, archaeological findings, and comparative studies, scholars continue to deepen our understanding of the complexities and nuances of justice in ancient Indian society.

Legal Framework

In ancient India, the legal framework governing justice was deeply rooted in the concept of dharma, a complex and multifaceted term encompassing righteousness, moral duty, and cosmic order. Dharma formed the basis of societal norms and ethical principles, guiding individuals and communities in their conduct and interactions. Central to the concept of dharma was the idea of upholding justice and ensuring the well-being of all members of society. Dharma

⁶ C. P. Bharadwal, *Nature of District Administration in Ancient and Modern India: A Comparative Analysis*, 75 Indian J. Pol. Sci. 221, 221-36 (2014), <http://www.jstor.org/stable/24701131>.

⁷ A. Lakshminath, *Criminal Justice in India: Primitivism to Post-Modernism*, 48(1) Indian J. Pol. Sci. 26, 26- 56 (2006), <http://www.jstor.org/stable/43952016>.

was not merely a set of rules or laws but a guiding philosophy that permeated every aspect of life, including the administration of justice.

The *Manusmriti*, also known as the Laws of Manu, stands as one of the most influential legal texts in ancient India, providing a comprehensive code of conduct and legal principles. Composed around the 2nd century BCE to the 2nd century CE, the *Manusmriti* delineates various aspects of dharma, including social, familial, and legal duties. It lays down rules governing personal conduct, social hierarchy, and the administration of justice. The *Manusmriti* prescribes specific punishments for different offenses, ranging from fines and exile to more severe penalties such as mutilation and death, reflecting the prevailing moral and ethical values of the time.

Apart from the *Manusmriti*, other *Dharmashastra* texts, such as the *Arthashastra* attributed to Chanakya (Kautilya), provided additional insights into legal principles and governance in ancient India. The *Arthashastra*, composed around the 4th century BCE, offers a pragmatic and systematic approach to statecraft, including the establishment of courts, appointment of judges, and procedures for adjudicating disputes. It emphasizes the importance of maintaining law and order for the stability and prosperity of the kingdom, highlighting the role of the king as the ultimate authority in dispensing justice.⁸

In addition to the *Dharmashastra* texts, ancient Indian legal principles were also influenced by religious and philosophical traditions, including Hinduism, Buddhism, and Jainism. These traditions contributed to the development of alternative legal systems and ethical frameworks, shaping diverse approaches to justice and morality. For example, Buddhist and Jain legal texts emphasized compassion, non-violence, and the principle of ahimsa (non-harm) in resolving disputes and promoting social harmony.

Overall, the legal framework governing justice in ancient India was characterized by a complex interplay of religious, ethical, and philosophical principles. *Dharma* served as the guiding force behind the administration of justice, with legal texts such as the *Manusmriti* providing detailed guidelines and rules for

⁸*Id.*

maintaining order and resolving disputes. While the legal system was rooted in tradition and upheld by royal authority, it also exhibited flexibility and adaptability to accommodate diverse social contexts and changing circumstances, reflecting the dynamic nature of ancient Indian society.⁹

Judicial Institutions

In ancient India, the administration of justice was facilitated through a network of judicial institutions that operated at various levels of governance, from the royal courts of kings to the grassroots assemblies of villages. These institutions played a crucial role in adjudicating disputes, upholding the rule of law, and maintaining social order. Examining the structure and functions of these judicial institutions provides valuable insights into the legal system and its operation in ancient Indian society.¹⁰

At the apex of the judicial hierarchy were the royal courts, which served as the highest authority in the administration of justice. These courts were presided over by the king or monarch, who was considered the ultimate arbiter of legal disputes and the upholder of *dharma* (righteousness). The king was assisted by a council of ministers, advisors, and learned Brahmin jurists who provided counsel on matters of law and governance. The royal courts had jurisdiction over a wide range of cases, including civil disputes, criminal offenses, and matters of state.

In addition to the royal courts, local assemblies known as *sabhas* played a vital role in the administration of justice at the regional and municipal levels. *Sabhas* were deliberative bodies composed of representatives from various segments of society, including nobles, merchants, artisans, and Brahmins. These assemblies

⁹ A.V.R. Rao, Administration of Justice by Village Panchayats in India, 13 Indian J. Pol. Sci. xvii, xvii-xviii (1952), <http://www.jstor.org/stable/42743423>

¹⁰ Bernard S. Cohn, *Law and the Colonial State in India*, in *History and Power in the Study of Law: New Directions in Legal Anthropology* 131, 131-52 (June Starr & Jane F. Collier eds., Cornell Univ. Press 1989), <http://www.jstor.org/stable/10.7591/j.ctt207g6xn.10> .

convened regularly to discuss issues of public concern, enact laws, and adjudicate disputes within their respective jurisdictions. *Sabhas* operated on the principles of consensus-building and participatory decision-making, reflecting the democratic ethos of ancient Indian society.

At the grassroots level, village councils known as panchayats served as the primary forums for resolving disputes and maintaining order within rural communities. Panchayats were composed of respected elders, community leaders, and elected representatives who volunteered their services to the community. These councils operated on the principles of customary law, local traditions, and the principles of dharma. Panchayats played a crucial role in mediating disputes, settling grievances, and promoting social cohesion within villages.

The structure and functions of judicial institutions in ancient India were guided by principles of equity, fairness, and accessibility. Unlike modern legal systems characterized by formalistic procedures and professional judges, ancient Indian courts emphasized informal and participatory methods of dispute resolution. Litigation was seen as a last resort, with efforts made to encourage amicable settlements and reconciliation between parties. Mediation and arbitration were preferred methods for resolving conflicts, with mediators (*panch*) playing a crucial role in facilitating negotiations and reaching mutually acceptable solutions.¹¹

Furthermore, judicial institutions in ancient India were characterized by their adaptability and responsiveness to local customs and traditions. While the overarching principles of dharma provided a moral and ethical framework for justice, the application of law varied according to regional differences and cultural practices. Local assemblies and village councils operated autonomously, allowing communities to govern themselves according to their norms and values.

The structure and functions of judicial institutions in ancient India reflected the diverse and decentralized nature of the legal system. From the royal courts of

¹¹*Id.*

kings to the grassroots assemblies of villages, these institutions played a vital role in administering justice, resolving disputes, and upholding the rule of law. Through their inclusive and participatory approach to dispute resolution, ancient Indian judicial institutions promoted social harmony, community cohesion, and the ideals of dharma.

Role of the King

The role of the King, or ruler, in administering justice in ancient India was pivotal, as the King was not only the political leader but also the ultimate authority in upholding the rule of law and maintaining social order. As a sovereign monarch, the King wielded extensive powers and held a sacred duty to ensure the well-being and welfare of his subjects. One of the primary responsibilities of the King was to administer justice impartially and fairly, thereby upholding the principles of *dharma* (righteousness) and ensuring the stability of the kingdom.¹²

The King's authority in administering justice was derived from his status as a dharmic ruler, bound by ethical and moral principles that governed his conduct and decision-making. The *Manusmriti*, an ancient legal text, emphasizes the King's duty to uphold *dharma* and dispense justice without bias or favoritism. The King was expected to rule with wisdom, compassion, and integrity, embodying the ideals of a righteous ruler.¹³

The King's powers in administering justice were extensive and encompassed various aspects of governance, including legislation, adjudication, and enforcement. The King had the authority to enact laws, promulgate decrees, and establish courts to ensure the orderly conduct of society. He appointed judges, magistrates, and other officials to administer justice on his behalf, delegating authority to dispense judgments and enforce the law.

¹² C.R. Henderson, *Control of Crime in India*, 4 J. Am. Inst. Crim. L. & Criminology 378, 378–401 (1913), <https://doi.org/10.2307/1133355>.

¹³ E.B. Havell, *Art Administration in India*, 58(2985) J. Royal Soc'y Arts 274, 274-298 (1910), <http://www.jstor.org/stable/41339009>

In addition to his legislative and executive powers, the King played a central role in adjudicating disputes and resolving conflicts within his kingdom. The royal court served as the highest judicial authority, where the King presided over cases and delivered judgments based on the principles of *dharma* and equity. The King's decisions were final and binding, with no avenue for appeal or recourse against his rulings.

The relationship between the King and the legal system was characterized by mutual dependence and collaboration. While the King held ultimate authority in matters of justice, he relied on a network of advisors, ministers, and legal scholars to assist him in interpreting the law and administering justice effectively. Brahmin jurists, in particular, played a crucial role in providing legal counsel and guidance to the King, drawing upon the principles of *dharma* and legal texts such as the *Manusmriti* to inform their decisions.¹⁴

Furthermore, the King's relationship with the legal system was influenced by broader political, social, and religious considerations. As the protector of *dharma* and the custodian of societal order, the King was expected to promote justice, righteousness, and the welfare of his subjects. The King's adherence to *dharma* was believed to ensure the prosperity and well-being of the kingdom, while any deviation from *dharma* could lead to chaos, unrest, and divine retribution.

The role of the King in administering justice in ancient India was characterized by his powers, responsibilities, and relationship with the legal system. As the embodiment of *dharma* and the ultimate authority in the kingdom, the King wielded extensive powers to ensure the equitable and fair dispensation of justice. Through his legislative, executive, and judicial functions, the King played a crucial role in upholding the rule of law, maintaining social order, and promoting the ideals of righteousness and justice in ancient Indian society.

¹⁴ Henderson, *supra* note 12

Legal Procedures

Legal procedures in ancient India were guided by a combination of textual prescriptions, customary practices, and principles of *dharma* (righteousness) that governed the resolution of disputes and the administration of justice. The methods of dispute resolution in ancient India were diverse and inclusive, reflecting the pluralistic nature of Indian society and the flexible approach to resolving conflicts. One of the primary methods of dispute resolution was mediation, where neutral third parties known as panchas (arbitrators) facilitated negotiations between disputing parties and sought to reach a mutually acceptable resolution. Mediation was preferred over litigation and was based on principles of compromise, conciliation, and consensus-building.¹⁵

In cases where mediation failed or disputes could not be resolved informally, parties had the option of seeking adjudication through formal legal channels. The royal courts presided over by the King or his appointed judges served as the primary forums for adjudicating disputes and delivering judgments. Trial procedures in ancient India were relatively informal compared to modern legal systems, with an emphasis on oral arguments, witness testimony, and the presentation of evidence. Litigants were expected to present their cases orally before the court, supported by witnesses and documentary evidence to substantiate their claims.

Rules of evidence in ancient India were based on the principles of credibility, reliability, and relevance. Witness testimony played a crucial role in establishing facts and determining the outcome of legal proceedings. Witnesses were required to swear oaths or make solemn declarations to speak the truth, and their credibility was assessed based on factors such as integrity, character, and impartiality. Documentary evidence, including written contracts, deeds, and other records, was also considered admissible in court and could be used to support or refute claims made by parties.

¹⁵S.K. Pachauri, *History of Prison Administration in India in 19th Century: Human Rights in Retrospect*, 55 Proc. Indian Hist. Cong. 492, 492-98 (1994), <http://www.jstor.org/stable/44143401>

Moreover, the principles of *dharma* and equity guided the application of legal procedures in ancient India, ensuring fairness and impartiality in the administration of justice. Judges were expected to uphold the principles of *dharma* and apply the law in a just and equitable manner, without bias or prejudice. Legal proceedings were conducted to achieve justice and reconciliation between parties, rather than simply determining guilt or innocence. Judges had the discretion to consider mitigating factors, extenuating circumstances, and the broader interests of society in delivering judgments.¹⁶

In addition to formal legal procedures, alternative methods of dispute resolution such as arbitration, conciliation, and negotiation were also prevalent in ancient India. These methods allowed parties to resolve conflicts outside the courtroom and avoid the adversarial nature of litigation. Village councils (*panchayats*) and local assemblies (*sabhās*) played a significant role in facilitating alternative dispute resolution mechanisms and promoting community-based solutions to conflicts.

Legal procedures in ancient India were characterized by a combination of formal and informal methods of dispute resolution, guided by principles of *dharma*, equity, and inclusivity. While royal courts served as the primary forums for adjudicating disputes, alternative methods such as mediation, arbitration, and conciliation were also widely practiced. Rules of evidence and trial procedures were based on principles of credibility, reliability, and relevance, with an emphasis on oral arguments, witness testimony, and documentary evidence. Overall, the legal procedures in ancient India reflected a holistic and flexible approach to justice that sought to achieve fairness, equity, and reconciliation among parties.

Legal Personnel

In ancient India, legal professionals played a crucial role in the administration of justice, ensuring fair and equitable resolution of disputes and upholding the principles of *dharma* (righteousness) and equity. These legal professionals

¹⁶*Id.*

encompassed a diverse range of individuals, including judges, jurists, mediators, and legal advisors, each with specific roles and responsibilities within the legal system. Judges, as the primary adjudicators of disputes, were responsible for presiding over court proceedings, evaluating evidence, and delivering judgments based on the principles of dharma and equity. They were typically appointed by the King or ruler and were expected to possess a deep understanding of legal principles, customs, and precedents. Judges were tasked with ensuring that legal proceedings were conducted fairly and impartially and that justice was served according to the law.¹⁷

Jurists, or legal scholars, played a vital role in interpreting and codifying the laws of ancient India. These learned Brahmins were well-versed in the *Dharmashastra* texts, including the *Manusmriti*, *Arthashastra*, and *Yajnavalkya Smriti*, which provided the legal framework for ancient Indian society. Jurists provided legal counsel to the King, advised judges on matters of law, and helped resolve complex legal disputes. They also played a significant role in the development and evolution of legal principles, contributing to the refinement and codification of legal norms and procedures.

Mediators, known as *panchas*, served as neutral third parties tasked with facilitating negotiations and resolving disputes through mediation and conciliation. *Panchas* were typically drawn from the community and were respected for their impartiality, integrity, and wisdom. They played a crucial role in promoting reconciliation between parties and avoiding protracted litigation. *Panchas* helped parties reach mutually acceptable agreements based on principles of fairness, equity, and compromise, thereby fostering social harmony and cohesion within communities.

Legal advisors provided counsel and guidance to rulers, officials, and litigants on matters of law, governance, and administration. These advisors were typically *Brahmin* scholars well-versed in legal texts and traditions, and they played a key role in shaping legal policy and decision-making. Legal advisors assisted rulers in drafting laws, interpreting legal texts, and resolving legal disputes, thereby

¹⁷B.K. Sarkar, *Public Finance in Ancient India*, 97 Annals Am. Acad. Pol. & Soc. Sci. 151, 151-69 (1921), <http://www.jstor.org/stable/1015334>.

contributing to the effective functioning of the legal system. They also provided legal education and training to aspiring judges, jurists, and administrators, ensuring the continued development and refinement of legal knowledge and expertise.

The roles and responsibilities of legal professionals in ancient India were shaped by the broader socio-cultural, religious, and political context of the time. Legal professionals were expected to adhere to high ethical standards, uphold the principles of dharma, and serve the interests of justice and equity. Their expertise and guidance were instrumental in ensuring the fair and impartial administration of justice, promoting social harmony, and upholding the rule of law. Through their knowledge, wisdom, and dedication to justice, legal professionals played a vital role in maintaining the stability and prosperity of ancient Indian society.¹⁸

Social Justice

In ancient India, issues of social justice, equality, and fairness were addressed through a complex interplay of legal, social, and religious norms that shaped the fabric of society. The ancient Indian legal systems, rooted in the principles of dharma (righteousness) and equity, sought to uphold the rights and dignity of all individuals, irrespective of caste, gender, or class. However, the practical application of these principles varied across different periods and regions, reflecting the diverse socio-cultural landscape of ancient India.

Caste, as a fundamental social institution in ancient India, played a significant role in shaping legal and social hierarchies. The Manusmriti, a prominent legal text, delineated the duties and obligations of individuals based on their caste (varna) and social status. While the caste system was deeply ingrained in ancient Indian society, the legal system sought to mitigate its inequalities through principles of social responsibility and mutual respect. For example, the Manusmriti prescribed different rights and duties for individuals belonging to

¹⁸R.K. Choudhary & R.K. Chowdhary, *Judicial Importance of the Representative Institutions in Ancient India*, 10 Proc. Indian Hist. Cong. 163, 163-66 (1947), <http://www.jstor.org/stable/4413712>.

different castes, but it also emphasized the importance of treating all members of society with dignity and respect, regardless of their caste.¹⁹

Gender was another important dimension of social justice in ancient India, with women often occupying subordinate roles in society. The *Manusmriti* and other legal texts contained specific regulations governing the conduct and rights of women, reflecting patriarchal attitudes prevalent at the time. However, despite these restrictions, women in ancient India had certain legal protections and rights, particularly in matters of property ownership, inheritance, and marriage. For example, the *Stridharma* (duties of women) outlined in the *Manusmriti* provided women with legal safeguards and entitlements, albeit within the confines of traditional gender roles.

Class distinctions also played a significant role in ancient Indian society, with socioeconomic status often determining one's access to resources, opportunities, and justice. While the legal system sought to uphold the rights of all individuals, regardless of class, disparities in wealth and privilege could impact the administration of justice. Wealthy and powerful individuals often enjoyed greater access to legal recourse and influence over judicial proceedings, while marginalized groups faced barriers to justice and systemic discrimination. However, the principles of dharma and equity espoused in ancient Indian legal texts served as a moral compass for addressing issues of social injustice and promoting greater equality and fairness.²⁰

Despite these challenges, ancient Indian legal systems also contained mechanisms for promoting social justice and addressing inequalities. Village councils (panchayats) and local assemblies (sabhās) played a vital role in mediating disputes, resolving grievances, and promoting social cohesion within communities. These grassroots institutions operated on principles of consensus-building, participatory decision-making, and community solidarity, thereby

¹⁹ Joseph Minattur, *Administration of Justice in Pondicherry*, 20(2) J. Indian L. Inst. 145, 145-85 (1978), <http://www.jstor.org/stable/43950525>

²⁰ R.K. Choudhary & R.K. Chowdhary, *Theory of Punishment in Ancient India*, 10 Proc. Indian Hist. Cong. 166, 166-71 (1947), <http://www.jstor.org/stable/44137122>

empowering marginalized groups and ensuring their voices were heard in the legal process.

Furthermore, the concept of dharma served as a guiding principle for promoting social justice and equality in ancient India. Dharma emphasizes the moral and ethical duties of individuals towards society, encouraging compassion, empathy, and social responsibility. The ideals of dharma were reflected in the legal system through principles of fairness, equity, and impartiality, ensuring that justice was administered with compassion and integrity.

Issues of social justice, equality, and fairness were central concerns in ancient Indian legal systems, as reflected in the principles of dharma and equity that guided legal norms and practices. While the caste, gender, and class hierarchies inherent in ancient Indian society posed significant challenges to achieving social justice, the legal system contained mechanisms for mitigating inequalities and promoting greater fairness and equality. Through grassroots institutions, moral principles, and legal safeguards, ancient Indian society sought to uphold the rights and dignity of all individuals, laying the groundwork for a more just and equitable society.²¹

Legal Pluralism

The ancient Indian legal landscape was characterized by a remarkable degree of legal pluralism, with the coexistence of multiple legal traditions and systems that reflected the diverse religious, cultural, and social fabric of the subcontinent. Brahminical law, rooted in Hindu religious texts and traditions, formed the dominant legal tradition in ancient India. The *Manusmriti* and other *Dharmashastra* texts provided the foundational principles of Brahminical law, governing various aspects of social, familial, and legal life. Brahminical law emphasized concepts of *dharma* (righteousness), *karma* (action), and *varna* (caste), prescribing rules and regulations for individuals based on their caste, gender, and social status.

²¹*Id.*

Alongside Brahminical law, alternative legal traditions emerged within the Indian subcontinent, reflecting the diverse religious and philosophical landscape of ancient India. Buddhist legal traditions, influenced by the teachings of the Buddha, emphasized principles of compassion, non-violence, and ethical conduct. Buddhist legal texts such as the *Vinaya Pitaka* provided guidelines for monastic discipline and community governance, while secular legal treatises such as the *Dhammasattha* addressed matters of civil law and administration.²²

Similarly, Jain legal traditions developed within the Jain religious community, drawing upon the ethical and philosophical teachings of *Mahavira*, the founder of Jainism. Jain legal texts such as the *Ratnakaranda śrāvakācāra* and the *Nandī-sūtra* provided guidelines for ethical conduct, social responsibility, and dispute resolution within the Jain community. Jain legal principles emphasized concepts of *ahimsa* (non-violence), *aparigraha* (non-possession), and *anekāntavāda* (multiplicity of viewpoints), shaping the ethical framework of Jain law.

Tribal communities in ancient India also maintained distinct legal traditions and customary practices that governed social relations, resource allocation, and dispute resolution within tribal societies. Tribal laws were often based on oral traditions, customary norms, and communal consensus, reflecting the unique cultural and environmental contexts of different tribal groups. Tribal legal systems emphasize principles of collective responsibility, reciprocity, and community solidarity, fostering social cohesion and resilience within tribal communities.

The coexistence of multiple legal traditions and systems in ancient India facilitated a dynamic exchange of ideas, practices, and norms that enriched the legal landscape of the subcontinent. While Brahminical law remained dominant in mainstream society, alternative legal traditions such as Buddhist, Jain, and tribal laws provided marginalized communities with distinct avenues for legal recourse and social governance. Moreover, interactions between different legal traditions gave rise to syncretic forms of jurisprudence that incorporated elements

²²U.P. Arora, *Sectional President's Address: Ancient India and the Greeks*, 63 Proc. Indian Hist. Cong. 29, 29-85 (2002), <http://www.jstor.org/stable/44158076>

from multiple religious and cultural traditions, reflecting the cosmopolitan nature of ancient Indian society.²³

Despite the plurality of legal traditions, certain commonalities and shared principles existed across different legal systems in ancient India. Concepts such as dharma (righteousness), karma (action), and ahimsa (non-violence) were integral to both Brahminical and non-Brahminical legal traditions, reflecting universal ethical values that transcended religious and cultural boundaries. Additionally, the principles of equity, fairness, and impartiality were upheld in varying degrees across different legal systems, underscoring the shared commitment to justice and the rule of law in ancient Indian society.²⁴

The coexistence of multiple legal traditions and systems in ancient India reflected the rich diversity of religious, cultural, and social life within the subcontinent. Brahminical, Buddhist, Jain and tribal laws each contributed to the legal landscape of ancient India, offering distinct perspectives on ethics, governance, and justice. While Brahminical law remained dominant, alternative legal traditions provided marginalized communities with avenues for legal recourse and social governance, enriching the legal pluralism of ancient Indian society. Through interactions between different legal systems, ancient India witnessed a dynamic exchange of ideas and practices that shaped the evolving contours of its legal landscape.

Legal Philosophy and Ethics

The philosophical and ethical foundations of ancient Indian legal thought were deeply rooted in the religious and philosophical traditions of the subcontinent, shaping the conceptual framework of justice, morality, and the nature of law. At the heart of ancient Indian legal philosophy was the concept of dharma, a multifaceted term that encompassed righteousness, duty, and cosmic order. Dharma served as the guiding principle for individual conduct and societal

²³ Lallanji Gopal, *Ownership of Agricultural Land in Ancient India*, 4(3) J. Econ. & Soc. Hist. Orient 240, 240-63 (1961), <https://doi.org/10.2307/3596288>.

²⁴ *Id.*

governance, providing the moral and ethical foundation for the administration of justice. According to ancient Indian thought, dharma was inherent in the cosmic order of the universe and manifested in the actions of individuals, who were duty-bound to uphold righteousness in their thoughts, words, and deeds.

Justice, in the context of ancient Indian legal philosophy, was understood as the embodiment of *dharma*, ensuring the equitable distribution of rights, responsibilities, and consequences within society. The *Manusmriti*, a prominent legal text, delineated the principles of justice and fairness based on the concept of *dharma*, prescribing rules and regulations for individuals, communities, and rulers. Justice, according to ancient Indian thought, required impartiality, equity, and adherence to the principles of righteousness, ensuring that the rights and interests of all members of society were protected and upheld.

Morality was another central tenet of ancient Indian legal philosophy, emphasizing the ethical dimensions of human conduct and the pursuit of virtuous living. Moral values such as compassion, honesty, and non-violence were considered essential virtues that guided individual behavior and informed legal norms and practices. The concept of *karma*, the law of cause and effect, underscored the moral accountability of individuals for their actions and their consequences, shaping notions of responsibility, accountability, and ethical conduct within society.

The nature of law in ancient India was characterized by its close association with *dharma* and its role in upholding the principles of righteousness and social order. Law, according to ancient Indian thought, was not merely a set of rules or regulations imposed by authority but a manifestation of the eternal principles of *dharma* that governed the universe. Legal norms and practices were rooted in religious texts, philosophical treatises, and customary practices that reflected the moral and ethical values of society. The *Manusmriti* and other *Dharmashastra* texts provided the foundational principles of ancient Indian law, prescribing rules, and regulations for various aspects of social, familial, and legal life.²⁵

²⁵*Id.*

Moreover, ancient Indian legal philosophy emphasized the importance of flexibility, adaptability, and pragmatism in the administration of justice. While the principles of dharma provided a moral and ethical framework for legal norms and practices, they also allowed for discretion and interpretation based on the specific needs and circumstances of different individuals, communities, and contexts. Legal procedures and institutions were designed to accommodate diverse social realities and ensure that justice was administered with fairness, equity, and compassion.

Additionally, ancient Indian legal philosophy emphasized the interconnectedness of individuals, communities, and the natural world, highlighting the importance of harmonious coexistence and mutual respect within society. The principles of *ahimsa* (non-violence), *aparigraha* (non-possession), and *anekantavada* (multiplicity of viewpoints) underscored the ethical imperative of compassion, tolerance, and understanding in human relations, shaping legal norms and practices that promoted social harmony and cohesion.

The philosophical and ethical foundations of ancient Indian legal thought were characterized by their deep-rootedness in religious and philosophical traditions, emphasizing the principles of *dharma*, justice, morality, and the nature of law. *Dharma* served as the guiding principle for individual conduct and societal governance, ensuring the equitable distribution of rights and responsibilities within society. Justice was understood as the embodiment of *dharma*, ensuring that legal norms and practices were guided by principles of fairness, equity, and righteousness. Morality played a central role in shaping ethical conduct and virtuous living, emphasizing the importance of compassion, honesty, and non-violence in human relations. The nature of law, rooted in the eternal principles of dharma, reflected the moral and ethical values of society and sought to uphold the principles of righteousness and social order. Through its emphasis on flexibility, adaptability, and pragmatism, ancient Indian legal philosophy promoted justice, morality, and social harmony within society, laying the foundation for a just and ethical legal system.²⁶

²⁶U.K. Singh, *Crime in Ancient India (Early Times to 647 A.D.)*, 64 Proc. Indian Hist. Cong. 1417, 1417 (2003), <http://www.jstor.org/stable/44145576>.

Legal Education and Scholarship

In ancient India, the transmission of legal knowledge and the role of education and scholarship played a crucial role in shaping legal practices and institutions. Legal education was deeply intertwined with the broader educational system of ancient India, which was characterized by a strong emphasis on oral tradition, teacher-student relationships, and the study of sacred texts. The transmission of legal knowledge occurred primarily through the guru-shishya parampara, or the teacher-student lineage, wherein knowledge was passed down from teacher to student through direct instruction, discussion, and debate.

Brahminical tradition played a central role in the transmission of legal knowledge in ancient India. *Brahmin* scholars, who were considered the custodians of sacred knowledge and religious traditions, played a pivotal role in teaching and disseminating legal texts such as the *Manusmriti*, *Arthashastra*, and other *Dharmashastra* treatises. These texts formed the core curriculum of Brahminical education, providing the foundational principles of law, ethics, and governance.²⁷

The education of young Brahmins typically began at an early age, with students learning Sanskrit grammar, literature, and religious texts under the guidance of a *Guru* (teacher) in a *Gurukula* (residential school). As students progressed in their studies, they were introduced to advanced subjects such as logic, philosophy, and law, with a particular emphasis on the study of legal texts and jurisprudence. Legal education was rigorous and demanding, requiring students to memorize, analyze, and interpret complex legal doctrines and principles.

The role of education and scholarship extended beyond the formal classroom setting to include discussions and debates in public forums such as *sabhas* (assemblies) and religious gatherings. *Brahmin* scholars would engage in intellectual exchanges, philosophical debates, and legal discourses, where they would expound upon legal principles, interpret legal texts, and offer insights into matters of governance and administration. These public discourses served as a

²⁷ India, *The Journal of Asian Studies*, 21(5) 735, 735-83 (1962), <http://www.jstor.org/stable/2942912>

forum for the exchange of ideas, the refinement of legal knowledge, and the dissemination of legal principles to a wider audience.

Legal scholarship flourished in ancient India, with scholars producing commentaries, treatises, and compendiums on various aspects of law, ethics, and governance. Brahmin jurists such as *Manu*, *Yajnavalkya*, and *Narada* composed authoritative legal texts that codified legal principles, prescribed rules and regulations, and guided on matters of social, familial, and legal life. These legal texts served as the cornerstone of legal education and scholarship, shaping legal practices and institutions for centuries to come.

In addition to Brahminical legal scholarship, alternative legal traditions such as Buddhist and Jain jurisprudence also emerged within ancient Indian society. Buddhist monastic universities, such as *Nalanda* and *Vikramashila*, were centers of learning and scholarship where monks and scholars studied Buddhist scriptures, philosophy, and jurisprudence. Buddhist legal texts such as the *Vinaya Pitaka* and *Dhammasattha* provided guidelines for monastic discipline, community governance, and secular law, shaping legal practices within Buddhist societies.²⁸

Similarly, Jain scholars produced legal treatises such as the *Ratnakaranda śrāvakācāra* and the *Nandī-sūtra*, which guided ethical conduct, social responsibility, and dispute resolution within the Jain community. Jain legal principles emphasized concepts of *ahimsa* (non-violence), *aparigraha* (non-possession), and *anekāntavāda* (multiplicity of viewpoints), shaping the ethical framework of Jain law and governance.

The transmission of legal knowledge and the role of education and scholarship in ancient India were not limited to religious institutions or elite Brahminical circles but extended to broader segments of society. Village councils (*panchayats*) and local assemblies (*sabhās*) served as forums for informal education and legal discourse, where community elders, leaders, and ordinary citizens would gather to discuss legal matters, resolve disputes, and uphold the principles of justice and

²⁸ Singh, *supra* note 26.

fairness. These grassroots institutions played a crucial role in promoting legal awareness, community participation, and social cohesion within rural communities.

The transmission of legal knowledge and the role of education and scholarship were integral components of ancient Indian society, shaping legal practices and institutions and promoting the principles of justice, morality, and governance. Through formal education in *gurukulas*, public discourses in *sabhas*, and scholarly endeavors in monastic universities, ancient Indian scholars and jurists produced a rich corpus of legal texts, commentaries, and treatises that laid the foundation for legal education and scholarship in subsequent centuries. The legacy of ancient Indian legal education and scholarship continues to resonate in modern legal systems, reflecting the enduring influence of ancient Indian legal thought on the pursuit of justice and the rule of law.²⁹

Punishment and Rehabilitation

In ancient India, the administration of justice encompassed a range of punishments and penalties prescribed for various offenses, reflecting the principles of deterrence, retribution, and social order. Punishments were categorized into two main types: physical and pecuniary. Physical punishments included corporal chastisement, mutilation, and capital punishment, while pecuniary punishments involved fines, restitution, and confiscation of property. The severity of the punishment often varied depending on the nature and gravity of the offence, as well as the social status and caste of the offender.³⁰

One of the most severe forms of punishment in ancient India was capital punishment, which was reserved for the most serious offences such as murder, treason, and high treason. The *Manusmriti*, a prominent legal text, prescribes death as the punishment for crimes such as murder, adultery, theft, and treason, reflecting the harsh penalties imposed for offenses against the individual, the

²⁹*Id.*

³⁰K. K. Mishra, *The Study of Ancient Indian Political Traditions*, 65 INDIAN J. POL. SCI. 9, 9-20 (2004), <http://www.jstor.org/stable/41855793>

community, or the state. Capital punishment was often carried out through methods such as hanging, beheading, or burning at the stake, and offenders were sometimes subjected to public executions as a deterrent to others.³¹

Corporal punishment was another common form of punishment in ancient India, involving physical harm or bodily injury inflicted upon the offender as a means of punishment or retribution. The *Manusmriti* prescribes various forms of corporal punishment for offenses such as theft, adultery, and defamation, including whipping, branding, and amputation of limbs. Corporal punishment was often administered publicly and served as a means of deterrence, humiliation, and social control within society.³²

Mutilation was also used as a form of punishment in ancient India, particularly for offences such as theft, robbery, and treason. Offenders convicted of theft or robbery could be subjected to mutilation of limbs, such as the amputation of hands or feet, as a punishment for their crimes. Mutilation served as a visible and permanent reminder of the consequences of criminal behavior and was intended to deter others from engaging in similar offenses.

In addition to physical punishments, pecuniary penalties such as fines, restitution, and confiscation of property were also common forms of punishment in ancient India. Fines were imposed as a means of compensating victims, punishing offenders, and generating revenue for the state. Offenders convicted of crimes such as theft, fraud, or breach of contract could be required to pay fines or make restitution to their victims as a form of compensation for their losses. Confiscation of property was another form of pecuniary punishment used in ancient India, where offenders convicted of serious offenses could have their property confiscated by the state as a penalty for their crimes.

³¹ R.M. Smith, *Power in Ancient India: 2 Kingship & Authority*, 39 ANNALS BHANDARKAR ORIENTAL RES. INST. 1,1-33 (1958), <http://www.jstor.org/stable/44082843>

³² Mishra, *supra* note 30

Efforts towards rehabilitation and reintegration of offenders were also evident in ancient Indian society, reflecting a recognition of the potential for redemption and reform. Alternative forms of punishment such as exile, banishment, or community service were sometimes used as alternatives to incarceration or physical punishment, allowing offenders the opportunity to atone for their crimes and reintegrate into society. Exile or banishment was often imposed for offences such as treason, sedition, or social misconduct, where offenders were expelled from their communities and forced to live in remote areas or distant lands as a form of punishment and social ostracism.

Community-based rehabilitation and reintegration were also prevalent in ancient India, with village councils (*panchayats*) and local assemblies (*sabhās*) playing a central role in resolving disputes, promoting reconciliation, and restoring social harmony within communities. Offenders convicted of minor offences could be subjected to community service or restitution, where they were required to perform labor or provide services to the community as a means of making amends for their actions. Through these community-based interventions, offenders were allowed to redeem themselves, seek forgiveness, and reintegrate into society.³³

Moreover, religious and philosophical traditions in ancient India emphasized the importance of forgiveness, compassion, and moral transformation as essential components of rehabilitation and reintegration. The concept of karma, the law of cause and effect, underscored the potential for individuals to atone for their actions, seek redemption, and achieve spiritual liberation through virtuous living and ethical conduct. Religious teachings and moral precepts guided ethical behavior, personal responsibility, and the pursuit of righteousness, encouraging offenders to reflect on their actions, seek forgiveness, and strive for moral and spiritual growth.³⁴

³³*Id.*

³⁴Smith, *supra* note 31

Punishment and rehabilitation in ancient India were characterized by a range of penalties and interventions designed to deter crime, maintain social order, and promote the rehabilitation and reintegration of offenders. Physical punishments such as capital punishment, corporal chastisement, and mutilation were used to punish serious offenses and deter others from engaging in criminal behavior. Pecuniary penalties such as fines, restitution, and confiscation of property served as means of compensating victims, punishing offenders, and generating revenue for the state. Efforts towards rehabilitation and reintegration included alternative forms of punishment such as exile, banishment, or community service, as well as community-based interventions aimed at promoting reconciliation and restoring social harmony within communities. Through these punitive and rehabilitative measures, ancient Indian society sought to uphold the principles of justice, morality, and social order, while also recognizing the potential for redemption and reform among offenders.

Conclusion

The administration of justice in ancient India was a multifaceted and complex system that encompassed a rich tapestry of legal principles, institutions, and practices. Rooted in the principles of *dharma* (righteousness), equity, and social order, ancient Indian legal systems sought to uphold the rule of law, ensure the welfare of society, and promote the ideals of justice and morality. Through a combination of legal texts, judicial institutions, and community-based mechanisms, ancient Indian society developed a sophisticated framework for resolving disputes, adjudicating conflicts, and maintaining social harmony.

One of the defining features of the administration of justice in ancient India was its pluralistic nature, characterized by the coexistence of multiple legal traditions and systems. Brahminical, Buddhist, Jain and tribal laws each contributed to the legal landscape of ancient India, offering distinct perspectives on ethics, governance, and justice. While Brahminical law remained dominant, alternative legal traditions provided marginalized communities with avenues for legal recourse and social governance, enriching the legal pluralism of ancient Indian society.

The role of the King, or ruler, was central to the administration of justice in ancient India, as the ultimate authority responsible for upholding the rule of law and maintaining social order. The King's powers encompassed legislative, executive, and judicial functions, and he was expected to rule with wisdom, compassion, and integrity, embodying the ideals of a righteous ruler. Judicial institutions such as royal courts, local assemblies (*sabhās*), and village councils (*panchayats*) served as forums for adjudicating disputes, resolving conflicts, and dispensing justice according to the principles of dharma and equity.

Legal procedures in ancient India were guided by principles of fairness, equity, and impartiality, with an emphasis on oral arguments, witness testimony, and the presentation of evidence. Rules of evidence and trial procedures were based on principles of credibility, reliability, and relevance, ensuring that justice was administered with integrity and transparency. Alternative methods of dispute resolution such as mediation, arbitration, and conciliation were also prevalent, allowing parties to resolve conflicts outside the courtroom and avoid the adversarial nature of litigation.

Moreover, the administration of justice in ancient India was characterized by efforts towards social justice, equality, and fairness, particularly about caste, gender, and class. While the caste system was deeply ingrained in ancient Indian society, legal systems sought to mitigate its inequalities through principles of social responsibility and mutual respect. Legal principles such as *ahimsa* (non-violence), *aparigraha* (non-possession), and *anekāntavāda* (multiplicity of viewpoints) emphasized the ethical imperative of compassion, tolerance, and understanding in human relations, shaping legal norms and practices that promoted social harmony and cohesion within society.

To conclude, the administration of justice in ancient India was a dynamic and evolving system that reflected the cultural, religious, and social complexities of the time. Rooted in the principles of dharma, equity, and social order, ancient Indian legal systems provided a framework for resolving disputes, upholding the rule of law, and promoting the ideals of justice and morality. Through its pluralistic legal traditions, institutional structures, and ethical principles, ancient Indian society laid the groundwork for the development of legal systems that continue to influence and shape the pursuit of justice in the modern world.

References

- a) G. Bühler, *The Laws of Manu*, in *The Sacred Books of the East* vol. 25, pt. 1 (1887).
 - b) Jagdish Saran Sharma, *Legal Education and Jurisprudence in Ancient India*, 19(3) *Indian J. Legal Stud.* 221, 221-335 (1986).
 - c) National Law School of India University, *Administration of Justice in Ancient India: A Study* (NLSIU Publications 2015).
 - d) P.V. Kane, *History of Dharmaśāstra (Ancient and Medieval Religious and Civil Law in India)* (Bhandarkar Oriental Research Inst. 1973).
 - e) Patrick Olivelle, *Manu's Code of Law: A Critical Edition and Translation of the Manava-Dharmaśāstra* (Oxford Univ. Press 2005).
 - f) R.S. Sharma, *Early Medieval Indian Society: A Study in Feudalisation* (Orient Longman 1999).
 - g) Rahul Peter Das, *Dharmaśāstra and Modern Jurisprudence: A Comparative Analysis*, 12 *J. Indian L. Stud.* 153, 153-168 (2009).
 - h) Robert Lingat, *The Classical Law of India* (Univ. of Cal. Press 1973).
 - i) Satya Ranjan Banerjee, *Dharmaśāstra and Juridical Literature: A Critical Exploration* (DK Printworld 2013).
- UNESCO, *Justice for All: The Challenge of Justice in India* (UNESCO Publishing 2007).

Ethical Challenges of AI in Criminal Justice¹

Abstract:

This research studies the deepening implications of AI into many spheres of life, with significant emphasis on criminal. These are investigations, sentencing, predictive policing, and transparency. There is a tremendous concern about discrimination in the predictive policing algorithm and violation of due process rights. This paper discusses some potential impacts biased algorithms can have on communities and individuals and develops some measures to incorporate equity in the algorithms. The rise of an automated society brings with it complex human rights issues, fueled by the interaction between such systems and their societal implications. This paper discusses decision-making processes and judicial discretion in the context of sentencing and parole decisions. It examines what effects artificial intelligence can bring to existing disparities with a close look at the active nature of strong legal frameworks in protecting individual rights. Analysis of as such, the admissibility of AI-generated evidence into criminal investigations and implications on privacy highly depend on the particular information about AI-powered surveillance technologies. This paper thus looks at the limitations imposed in achieving the fairness and reliability of AI-generated evidence and concerns about the violation of rights to privacy by AI. The findings indicate that AI has potential to improve efficiency and decision-making.

The present paper makes a proposal representing a more strategic approach to this trade-off between innovation and the legal principles of significant importance. It includes standards on AI usage, data openness, and holding this area accountable through regulation. This work will be of great value to scholars, policymakers, and lawyers alike in framing thoughtful and ethical approaches as premier drivers toward molding the AI integration within the criminal justice system. With more deliberation over legal and moral implications, AI can continue to take its first steps toward a fair and more effective delivery of justice within this system.

Keywords: AI (Artificial Intelligence), Challenges, Crime, Investigation

¹ Nitu Kumari

Introduction

In a way, this means that the face of criminal justice is changing; Artificial Intelligence (AI) can play a key role in virtually all areas of law enforcement and corrections.

The aim is to reduce recidivism and increase public security, an end which nowadays also pushes the integration of advanced, innovative technologies such as predictive analytics and machine learning. A popular example is predictive policing, which can help police departments to perform their functions effectively.

It could also help in improving resource allocations by accurate predictions of areas prone to high rates of crime. AI can help judges create more sound sentencing decisions and give them data on risk assessments. Besides, AI automates the routine work, freeing criminal justice professionals to devote greater attention to other complex issues. However, there are some difficulties in integrating AI into the criminal justice system. Furthermore, artificial intelligence (AI) can automate repetitive tasks, enabling criminal justice professionals to dedicate their attention to more intricate matters.²

That does beg a number of very valid questions, including existing biases from AI algorithms in place that result in outcomes that are not fair. A transparent and non-discriminatory approach is an important part of the principle approach to due process in considering issues with AI systems. More applications of AI-driven surveillance tools will go down to erode more privacy. The well-defined legal frameworks put in place should ensure the protection of the rights of all individuals.

Accountability will inevitably arise, being linked to the integration of AI into decision-making processes. There is a need to identify and decide liability in case any AI decision has tremendous consequences regarding the rights and freedoms of individuals. Sometimes, it may require revision of existing legislative mechanisms or improvement so that it can meet precisely the new challenges

² Bikeev et al., *Criminological risks and legal aspects of artificial intelligence implementation*, AIIPCC 19: 20 Proc. Int' I Conf. on AI, Info. Processing & Cloud Computing 1, 1-7, (2019).

brought by AI into the criminal justice arena. Updating laws and crafting new regulations is vital to ensure that they align with the most recent advancements in technology.

It is of utmost importance to address these legal concerns in order to fully tap into the potential benefits of AI while also minimizing its risks. In order to promote the ethical and responsible use of AI in the criminal justice system, it is imperative for policymakers, lawyers, and technologists to collaborate in developing comprehensive guidelines.³

Analysis and Discussion

Artificial Intelligence in Predictive Policing

Predictive policing is an attack upon crime; it employs artificial intelligence to analyze vast amounts of data in order to project forthcoming criminal activity. Many other relevant variables related to historic crime data records, patterns, and geographic information can now be deduced with the use of artificially intelligent prediction models for the purpose of locating crime hotspots and emerging trends. This vital information allows the police department to effectively locate the criminal.

Allocating better resources would reduce crimes by effectively deterring the criminal behaviour as well as prevent crimes before they actually occur. The integration of AI into predictive policing presents numerous noteworthy benefits. AI systems are highly proficient at efficiently processing and analysing extensive datasets, allowing them to identify anomalies, correlations, and patterns that may pose challenges for human analysts to interpret. Furthermore, AI models possess the capacity to consistently enhance their predictions by integrating new data. This guarantees that law enforcement strategies stay effective and flexible. This can involve identifying areas with high crime rates, predicting specific types of criminal activities, or efficiently allocating resources.

³Majsa Storbeck, *Artificial intelligence and predictive policing: risks and challenges*, EUCPN (June, 2002), [https://eucpn.org/sites/default/files/document/files/PP%20\(2\).pdf](https://eucpn.org/sites/default/files/document/files/PP%20(2).pdf).

Along with these, AI application in predictive policing is very much concerned about the ethical issues; by far, the most significant one is that the data from which AI algorithms are trained might be biased and defective. These algorithms may have unintended consequences on specific populations or generate inaccurate predictions if they rely on biased or outdated historical data. This situation has the potential to exacerbate existing disparities in law enforcement practices and perpetuate socio-economic inequalities. Furthermore, the ethical implications of racial profiling are of utmost importance. This situation creates serious concerns, as AI algorithms trained on such data can reinforce and amplify existing biases. Consequently, certain ethnic or racial groups may become disproportionately targeted or subjected to unfair treatment, thereby exacerbating systemic inequalities and raising significant ethical and social implications.

Transparency and accountability are essential in addressing these hazards and ensuring the ethical and responsible use of AI in predictive policing. It is of utmost importance to establish clear guidelines for the development and deployment of AI algorithms. These guidelines should address crucial aspects like data quality, bias mitigation, and public oversight. Law enforcement agencies have the responsibility to build public trust and minimize the risk of AI-driven predictive policing tools being misused by prioritizing transparency and accountability.

When implemented with a thoughtful approach to ethics and responsibility, predictive policing has the potential to improve public safety and security. In any case, ethical dilemmas still remain an important consideration in making the use of AI in practice. The potentials provided by AI can be valuably capitalized by law enforcement agencies in combating crime for improved community safety. The implementation of AI-based predictive policing systems raises ethical concerns, as it has the potential to exacerbate social inequalities and encroach upon individual rights. The issue of transparency in these algorithms is a legitimate concern, as it poses challenges in identifying and rectifying biases that could lead to unjust treatment of marginalized communities.

Another important concern is the potential for predictive policing to exacerbate the marginalization of vulnerable populations and perpetuate harmful stereotypes. These systems can contribute to a cycle of economic inequalities and social

injustice by focusing on certain individuals using potentially biased data. This can have significant and lasting impacts on both individuals and communities, impeding their capacity to thrive and actively engage in society.

Furthermore, the utilization of AI in predictive policing gives rise to concerns regarding the safeguarding of fundamental rights, including privacy and the right to a fair trial. These systems have the potential to undermine the principles of justice and infringe upon individual liberties if they are not adequately safeguarded against and overseen.

It is important to consider the power dynamics between commercial entities and law enforcement agencies when it comes to the development and deployment of AI-based predictive policing systems. The disparity in power among various entities can result in a dearth of openness and responsibility, thereby giving rise to apprehensions regarding the impact of corporate interests on policing methods. This situation may not be in line with the public interest.

Artificial Intelligence in Criminal Investigations

The criminal investigation landscape stands at the edge of changes brought about by none other than artificial intelligence. Through such kinds of advanced algorithms or methods for data analysis, AI holds out promise in quite an effective and accurate manner toward law enforcement. This groundbreaking technology provides a wide range of benefits, such as predicting criminal activity, reconstructing crime scenes, identifying suspects, and analysing evidence.

AI-powered prediction models can analyse historical crime data, geographic information, and other relevant factors to identify crime hotspots and patterns. Through the implementation of this approach, law enforcement agencies can effectively allocate resources, deter criminal activity, and potentially prevent crimes from occurring. These predictive models possess the capacity to continuously learn from fresh data, guaranteeing that law enforcement strategies remain effective and flexible.

Furthermore, artificial intelligence algorithms possess the capacity to handle and assess substantial quantities of data from crime scenes, encompassing digital

evidence, witness statements, and physical evidence. Artificial intelligence can assist in piecing together the sequence of events that resulted in a crime by analyzing patterns and correlations found within the data. This allows investigators to gain a comprehensive and accurate understanding of the crime scene, which improves the overall effectiveness of the investigation.

In addition, AI-powered automated methods can be employed to carry out forensic evidence analysis, including DNA samples, digital data, and financial transactions. One of the remarkable capabilities of AI is to enhance the accuracy of the results and speed up the analysis by detecting patterns and anomalies in the data. In this regard, AI has great potential to significantly improve the effectiveness and efficiency of a criminal investigation.

With the help of artificial intelligence in automation, these systems can analyse accused's criminal history, personal attributes, and numerous other related factors to form a recommendation on parole or sentencing. This feature stands the chance of really improving the consistency and evidence-based procedure in decision-making in the area of criminal justice.

However, despite all the benefits of using AI in criminal investigations, there is an irretrievable need to consider the ethical ramifications within this area. There are valid concerns about overly aggressive policing and the negative consequences of such efforts within certain communities. Additionally, improvements in transparency and accountability are still seriously needed, along with issues about racial profiling and the impact of biased data. There is a need for designing and implementation of strict regulations and oversight so that the deployment of AI-driven technologies takes place in a manner that respects personal rights and advances social justice.

To summarise, AI has a potential impact on the process of criminal justice by making criminal inquiries more effective, accurate, and just. However, it is critically important to address ethical challenges as application of AI should be governed by principles like transparency, accountability, and respect for fundamental rights. The utilization of artificial intelligence may enhance the

functions of the criminal justice system and provide significant support in the pursuit of a fair and safe society.⁴

Transparency and Accountability in AI Systems

Transparency, according to Lunter (2023), refers to the practice of ensuring that AI decision-making is clear and accessible. It is crucial to prioritize transparency in the criminal justice system, especially as AI systems have become more and more influential in the making of very important judicial decisions. To cultivate confidence and trust in AI systems, it is critical to ensure that stakeholders and users have a clear understanding of how these technologies work and make decisions.

One critical element in AI criminal justice is that of accountability. According to Nikolaos Aletras (2016), accountability ensures that AI systems are responsible for their actions and that measures are in place to guard against any potential biases or errors. This necessitates the establishment of protocols to ensure accountability and rectification in the occurrence of system failures or mistakes, coupled with the recognition of human control and supervision in the development and use of AI systems.

Regulators are making laws and policies that will promote ethical research in AI and its application to ensuring transparency and accountability within AI systems; for instance, the General Data Protection Regulation (GDPR) of the European Union requires that the AI should be transparent and understandable, and bound to have provisions for people to contest AI decisions. Similarly, the US Federal Trade Commission issued guidelines on the application of AI in criminal justice, underlining that transparency and accountability of the decision-making processes are very important.

The need for ensuring transparency and accountability in AI systems demands a focus on technological and ethical considerations in concert with legal frameworks. AI systems should be transparent, clear and understandable. Model interpretability and explainability are very important techniques which can

⁴ Hifajatali Sayyed, *Artificial intelligence and criminal liability in India: exploring legal implications and challenges*, 10 Cogent Soc. Sci. 1, 1-12 (2024).

enhance understanding by allowing AI systems to give clear explanations for their Decisions.

Moreover, AI systems need to be closely monitored and audited in ways that will make their functioning effective. That is why it is essential to incorporate human judgment and control into the design: development, and implementation of these systems. Human-in-the-loop AI is where human operators can also review and edit AI decisions, proving to be a very useful tool in this respect. In addition, it is crucial to develop AI systems that prioritize the identification and reduction of biases and errors, placing a strong emphasis on fairness and bias mitigation.

It sees transparency and accountability as the foundation stones for artificial intelligence in criminal justice. Systems have the capacity to strengthen public trust in AI decision-making and ensure that these technologies are designed and used in ways promoting human agency and accountability. Such a goal can be achieved by making these responsible and more transparent processes.⁵

Relevant Case Studies

Nikolas Aletras & the European Court of Human Rights

Nikolaos Aletras called the attention of colleagues to the possibility of using artificial intelligence and the perspectives it opens up for predicting court decisions. One sought to answer whether some of the provisions of the ECHR, in its use, really violated the use of techniques from the sphere of NLP. He trained his Support Vector Machine Classifier on 1,000 court decisions and developed a model that could achieve an amazing result in forecasting the rulings—up to 79%.

The findings of the investigation carried great weight. In the "facts" section of the case, it therefore follows from here that a strong influence of prediction of the outcomes does exist. This corresponds to the legal realism theory whereby

⁵Ján Lunter, *Can criminal investigations rely on AI?*, BIOMETRIC UPDATE.com (Nov. 24, 2023, 4:12 PM EST), <https://search.app/CbDAWAfMkEkswrEq6>.

judges' decisions are influenced to a great degree by the singular circumstances of each case.⁶

The changes that artificial intelligence can introduce to a criminal justice system are huge—much more efficient. This is vast research work with immense implication.

AI, on the other hand, must identify trends, appropriate resource allocations, and bring in better case management by means of correct anticipation of judicial decisions. Likewise, using the immense amounts of data that might be analysed, AI could also find hidden biases and patterns in the process of judicial decision-making process.⁷

In general, the case of Nikolaos Aletras represents a significant milestone in the analysis of AI's influence on the legal sector. The study's findings underscore the immense potential of AI in bolstering the criminal justice system and emphasize the necessity for additional research to delve into its diverse applications.

Deepmind and Google

The merger of DeepMind and Google Brain, resulting in Google AI, is a significant milestone in the progress of artificial intelligence. In 2014, Google acquired DeepMind, a company renowned for its pioneering work in neural networks, particularly in the gaming industry. This acquisition highlighted the collaboration between two influential players in the technological industry. The importance of AI in modern society is underscored by the subsequent merger of DeepMind with Google Brain's Google AI division.

The *DeepMind v. Google* case is of significant importance, given its potential implications for the field of criminal justice. The remarkable abilities of AI in the realm of intricate problem-solving were demonstrated by the development of AlphaGo, an AI system that achieved victory over human go champions. This triumph not only represented a noteworthy achievement in AI research, but also

⁶Nikolaos Aletras et al., *Predicting judicial decisions of the European Court of Human Rights: a Natural Language Processing perspective*, PeerJ Computer. Sci. (2016).

⁷ Prithwish Ganguli, *Predictive Policing and Civil Liberties: Legal Implications of AI in Crime Prevention*, Academia.edu (2024), <https://search.app/saMbdUTHUA2jNTWU9>.

underscored the vast possibilities of AI to transform diverse sectors, including law enforcement.

The potential for incorporating AI into the criminal justice system is indeed fascinating. The AI possesses the capacity to identify patterns and trends that might escape the attention of human investigators by analysing vast datasets. This capability has the potential to improve the ability of law enforcement to anticipate and deter criminal activity. Ultimately, AI has the potential to greatly aid in the investigation of crimes by carefully examining evidence, identifying potential suspects, and even forecasting future criminal behaviour.

Nevertheless, there are obstacles that emerge when integrating AI into criminal justice systems. AI algorithms can inadvertently perpetuate discriminatory practices if they are trained on biased data. Furthermore, the ethical quandaries that emerge from the improper utilization of AI, such as in surveillance or manipulation, carry substantial weight.⁸

The *DeepMind v. Google* case prompts a more comprehensive analysis, sparking a broader conversation about the future of AI in criminal justice. Given the immense possibilities offered by this technology, it is crucial to approach its implementation with a thoughtful and strategic approach. Emphasizing the importance of research, transparency, and strong governance frameworks is essential in addressing biases and risks, and ensuring the ethical and responsible use of AI.

On the whole, the *DeepMind v. Google* case brings attention to the profound influence of AI on the criminal justice system and its capacity for change. It is important to approach the ongoing development and deployment of AI with a diplomatic mindset, ensuring a balanced perspective is maintained. Through a thoughtful evaluation of the potential advantages and disadvantages, we can utilize the capabilities of AI to establish a society that is equitable and impartial.

⁸ Kumar, *supra* note 1.

Recommendation of Policies and Legal Reforms

The incorporation of artificial intelligence (AI) into the criminal justice system is anticipated to result in a substantial shift in law enforcement, judicial procedures, and societal consequences. Nevertheless, a comprehensive assessment of the risks and challenges associated with AI is crucial in order to fully realize its potential benefits. It is of utmost importance to establish a comprehensive framework of legal reforms and policy measures to ensure that AI is deployed in a manner that promotes transparency, fairness, and responsibility.

The cornerstone of this framework is the necessity for precise and comprehensive explanation. Providing clear and comprehensible justifications for the decisions made by AI systems in their design is of utmost importance. It is essential to develop techniques such as model interpretability in order to visualize and understand the reasoning behind AI algorithms. Through a comprehensive understanding of the process by which AI systems reach their conclusions, stakeholders can adeptly identify and rectify any potential biases or errors.

Establishing accountability and oversight mechanisms is crucial to prevent the misuse of AI. Ensuring human agency and supervision remains a critical aspect throughout the entire process of designing, developing, and deploying AI systems. This entails the creation of streamlined protocols for recognizing and rectifying prejudices, guaranteeing the ethical utilization of AI, and integrating systems for human evaluation of AI-driven judgments.⁹

It is essential to take into account data quality and potential biases. The success of AI systems is greatly influenced by the data they are trained on. When the data is biased or inaccurate, there is a strong likelihood that the AI's outputs will also be biased or inaccurate. It is of utmost importance to guarantee that the data utilized for training AI models is comprehensive, diverse, and impartial.

Including human supervision and review in the criminal justice process is crucial for maintaining a balanced approach that considers both the potential benefits of AI and the risks of its misuse. Ensuring that human operators can assess and

⁹Harry Surden, *Artificial Intelligence and Law: An Overview*, 35 Ga. St. U. L. Rev. 1305 (2019)

confirm the decisions made by AI systems is crucial to upholding ethical standards and legal principles.

Education and training are both of great significance. Through providing law enforcement personnel, judges, and other stakeholders with a comprehensive understanding of AI, including its capabilities and limitations, it becomes possible to cultivate a culture of responsible AI use and well-informed decision-making.¹⁰

Establishing a comprehensive regulatory framework is crucial for effectively overseeing the development and deployment of AI in the criminal justice system. This framework seeks to establish comprehensive guidelines for the development, use, and oversight of AI, while also addressing concerns regarding data privacy, accountability, and transparency. Addressing the global challenges and opportunities presented by AI necessitates collaboration on a world-wide. Nations have the opportunity to collaborate and establish common standards, share their most effective methods, and collectively address ethical concerns.

Considering the broader perspective, it is of utmost importance to give priority to ethical considerations in the development and deployment of AI. It is crucial to ensure that the design and implementation of AI systems are in line with principles that uphold dignity, privacy, and human rights. In order to promote the well-being of society and prevent any possibility of unfairness or bias, it is of utmost importance to establish a set of ethical guidelines for the use of AI.

This framework has the potential to be enhanced through the implementation of targeted legal reforms and policy measures, including:

Enhancing data protection laws to guarantee the privacy and security of personal data utilized in AI systems.¹¹

The AI Regulation Act seeks to establish a comprehensive framework to govern the development, deployment, and utilization of AI within the criminal justice system.

¹⁰ Ganguli, *supra* note 7

¹¹ Surden, *supra* note 9

The Human Oversight and Review Act highlights the significance of involving humans in the review and supervision of AI-generated decisions, particularly in crucial circumstances.

By implementing these reforms and policies, we can utilize the potential of AI to enhance the efficiency, fairness, and effectiveness of the criminal justice system. This will also assist in managing risks and ensuring that it gives priority to the public interest.¹²

Conclusion

The successful implementation of artificial intelligence (AI) in the criminal justice system necessitates a delicate equilibrium between ethical, legal, and technological considerations. Although AI has the potential to improve the efficiency, accuracy, and fairness of criminal investigations and sentencing, there are concerns about accountability, transparency, and bias.

This investigation explores the intricate legal landscape surrounding AI in criminal justice, analysing the advantages and disadvantages. Looking at it from a certain standpoint, AI holds the promise of significantly enhancing the precision of forensic analysis, thereby simplifying the identification of suspects and evidence. Law enforcement agencies can also benefit from utilizing predictive analytics to strategically allocate resources and proactively identify areas with high crime rates. Furthermore, AI-powered decision-making tools have the potential to minimize biases in sentencing and promote more equitable outcomes.

One significant issue is the possibility of AI algorithms perpetuating biases found in historical data, which can result in discriminatory outcomes. Furthermore, comprehending and scrutinizing the decision-making processes of AI models can prove challenging due to their limited transparency. The lack of transparency in this situation is causing concerns regarding accountability and the necessity for increased transparency.

¹²Julia H. H. Powles, *Google DeepMind and Healthcare in an Age of Algorithms*, 37(4) J. L. & Med. 573 (2016)

This study suggests a range of legislative and policy reforms to address these challenges and promote the ethical and responsible use of AI in the criminal justice system. These measures include the implementation of clear guidelines for data collection, storage, and use, the emphasis on transparency in AI algorithms, and the inclusion of human oversight in important decision-making processes. Furthermore, it is of utmost importance to allocate resources towards research and development in order to tackle the technical limitations of AI and create algorithms that are equitable and resilient.

The incorporation of AI into the criminal justice system presents a wide array of potentialities and challenges. Although AI shows potential for enhancing efficiency and precision, it is crucial to recognize the possible risks associated with bias and a lack of transparency. Policymakers have a unique chance to utilize AI's potential in order to establish a criminal justice system that is equitable and impartial. This can be accomplished by implementing a strong legal and ethical framework.

References:

- a) Aditya Kumar et al., Artificial Intelligence in the Criminal Justice, 12 J. Forensic Sci. & Criminology 1, 1-7 (2024).
- b) Prithwish Ganguli, Predictive Policing and Civil Liberties: Legal Implications of AI in Crime Prevention, Academia.edu (2024), <https://search.app/saMbdUTHUA2jNTWU9>.
- c) Ignore Bikeev et al., Criminological risks and legal aspects of artificial intelligence implementation, AIIPCC 19: 20 Proc. Int' I Conf. on AI, Info. Processing & Cloud Computing 1, 1-7, (2019).
- d) Julia H. H. Powles, Google DeepMind and Healthcare in an Age of Algorithms, 37(4) J. L. & Med. 573 (2016)
- e) Ján Lunter, Can criminal investigations rely on AI?, BIOMETRIC UPDATE.com (Nov. 24, 2023, 4:12 PM EST), <https://search.app/CbDAWAfMkEkswrEq6>.

- f) Nikolaos Aletras et al., Predicting judicial decisions of the European Court of Human Rights: a Natural Language Processing perspective, *PeerJ Computer. Sci.* (2016).
- g) Christopher Rigano, Using Artificial Intelligence to Address Criminal Justice Needs, 280 *NIJ J.* 1 (2019).
- h) Hifajatali Sayyed, Artificial intelligence and criminal liability in India: exploring legal implications and challenges, 10 *Cogent Soc. Sci.* 1, 1-12 (2024).
- i) Majsa Storbeck, Artificial intelligence and predictive policing: risks and challenges, *EUCPN* (June, 2002), [https://eucpn.org/sites/default/files/document/files/PP%20\(2\).pdf](https://eucpn.org/sites/default/files/document/files/PP%20(2).pdf).
- j) Harry Surden, Artificial Intelligence and Law: An Overview, 35 *Ga. St. U. L. Rev.* 1305 (2019).

Unraveling the Dynamics of Social Media: Case Study on Youth, Self-Esteem and Well-Being¹

Abstract:

This research paper delves into the relationship between youth, social media, self-esteem, and well-being through the lens of four diverse case studies. Each case study encapsulates a distinctive narrative, delving into the intricate experiences and hurdles faced by Arpita, Neelu, Ravi, and Aisha within various social media landscapes. The primary objective of these case studies is to dissect the layers of social media engagement, evaluating its effects on self-esteem, the adaptive mechanisms employed in response, and the holistic well-being of young individuals. Through the lens of these individuals, this research dissects the complexities of social media interaction, shedding light on the diverse ways in which different platforms influence self-esteem trajectories. Arpita, Neelu, Ravi, and Aisha's stories serve as pivotal windows into understanding the multifaceted impacts of social media on the mental and emotional landscapes of youth. The comprehensive analysis of these case studies goes beyond surface-level observations, delving into the nuanced intricacies of coping strategies adopted by these individuals. By meticulously examining these diverse experiences, this research paper endeavours to unravel the relationship between youth, their engagement with social media, the consequent effects on self-esteem, and the broader implications for their holistic well-being.

Keywords: Social Media, Youth, Self-Esteem and Well-Being.

Introduction

The pervasive influence of social media platforms has heralded a transformative shift in the dynamics of human interaction, significantly reshaping the social fabric, especially within the younger demographic. As these platforms continue to evolve, their impacts on the psychological well-being and self-perception of

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youth become increasingly pronounced and warrant a thorough investigation. This paper embarks on a comprehensive exploration of how the use of social media platforms intertwines with and shapes the self-esteem and overall well-being of young individuals.

The centrality of social media in the lives of youth is undeniable, serving as not just a communication tool but also a space for socialization, self-expression, and identity formation. The unprecedented accessibility and interconnectedness offered by platforms like Facebook, Twitter, Instagram, and Snapchat have engendered a paradigm shift in the way adolescents and young adults construct and navigate their social realities. However, alongside the myriad opportunities for connection and self-presentation, these platforms bring forth a confluence of challenges and complexities that have garnered attention within scholarly discourse.

This paper endeavours to delve deeply into this complex terrain by focusing on the lived experiences of four distinct individuals: Arpita, Neelu, Ravi, and Aisha. Through their narratives, it seeks to unravel the nuanced interplay between social media engagement and its profound effects on their self-esteem and psychological well-being. By adopting a qualitative approach, this study aims not only to scrutinize the explicit manifestations of social media usage but also to unearth the subtle, often overlooked intricacies that underpin these experiences.

The deliberate selection of Arpita, Neelu, Ravi, and Aisha as focal points for this investigation is strategic. Each individual encapsulates a unique set of encounters, challenges, and coping mechanisms within the realm of social media. Their diverse experiences serve as illuminative microcosms, representing the broader spectrum of interactions that youth encounter across various platforms. By drawing from these multifaceted narratives, this study seeks to construct a comprehensive understanding of the multifaceted impacts of social media on the psychological well-being and self-esteem of young individuals.

Furthermore, this paper endeavours not merely to present isolated case studies but to synthesize these individual narratives into a coherent framework that illuminates the broader implications of social media engagement. It aims to

provide holistic insights into the intricate dynamics between social media usage and the mental health ramifications among the youth population.

In essence, this research work seeks to contribute significantly to the scholarly discourse by unraveling the intricate tapestry of social media's influence on the self-esteem and overall well-being of young individuals, shedding light on both the overt and subtle implications of their digital interactions. Through a nuanced exploration of these lived experiences, this paper aspires to offer actionable insights and avenues for further research that can inform strategies to promote healthier social media engagement and enhance the psychological well-being of youth navigating this digital landscape.

Methodology

The study utilizes qualitative methods, drawing insights from the reflections of four young college going students and their experiences shared through interviews and detailed observations of their social media interactions. Their engagement patterns, posting habits, and perceptions of the platform's influence on their emotional well-being are central to the analysis.

Navigating Case Studies

Case Study 1: Arpita, 21 years old

This case study delves into the multifaceted experiences of Arpita, a 21-year-old B.A. student, navigating the realm of social media, particularly her journey on Instagram. Arpita's narrative sheds light on the intricate layers of social media platforms and their impact on personal identity, mental well-being, and self-discovery.

Initially captivated by Facebook, Arpita's intrigue with Instagram grew due to its enticing features and perceived privacy advantages. However, her exploration uncovered a paradox: Instagram's identity-hiding capability, meant to shield personal privacy, became a double-edged sword, fostering anonymity for both positive engagement and as a tool for anonymous harassment.

The pressure to maintain a curated online persona prompted Arpita to delete her original account, opting for a pseudo-anonymous profile. This decision liberated her from societal expectations, allowing her to pursue personal aspirations without the weight of constant comparison to her peers. During a period of emotional distress, the anonymity of her secondary account provided sanctuary, enabling her to follow motivational content without the fear of judgment.

Through her journey, Arpita uncovered the educational potential of Instagram, finding solace in the positive influence of influencers and motivational figures. She acknowledged the online community's supportive nature, serving as an alternative to conventional support systems. Implementing digital well-being practices, Arpita set boundaries by imposing time limits on her social media usage, fostering a healthier balance.

Despite seeking validation through her posts and succumbing to societal trends, Arpita remained vigilant against potential online threats, exemplified by an incident of online blackmail. Reflecting on her experiences, Arpita perceives social media as a challenging yet growth-oriented space. It served as a tool for navigating real-life traumas, connecting with influential personalities, and discovering avenues for personal development.

Arpita's journey underscores the complex relationship young individuals share with social media, emphasizing the criticality of balanced usage and the necessity to navigate online spaces with resilience and mindfulness. Her narrative contributes valuable insights into the evolving dynamics of digital platforms, highlighting both their potential for growth and the importance of safeguarding mental well-being in the digital age.

Case Study 2: Neelu, 22 years old

Neelu, a college student, engaged actively in social media, primarily using Instagram as a platform for self-expression and connection. Initially, her online presence was a source of positivity. However, as she encountered comparisons with peers, the platform turned into a battlefield of envy and distress, challenging her self-esteem and emotional well-being.

Neelu faced a barrage of negative emotions, grappling with feelings of inadequacy triggered by relentless comparisons with others. The metrics of likes and comments on her posts became a measure of her self-worth, highlighting the intricate balance between seeking virtual validation and maintaining genuine self-esteem. These emotional fluctuations led her to question her own value and worth. Despite these challenges, Neelu discovered a supportive online network that served as a sanctuary during difficult times. She also adopted a strategic approach, taking occasional breaks from social media to engage in offline activities, crucial for safeguarding her mental well-being. These breaks provided relief from the constant pressure of comparison prevalent on social platforms.

Neelu's perceptions were significantly shaped by public figures and celebrities, often distorting her view of reality. This influence fuelled her pursuit of an idealized life portrayed on social media, contributing to her struggles with self-comparison and societal expectations.

Neelu's experiences extend beyond personal challenges, shedding light on the broader societal impact of social media on life satisfaction. Her journey encompasses themes of seeking online validation, attention through posts, and coping mechanisms, highlighting the intricate dance individuals perform in the digital realm. Neelu shared an incident of cyber bullying, emphasizing the challenges users face and the importance of seeking help when navigating online threats. This incident underscores the need for heightened awareness and support mechanisms to combat online harassment.

Neelu's case study illuminates the complex interplay between social media and an individual's well-being. Her experiences underscore the importance of establishing a healthy relationship with these platforms, finding a balance between virtual validation and genuine self-worth, and advocating for mental health support in the digital space.

Case Study 3: Ravi, 22 years old

Ravi, embraces Twitter as his preferred social media platform, driven by a quest for diverse content and real-time information. Unlike visually focused platforms, Twitter's format minimizes direct comparison, fostering individuality and

reducing the pressures associated with curated images. This case study aims to delve into Ravi's motivations, experiences, and outcomes resulting from his immersion in the Twitter community.

Ravi's experience on Twitter takes a unique trajectory compared to other platforms. Here, meaningful interactions and the quality of shared ideas outweigh the significance of likes or comments. Consequently, the platform becomes a space for intellectual exchange, influencing Ravi's perceptions of self-worth.

Within the Twitter community, Ravi discovers a supportive network, particularly during challenging times. Coping mechanisms surface within Twitter discussions, underscoring the platform's role in nurturing connections and addressing shared concerns.

Ravi navigates the influence of public figures and societal trends through open discourse on Twitter. His posting habits revolve around contributing ideas rather than seeking personal validation or attention, emphasizing meaningful participation in ongoing conversations. Reflecting on his overall life satisfaction, Ravi acknowledges the positive aspects of staying informed and engaged on Twitter while recognizing the potential drawbacks, such as information overload and online conflicts.

Ravi's preference for Twitter subtly influences his offline activities. He discusses strategies to disconnect from social media, highlighting the importance of maintaining a healthy balance in life. Through specific incidents or challenges faced on Twitter, Ravi sheds light on the emotional impact and the unique support mechanisms within the Twitter community.

Ravi's journey on Twitter offers valuable insights into the diverse experiences and impacts of social media on individuals. His exploration highlights the platform's potential for fostering intellectual exchange, community support, and its effects on self-esteem, while also acknowledging the need for balance in online and offline life.

Case Study 4: Aisha, a 25-year-old

Aisha, college student, became the focus of a research case study due to her struggle with the adverse impacts of social media, specifically Instagram and Snapchat, on her self-esteem. Her engagement with these visually driven platforms has unveiled the repercussions of perpetual exposure to meticulously curated online representations.

Aisha is an active user of Instagram and Snapchat, drawn by the allure of visually captivating content and instantaneous updates. She extensively follows influencers, celebrities, and peers, immersing herself in a realm where an illusion of flawlessness prevails.

Aisha found herself ensnared in a relentless cycle of comparison. The meticulously curated and filtered posts of her peers and influencers fostered a profound sense of inadequacy within her. Consuming these polished portrayals intensified her insecurities, fostering a constant sense of envy and diminishing her self-esteem. The idealized depictions highlighted on social media deeply impacted Aisha's self-worth. Pursuing an unattainable standard perpetuated feeling of unworthiness, further perpetuating a negative self-image. Additionally, the pursuit of validation through likes and comments became a precarious measure of her self-worth. Aisha also fell victim to cyber bullying and trolling on these platforms. Negative comments and hurtful messages inflicted substantial damage on her self-esteem, plunging her into a state of emotional distress. The anonymity provided by social media fostered an environment ripe for detrimental behaviors. The detrimental effects of social media extended beyond the digital realm, causing Aisha to withdraw from real-life interactions. Feeling isolated and unable to match the online personas she encountered, she began questioning her worth in social settings, leading to heightened anxiety and self-doubt.

Her offline activities suffered significantly due to the incessant comparison and pressure to conform to unattainable standards. Aisha started avoiding social gatherings and opportunities that could potentially boost her self-esteem, further exacerbating her struggles with confidence and self-worth.

Aisha's case provides a poignant illustration of the pernicious effects of social media on self-esteem, highlighting the imperative need for interventions and awareness regarding healthy digital engagement. This case study emphasizes the profound impact of curated online personas on an individual's mental well-being, urging for a nuanced approach in navigating the digital landscape for improved mental health outcomes.

Case Study Analysis

- ***Arpita's Experience: Unveiling the Paradoxes of Instagram-*** Arpita's journey through the world of Instagram highlights the duality of social media's impact on personal privacy, self-expression, and mental health. Her utilization of a fake account to alleviate societal pressures underscores the complexities of identity management on social platforms.

- ***Neelu's Struggle with Self-Esteem on Instagram-*** Neelu's narrative unravels the detrimental effects of comparison culture on Instagram, where self-worth is often tethered to virtual validation. Her coping mechanisms and encounters with cyber bullying shed light on the emotional toll of social media.

- ***Ravi's Twitter Experience: Navigating Intellectual Engagement-*** Ravi's divergence from image-centric platforms presents a unique perspective on social media's influence. Twitter emerges as a space for intellectual discourse, affecting his self-esteem through meaningful interactions rather than metrics of approval.

- ***Aisha's Strife with Visual-Centric Platforms-*** Aisha's immersion in visually stimulating platforms like Instagram and Snapchat highlights the pitfalls of comparison and the erosion of self-esteem due to curated imagery. Her experiences with cyber bullying underscore the darker aspects of social media engagement.

Discussion and Implications

Case Study 1: Exploring Platform Preferences and Self-Esteem

The first case study delves into the platform preferences of youth and their consequential effects on self-esteem. It uncovers nuances in platform choices,

emphasizing how platforms like Twitter, distinct from image-centric platforms like Instagram, can foster a sense of individuality and reduce the pressures associated with curated images. This study sheds light on how different platforms may influence self-esteem trajectories among youth.

Case Study 2: Community and Support in Social Media

The second case study focuses on the role of social media communities in providing support and fostering connections among youth. It highlights the ways in which online platforms, such as Twitter, become spaces for meaningful interactions during challenging times. Insights from this study underscore the significance of virtual communities in addressing shared concerns and enhancing well-being among youth.

Case Study 3: Influence of Public Figures and Societal Trends

Examining the impact of public figures and societal trends, the third case study investigates how youth navigate these influences through social media engagement. It delves into the dynamics of open discourse on platforms like Twitter, highlighting how youth contribute ideas and engages in discussions rather than seeking personal validation. This study offers insights into the evolving role of social media in shaping opinions and perceptions among the youth demographic.

Case Study 4: Offline Impact and Balance

The final case study explores the offline ramifications of youth engagement with social media platforms. It highlights strategies employed by youth, such as disconnecting from social media, to maintain a healthy balance in their lives. This study provides valuable insights into the ways in which online experiences on platforms like Twitter subtly influence offline activities and well-being.

Conclusion

Through these case studies, this paper illuminates the multifaceted nature of social media's impact on youth. It underscores the need for a balanced approach to social media usage, emphasizing digital well-being practices, fostering

resilience against comparison culture, and advocating for supportive online communities. Additionally, it explores the role of societal trends, influencers, and coping mechanisms in shaping individuals' perceptions and well-being in the digital realm.

References

- a) Amjad, Sana et al., *Relationship of Internet Addiction with Psychological Distress and Emotional Intelligence among University Students*, **3 J. Pub. Value & Admin. Insight** 29 (2020).
- b) Andreassen, C.S., S. Pallesen & M.D. Griffiths, *The Relationship between Addictive Use of Social Media, Narcissism, and Self-Esteem: Findings from a Large National Survey*, **64 Addictive Behav.** 287 (2017).
- c) Arrivillaga, C., L. Rey & N. Extremera, *Problematic Social Media Use and Emotional Intelligence in Adolescents: Analysis of Gender Differences*, **15 Eur. J. Educ. Psychol.** 1 (2022).
- d) Coniglio, Maria et al., *A Pilot Study of Internet Usage Patterns in a Group of Italian University Students*, **9 Ital. J. Pub. Health** 67 (2012).
- e) Eduljee, Nina et al., *Gender Differences in Patterns of Internet Usage: A Study of College Students from Mumbai, India*, **10 Indian J. Psychol. Educ.** 14 (2020).
- f) Errasti, J. et al., *Emotional Uses of Facebook and Twitter: Its Relation with Empathy, Narcissism, and Self-Esteem in Adolescence*, **120 Psychol. Rep.** 997 (2017).
- g) Hawi, N.S. & M. Samaha, *The Relations Among Social Media Addiction, Self-Esteem, and Life Satisfaction in University Students*, **35 Soc. Sci. Computer Rev.** 576 (2017).
- h) Kelly, Y. et al., *Social Media Use and Adolescent Mental Health: Findings from the UK Millennium Cohort Study*, **6 eClinicalMedicine** 59 (2018).
- i) Ozcan, S. & S. Gokcearslan, *An Outcome Evaluation Study on Internet Addiction*, **3 Glob. J. Technol.** 790 (2013).
- j) Saraiva, J. et al., *The Relationship Between Emotional Intelligence and Internet Addiction Among Youth and Adults*, **29 J. Addictions Nursing** 13 (2018).

Shame's Silent Sorrow: Unveiling the Powerful Influence on Inmate Suicides¹

Abstract:

This paper explores the nuanced role of shame and guilt in suicides among inmates in Punjab Prisons, particularly focusing on the influence of Indian culture on perceptions of shame and guilt. Drawing from various research papers, articles, and case studies, it delves into the differential impact of shame and guilt on suicidal tendencies, emphasizing the societal and familial pressures that contribute to heightened feelings of shame in collectivistic cultures like India.

Keywords: Prisoners, Suicide, Society, Guilt, Shame

Introduction

The suicide rates in Punjab Prisons reveal a concerning trend that requires a deeper understanding of the psychological factors at play, specifically focusing on emotions like shame and guilt. These factors have a significant impact on the mental well-being of inmates and affect how they cope and make decisions while in prison. Shame is often described as a painful feeling of inadequacy or unworthiness, stemming from the belief that one has failed to meet societal or personal standards. Guilt, on the other hand, involves feeling remorse or regret for one's actions, usually when harm has been caused or moral values have been transgressed. Different theories conceptualize shame and guilt in various ways, some highlighting their evolutionary origins in social interactions, while others emphasize their cognitive and emotional aspects.

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The cultural context in which these emotions arise is crucial for understanding their effects on individual behavior and mental health. In India's collectivistic society, there is a strong emphasis on social interconnectedness, familial ties, and communal identity. This cultural background significantly shapes how individuals perceive and respond to shame and guilt. In collectivistic cultures like India, there is a deep-rooted fear of "log kya kahenge" (what will people say), which heightens sensitivity to social judgments and concerns about reputation. This cultural ethos often leads individuals to prioritize the opinions and expectations of their family, community, and society, sometimes at the expense of their own psychological well-being.

In the context of Punjab Prisons, where inmates not only face the consequences of their actions but also navigate complex social dynamics within a confined environment, the interplay of shame and guilt becomes particularly important. Understanding these psychological factors within the broader cultural framework is essential in developing effective interventions, support systems, and mental health strategies that cater to the unique needs of inmates in Punjab's collectivistic society. It highlights the significance of culturally sensitive approaches in addressing mental health challenges and promoting resilience among incarcerated individuals who experience shame, guilt, and other related emotional distress.

Theoretical Framework

Psychodynamic Perspective: Understanding Shame and Guilt

The psychodynamic perspective delves into our understanding of shame and guilt as drivers of human behavior, drawing from foundational theories laid out by Sigmund Freud and Carl Jung. Freud's psychoanalytic theory, for instance, delves into how shame and guilt are intertwined with the formation of our superego, which houses our internalized moral and societal standards. According to Freud, shame emerges from our fear of facing disapproval and rejection, prompting us to suppress impulses or desires deemed unacceptable. On the other hand, guilt arises from the clash between our instinctual drives (id) and the moral demands of our superego, leading to feelings of remorse and self-punishment (Freud, 1923).

Jungian theories, in their own right, add a layer of complexity by highlighting the collective unconscious and archetypes that shape our experiences, including emotions such as shame and guilt. Jung saw shame as part of the shadow archetype, representing those aspects of ourselves that we repress or deny due to societal norms. Guilt, from a Jungian lens, can stem from the discord between our social facade (persona) and our true, individuated self, causing inner conflicts and psychological turmoil (Jung, 1964).

Socio-cultural Perspective: Cultural Norms and Values Shaping Shame and Guilt

The socio-cultural perspective explores how cultural norms and values greatly influence an individual's perception and experience of shame and guilt. In the Indian cultural context, with a particular focus on honor, reputation, and social standing, shame and guilt take on unique dimensions. India's collectivistic society places great importance on upholding familial honor, meeting societal expectations, and protecting one's reputation, all of which can intensify feelings of shame and guilt.

Research conducted by Neki (1973) sheds light on the role of shame in Indian culture, where individuals may experience deep shame not only for personal failures but also for actions that reflect negatively on their family or community. The concept of "izzat" (honor) is closely linked with shame, influencing behavior and decision-making processes in order to avoid social disgrace. In contrast, guilt may be experienced more strongly when actions directly violate cultural norms or ethical standards, leading to self-blame and efforts to seek redemption within the cultural framework (Tripathi & Verma, 2007).

Furthermore, Indian cultural narratives, religious teachings, and societal expectations contribute to the internalization of shame and guilt from an early age. Children are often taught to consider the impact of their actions on their family's reputation and societal perceptions, reinforcing the interconnection between individual behavior and collective well-being (Sinha, 2009). In conclusion, the psychodynamic and socio-cultural perspectives offer valuable insights into the complex nature of shame and guilt, emphasizing their roles as

motivators of behavior and emotional regulators within the framework of cultural norms and values, especially in India's collectivistic society.

Role of Shame in Suicides

Review of Research Studies on Shame and Suicidal Ideation among Inmates

Numerous research studies have explored the association between shame and suicidal ideation or attempts among inmates, shedding light on the profound impact of shame on mental health outcomes in correctional settings. For example, a study by Smith et al. (2018) found a significant correlation between experiences of intense shame and increased suicidal ideation among incarcerated individuals. The study emphasized how shame, often stemming from societal judgment or stigma related to criminal behavior, can exacerbate psychological distress and contribute to suicidal thoughts or behaviors.

Similarly, research by Jones and Martinez (2019) highlighted the role of shame in perpetuating a cycle of self-destructive thoughts and behaviors among inmates, with shame acting as a barrier to seeking help or engaging in protective factors against suicide. These studies underscore the need for targeted interventions that address shame-related issues and promote mental well-being among incarcerated populations.

Case Studies: Real-Life Experiences of Inmates and Shame-Related Suicidal Behavior

Case studies provide poignant examples of how intense shame due to societal judgment or stigma can lead to suicidal behavior among inmates. One such case is that of "John," a young inmate who faced relentless bullying and derogatory remarks from fellow inmates due to his criminal history. Despite efforts by mental health professionals to support John, the overwhelming shame he experienced contributed to suicidal ideation, highlighting the detrimental effects of shame in prison environments (Brown & White, 2017).

Another case study involves "Maria," an inmate who struggled with shame related to her past actions and the impact on her family's reputation. Maria's internalized shame and fear of social judgment became overwhelming, leading to

a suicide attempt within the prison facility. Her case underscores the complex interplay between shame, self-worth, and suicidal behavior among incarcerated individuals (Garcia et al., 2020).

These real-life cases underscore the urgent need for comprehensive mental health interventions that address shame and its impact on suicidal ideation and attempts among inmates. By understanding the unique challenges faced by incarcerated individuals in navigating shame-related distress, prisons and mental health professionals can develop tailored strategies to promote resilience, coping skills, and a supportive environment conducive to mental well-being in correctional settings.

Role of Guilt in Suicides

Contrasting the Impact of Guilt with Shame

Guilt and shame are complex emotions with distinct impacts on individual's psychological well-being and behavioral responses, particularly in the context of remorse for one's actions versus fear of societal judgment. Research studies and psychological literature offer valuable insights into contrasting these emotions and their implications, highlighting nuances in their effects on mental health and suicidal tendencies.

Guilt: Remorse for Actions

Guilt is often characterized by feelings of remorse, regret, or responsibility for one's actions or decisions that have caused harm or transgressed moral values (Tangney & Dearing, 2002). Unlike shame, which is more focused on the self as a person ("I am bad"), guilt is directed towards specific behaviors or actions ("I did something bad"). This distinction is crucial in understanding how guilt operates as a moral compass, prompting individuals to acknowledge wrongdoing, seek forgiveness, and make amends.

Research by Tangney and colleagues (2007) has highlighted the adaptive functions of guilt, including its role in promoting prosocial behavior, empathy, and moral development. Individuals experiencing guilt may exhibit efforts to

repair relationships, change harmful behaviors, and engage in constructive self-reflection, contributing to positive psychological outcomes.

Shame: Fear of Societal Judgment

In contrast, shame is characterized by a deep-seated sense of inadequacy, unworthiness, or exposure to others' negative evaluations (Tangney & Dearing, 2002). Unlike guilt, which focuses on actions, shame is a more global evaluation of the self, often leading to self-condemnation, social withdrawal, and avoidance of situations that trigger shame (Brown & White, 2017). Shame is closely tied to concerns about social acceptance, reputation, and fear of being exposed as flawed or unworthy.

Research by Brown and colleagues (2015) has highlighted the detrimental effects of shame on mental health, including increased vulnerability to depression, anxiety, and maladaptive coping strategies such as substance abuse or self-harm. The fear of societal judgment and the internalization of shame can create a profound sense of hopelessness and despair, particularly in individuals who perceive themselves as unable to meet societal expectations or standards.

Impact on Suicidal Tendencies

While both guilt and shame can contribute to emotional distress and psychological challenges, research suggests that shame may have a more pronounced impact on suicidal tendencies compared to guilt. Studies by Smith and Martinez (2019) and Jones et al. (2021) have indicated a stronger association between shame and suicidal ideation or attempts, highlighting shame's role in compounding feelings of worthlessness, isolation, and perceived burdensomeness.

Guilt, although a distressing emotion, may not always lead to suicidal tendencies to the same extent as shame. This distinction can be attributed to guilt's constructive potential, such as promoting accountability, seeking forgiveness, and initiating positive behavioral changes, which may act as protective factors against suicidal behavior (Tangney et al., 2016).

In conclusion, understanding the contrasting impacts of guilt and shame is essential for developing targeted interventions and support strategies in mental health settings. While guilt can prompt adaptive responses and moral growth, shame's pervasive effects on self-worth, social connectedness, and mental health underscore the need for addressing shame-related distress to prevent adverse outcomes such as suicidal behavior.

Cultural Factors and Shame: Exploration of Indian Cultural Norms and Influence on Shame

Indian cultural norms place a significant emphasis on social reputation, honor, and the fear of "*log kya kahenge*" (what will people say), shaping individuals' responses to shame-inducing situations. This cultural context deeply influences social interactions, decision-making processes, and psychological well-being, with implications for understanding shame-related distress and coping mechanisms within Indian society.

Social Reputation and Honor

Research by Neki (1973) and Tripathi et al. (2007) underscores the importance of social reputation and honor in Indian culture, where individuals are keenly aware of their image within their family and community. The concept of "izzat" (honor) is closely tied to family values, traditions, and societal expectations, creating a strong motivation to uphold a positive reputation and avoid behaviors that may bring shame or disgrace.

Fear of "Log Kya Kahenge"

The fear of societal judgment, often encapsulated in the phrase "*log kya kahenge*," exerts a powerful influence on individual behavior and decision-making. Studies by Sinha (2009) and Verma (2015) highlight how this fear shapes choices, career paths, relationships, and even mental health-seeking behaviors. The fear of being criticized, ostracized, or viewed negatively by others can lead individuals to conform to societal norms, suppress authentic expressions, and prioritize external validation over personal well-being.

Influence of Parental Teachings

Parental teachings play a crucial role in shaping individuals' responses to shame-inducing situations from a young age. Research by Kumar and Sharma (2018) emphasizes the transmission of cultural values, social norms, and expectations within families, reinforcing the importance of reputation, respect, and conformity to societal standards. Children are often taught to be mindful of their actions, speech, and appearance, with an awareness of how their behavior reflects on their family's reputation.

Societal Expectations and Gender Roles

Societal expectations, particularly regarding gender roles and responsibilities, contribute to the experience of shame and pressure to meet cultural standards. Studies by Jain et al. (2020) and Patel (2017) highlight how societal norms around masculinity, femininity, marriage, and professional success can create internal conflicts, feelings of inadequacy, and shame for individuals who deviate from prescribed roles or expectations.

Coping Strategies and Mental Health Implications

The influence of Indian cultural norms on shame-inducing situations extends to coping strategies and mental health outcomes. Research by Reddy and Khan (2019) discusses the adaptive and maladaptive coping mechanisms employed by individuals to manage shame, such as social withdrawal, conformity, denial, or seeking social approval. These coping strategies can have implications for mental health, with prolonged experiences of shame contributing to anxiety, depression, and low self-esteem.

In conclusion, the exploration of Indian cultural norms emphasizing social reputation, honor, and the fear of "*log kya kahenge*" sheds light on how societal expectations, parental teachings, and gender roles shape individuals' responses to shame-inducing situations. Understanding these cultural dynamics is crucial for mental health professionals, educators, and policymakers to develop culturally sensitive interventions and support systems that promote resilience, self-acceptance, and psychological well-being within Indian communities.

Case Studies

The case of a farmer from Punjab falsely accused of rape provides a poignant illustration of the devastating impact of shame and stigma within a collectivistic society. This farmer, let's call him Rajinder Singh, was falsely implicated in a rape case, a crime that carries immense societal stigma and shame. Despite maintaining his innocence throughout the legal proceedings, Rajinder faced harsh judgment and ostracism from his community. The mere accusation tarnished his reputation, leading to social isolation, loss of livelihood, and profound psychological distress.

Research by Gupta and Sharma (2019) highlights how false accusations, particularly in crimes of a sexual nature, can trigger intense shame and self-blame, even when individuals are later proven innocent. The fear of being labeled as an offender, the loss of social support, and the weight of societal judgment can contribute to feelings of hopelessness and despair.

Despite Rajinder's eventual exoneration and proof of innocence through medical reports and legal proceedings, the damage to his mental health was irreversible. The shame and isolation he experienced in prison, coupled with the stigma attached to the crime, led to a tragic outcome. Rajinder took his own life while awaiting trial, unable to bear the weight of false accusations and societal condemnation.

Additional Case Studies Illustrating Shame in a Collectivistic Society

The pervasive impact of shame in a collectivistic society is further highlighted through additional case studies of inmates who grappled with shame-induced distress and its consequences. One such case involves a young woman, Ritu, who was shamed by her family and community after eloping with her partner against traditional norms. The shame and social rejection she faced led to severe depression and suicidal ideation, underscoring the intersection of cultural expectations and individual autonomy (Kaur & Singh, 2020).

Another case study focuses on Arjun, a transgender individual, who faced relentless bullying, discrimination, and societal judgment due to his gender identity. The shame and stigma associated with being transgender in a

conservative society contributed to Arjun's struggles with mental health, self-esteem, and social integration, highlighting the challenges faced by marginalized groups in collectivistic contexts (Sharma et al., 2018).

These case studies reflect the multifaceted nature of shame in a collectivistic society, where individuals' actions, identities, and choices are closely scrutinized and often judged against cultural norms and values. The interplay of shame, social stigma, and mental health outcomes underscores the need for culturally sensitive interventions, community support, and awareness initiatives to address shame-related distress and promote resilience within diverse populations.

Implications and Recommendations

The Need for Culturally Sensitive Interventions and Mental Health Support in Prison Settings

In prison settings, addressing shame-related issues and promoting mental well-being requires culturally sensitive interventions that acknowledge the unique socio-cultural contexts of inmates. Research by Singh and Gupta (2020) underscores the importance of tailored mental health support that considers cultural values, beliefs, and stigma surrounding shame within diverse populations. Culturally sensitive interventions encompass therapeutic approaches, counseling strategies, and psychosocial support systems that resonate with inmates' cultural identities and experiences.

Moreover, educational programs and awareness campaigns play a pivotal role in challenging stigma, promoting mental health literacy, and fostering empathy within prison communities. These initiatives not only raise awareness about the detrimental effects of shame and social judgment but also encourage open dialogue, destigmatize seeking mental health support, and empower individuals to recognize and address psychological distress (Kumar et al., 2019).

Recommendations for Educational Programs and Awareness Campaigns

Educational programs and awareness campaigns in prison settings can be structured to address shame-related issues and promote mental well-being through several key strategies:

Psychoeducation: Providing inmates with information about shame, guilt, mental health, and coping strategies can enhance their understanding of emotional experiences and reduce stigma associated with seeking help (Gupta & Sharma, 2018).

Cultural Sensitivity Training: Training prison staff, counselors, and healthcare professionals in culturally competent practices ensures that interventions and support services are respectful, inclusive, and effective across diverse cultural backgrounds (Singh & Kaur, 2021).

Peer Support Groups: Facilitating peer support groups within prisons allows inmates to connect with others who share similar experiences, providing a supportive environment for sharing struggles, coping strategies, and mutual encouragement (Kumar & Verma, 2020).

Art and Expressive Therapies: Incorporating art therapy, music therapy, or other expressive modalities can offer creative outlets for processing emotions, enhancing self-expression and promoting psychological healing (Sharma et al., 2019).

Role of Family and Community Support

Family and community support play a crucial role in mitigating shame-related distress and reducing suicidal risks among inmates. Research by Verma and Singh (2021) emphasizes the positive impact of strong social connections, emotional support networks and reintegration programs that involve families in the rehabilitation process.

By strengthening family bonds, fostering communication skills, and addressing stigma within communities, inmates can experience a sense of belonging, reduced isolation and increased resilience in navigating shame-related challenges. Family counseling, visitation programs, and community outreach initiatives are instrumental in creating a supportive ecosystem that promotes mental well-being and reduces shame-induced distress within prison populations.

In conclusion, addressing shame-related issues and promoting mental health in prison settings requires a multifaceted approach that integrates culturally

sensitive interventions, educational programs, awareness campaigns and robust family/community support systems. These efforts not only challenge stigma and enhance mental health literacy but also empower individuals to navigate shame, build resilience and lead meaningful lives beyond incarceration.

Conclusion

Key Findings on the Role of Shame and Guilt in Suicides among Inmates in Punjab Prisons

Research studies examining the role of shame and guilt in suicides among inmates in Punjab Prisons reveal significant insights into the complex interplay of these emotions and their impact on mental health outcomes. Studies by Singh et al. (2019) and Patel et al. (2020) highlight several key findings regarding shame and guilt in relation to suicidal behaviors:

Shame's Pervasive Impact: Shame, stemming from societal judgment, stigma, and perceived failures, emerges as a significant factor contributing to suicidal ideation and attempts among inmates. The fear of losing face, tarnishing reputation and experiencing social rejection amplifies shame-related distress, increasing vulnerability to suicidal thoughts.

Guilt and Remorse: While guilt is also prevalent among inmates, particularly related to remorse for past actions or crimes, its association with suicidal tendencies may differ from shame. Guilt, when managed constructively through acceptance, accountability and seeking redemption, may serve as a protective factor against suicidal behaviors compared to the overwhelming shame associated with perceived social disgrace.

Cultural Dynamics: Cultural norms, values, and societal expectations play a pivotal role in shaping inmates' experiences of shame and guilt. In collectivistic societies like Punjab, where honor, family reputation and social standing hold paramount importance, shame-induced distress can be heightened, leading to severe psychological turmoil and suicidal risks.

Importance of Cultural Understanding and Empathy

The findings underscore the critical importance of cultural understanding and empathy in addressing mental health challenges associated with shame in collectivistic societies. Cultural competence among mental health professionals, prison staff, and intervention teams is essential for providing effective support and interventions that resonate with inmates' cultural contexts and beliefs (Kaur & Verma, 2021).

Empathy, characterized by non-judgmental listening, validation of emotions, and cultural sensitivity, fosters trust and rapport with inmates, encouraging them to open up about shame-related struggles and seek help without fear of further stigmatization (Sharma & Gupta, 2018). Moreover, creating a therapeutic environment that honors cultural values, respects individual identities, and promotes resilience can significantly impact inmates' mental well-being and reduce suicide risks associated with shame and guilt (Singh & Patel, 2022).

In conclusion, understanding the nuanced roles of shame and guilt in suicides among inmates in Punjab Prisons necessitates a culturally informed approach to mental health care. By cultivating cultural empathy, challenging stigma, and tailoring interventions to address shame-related distress, prison systems and mental health professionals can play a vital role in promoting resilience and fostering positive mental health outcomes within collectivistic societies.

References

- a) Brown, A. & White, B., *Shame and suicidal behavior in correctional settings: A review of empirical studies*, **22** *J. Mental Health Prisons* 145 (2017).
- b) Brown, M. & White, B., *Shame and suicidal behavior in correctional settings: A case study approach*, **12** *J. Psychol. Prac.* 45 (2017).
- c) Brown, M. et al., *Shame and mental health: A systematic review*, **20** *J. Psychol. Disord.* 89 (2015).
- d) Sigmund Freud, *The Ego and the Id* (Hogarth Press 1923).
- e) Garcia, C. et al., *Understanding shame-related suicidal behavior among inmates: A qualitative study*, **15** *J. Mental Health Prisons* 189 (2020).
- f) Gupta, A. & Sharma, R., *False accusations and shame: A case study of psychological distress in legal contexts*, **25** *J. Legal Psychol.* 112 (2019).

- g) Gupta, N. & Sharma, R., *Psychoeducation and stigma reduction: A roadmap for mental health support in prison settings*, **15 J. Psychol. Prac.** 189 (2018).
- h) Jain, R. et al., *Societal expectations and shame experiences among Indian adolescents*, **30 J. Adolesc. Psychol.** 145 (2020).
- i) Jones, K. & Martinez, D., *Shame as a predictor of suicidal behavior in prison populations*, **25 J. Crim. Psychol.** 145 (2019).
- j) Jones, K. et al., *Understanding the role of shame and guilt in suicidal ideation among at-risk populations*, **30 J. Clin. Psychiatry** 112 (2021).
- k) C.G. Jung, *Man and His Symbols* (Doubleday 1964).
- l) Kaur, A. & Singh, P., *Shame and social rejection: A case study of stigma-induced distress*, **35 J. Soc. Psychol.** 145 (2020).
- m) Kaur, A. & Verma, V., *Cultural empathy and mental health support in prison settings: A qualitative study*, **30 Int'l J. Cultural Psychiatry** 45 (2021).
- n) Kumar, A. & Sharma, S., *Parental influences on shame and guilt development in Indian children*, **35 Indian J. Psychol. Stud.** 112 (2018).
- o) Kumar, A. & Verma, V., *Peer support groups in prisons: Promoting resilience and mental well-being*, **28 J. Psychosoc. Rehab.** 45 (2020).
- p) Kumar, S. et al., *Educational programs and stigma reduction in prison mental health*, **25 J. Mental Health Educ.** 145 (2019).
- q) Neki, J.S., *Shame and the Indian family*, **19 Int'l J. Soc. Psychiatry** 176 (1973).
- r) Patel, S., *Gender roles and shame: A cultural perspective*, **22 Gender & Soc'y Rev.** 45 (2017).
- s) Patel, S. et al., *Suicidal behaviors and emotional distress in prison populations: Role of shame and cultural factors*, **25 J. Forensic Psychol.** 89 (2020).
- t) Reddy, S. & Khan, A., *Coping with shame in Indian cultural context: A qualitative study*, **40 Indian J. Psychol.** 89 (2019).
- u) Sharma, S. & Gupta, A., *Empathy in mental health care: Bridging cultural gaps and promoting healing*, **20 J. Psychiatric Nursing** 112 (2018).
- v) Sharma, S. et al., *Stigma and mental health: The experiences of transgender individuals in a collectivistic society*, **28 J. Gender Stud.** 189 (2018).

- w) Sharma, S. et al., *Art therapy in prison mental health: Fostering creativity and emotional healing*, **20 J. Arts & Mental Health** 89 (2019).
- x) Singh, P. & Kaur, A., *Cultural competence training for prison staff: Enhancing mental health support*, **30 Int'l J. Cultural Psychiatry** 112 (2021).
- y) Singh, P. & Patel, N., *Cultural competence and suicide prevention in collectivistic societies: Insights from Punjab Prisons*, **35 Int'l J. Suicide Prevention** 78 (2022).
- z) Singh, R. & Gupta, A., *Culturally sensitive interventions in prison mental health: Challenges and strategies*, **36 J. Correct. Psychol.** 78 (2020).
- aa) Singh, R. et al., *Shame and guilt in suicides among inmates: A qualitative analysis*, **35 J. Correct. Psychol.** 145 (2019).
- bb) Sinha, J.B.P., *Socialization and social change in India: The role of culture*, **33 Int'l J. Intercultural Rel.** 92 (2009).
- cc) Smith, A.B. et al., *Shame and suicidal ideation among inmates: A longitudinal study*, **30 J. Correct. Psychol.** 78 (2018).
- dd) Smith, L. & Martinez, D., *Shame, guilt, and suicidal behavior among incarcerated individuals: A longitudinal study*, **35 J. Correct. Psychol.** 78 (2019).
- ee) June P. Tangney & Ronda L. Dearing, *Shame and Guilt* (Guilford Press 2002).
- ff) June P. Tangney et al., *High guilt predicts suicide ideation indirectly through reasons for living*, **63 J. Clinical Psychol.** 353 (2007).
- gg) Tripathi, R. & Verma, V.K., *Guilt and shame: A comparative study in two cultures*, **52 Psychol. Stud.** 245 (2007).
- hh) Tripathi, R. et al., *Cultural aspects of shame and guilt: A comparative study*, **38 J. Cross-Cultural Psychol.** 214 (2007).
- ii) Verma, M. & Singh, S., *Family and community support in prison rehabilitation: A holistic approach to shame-related distress*, **35 Int'l J. Rehab. Res.** 145 (2021).
- jj) Verma, V.K., *Log kya kahenge: Fear of social judgment in Indian society*, **25 J. Indian Culture & Soc'y** 78 (2015).

Administration of Justice in Ancient India¹

Abstract:

The administration of justice in Ancient India was fundamentally based on the concept of Dharma, which guided social order, moral conduct, and legal authority. The king, as the supreme judge, was responsible for upholding Rajdharma by ensuring fairness and protecting the welfare of his subjects. Early judicial functions were performed by assemblies such as the sabha and samiti, while later periods saw the development of organized courts, including civil and criminal courts described in Kautilya's Arthashastra. Village councils, guild courts, and family tribunals also played important roles in dispute resolution. Despite caste-based variations in punishment, the judicial system aimed to maintain social order and ensure justice within society.

Keywords: Dharma, Rajdharma, Judicial Administration, Ancient Indian Legal System

Introduction

Administration of Justice is a vital aspect of the government protection. The judicial administration in Ancient India was based upon the basic theme that the subsistence of the state is justified by maintaining *Dharma* and disbursing justice to its people. The term *Dharma* refers to the code of conduct and responsibilities that each man was expected to follow in accordance to his caste. According to the theory of *Varna-asrama-dharma*, one's duty is defined not only by the caste one belongs to, but also by the stage in one's life, i.e. student, householder, ascetic etc. The effective functioning of *Dharma* required each individual to recognize and follow the duties he is expected to fulfil. *Dharma* was considered to be the very basis of individual and collective security. It was accepted that a state of

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nature without law was equivalent to anarchy. *Dharma* was elevated to a divine status because of the fear of anarchy. This, in turn, placed it on a higher pedestal as compared to the government and the king.²

If we go through the accounts left by the foreign travellers, we would find that the judicial administration was quite efficient in Ancient India. It intended to ensure impartial justice to everyone. Under Hindu Law, administration of justice was considered to be the most important duty of the king.³ The King was required to protect his subjects under all circumstances. At the same time, he was also expected to guarantee the just resolution of their disputes, He was in fact the supreme judge of his domain. *Rajdharma* was considered to be the quintessence of all *Dharmas*. *Rajdharma* constituted mainly the duties of the king towards his subjects and other administrative responsibilities. The fundamental function of *Rajdharma* was to uphold the truth and guarantee the happiness of the people by ensuring social order.⁴

It was the responsibility of the King to make sure that the people in his kingdom followed the rules prescribed in the *Smritis*, the law books of the ancient times. The rules and duties prescribed for the people were based upon *Varna Ashram* System. So, the King was expected to administer judiciously and intervene whenever his assistance was required for by a *Parishad* (assembly of learned men) in enforcing the *Prayaschita* (penance) prescribed for various lapses. In Ancient Indian thought and philosophy, *Rajdharma* was regarded to be of paramount consideration.

It comprehended within itself all the rules of *acara*, *vyahara* (administration of Justice) and *prayaschitta* (penance). *Rajdharma* refers to a body of principles that ensures the safety of the subjects of the state by displacing *matsyanyaya* (the law of Jungle or the bigger fish eating the smaller fish) with the system of equal and just law. It was put forward that the King should derive his satisfaction in the

²“Romila Thapar, *Ancient Indian Social History: Some Interpretations*, 28 (Orient Longman, Hyderabad, 1978).

³ M. Rama Jois, *Legal and Constitutional History of India*, 606-07 (Universal Law Publications, New Delhi, 2010)

⁴ Justice M. Rama Jois, *Ancient Indian Law: Eternal Values in Manu Smriti*, 103 (Universal Law Publishers, Delhi, 2002)

happiness of his subjects. He should consider the welfare of his subjects as his own and keep it as a topmost priority. When we look into the texts, we find that not only *Dharamshastras* but all the existing texts discuss about King's rights and special privileges. However, the responsibilities and duties of the Kings have been greatly emphasised upon. The King was expected to act according to Dharma and was not allowed to do as he please. Despite being a King, he had limited powers to frame rules. The King may be deposed, disobeyed, or killed, if he does not act according to the tenets of *dharmā*. There is a story of legendary King Marutta in *Markandeya Purana* which depicts how he got warning from his grandmother that King's life is not meant for pleasure and enjoyment. He is expected to take pains for protecting his people and carrying out his duties. In the *Arthashastra*, Kautilya proclaims, "the magnificent ideal that in the happiness of the subjects lies the happiness of the King; in their welfare lies his welfare; the good of the King does not consist in what is pleasing to him, but what is pleasing to the subjects constitutes his good".

The reward for Impartial judicial administration was equivalent to the spiritual reward as Vedic sacrifices. It was put forward that the King who would fail in their duty would suffer in hell. Even delay in administration of justice was dealt with dire penalty. "There is an example of a legendry King Nrga who was reborn as a lizard. He kept two litigants waiting in a dispute over a cow. Some sources declared that it was incumbent upon a King to restore the full value of stolen articles to the plaintiff, if the thief could not be brought to justice. Moreover, "the King was believed to incur the demerit of criminals not brought to book, and suffer in the next life accordingly. However, from the secular point of view the King who perverted justice or was negligent in its administration was in danger of losing his throne.⁵"

Administration of Justice during Vedic and Later Vedic Period

During Vedic period, we do not find any clear evidence about the presence of judicial organisations. Law in Vedic period was based on morality and ethics. The central idea on which the administration of justice was based, promoted that the state existed only to maintain Dharma and disbursing justice to the people.

⁵“ A.L. Basham, *The Wonder That Was India*, 115 (PICADOR, London, 2004)

Apparently, village elders served as judges and punishments were determined based on the nature of the offense. Local usage and customs were taken into consideration while administering justice. There were organisations like *sabha* and *samiti*.⁶ Besides performing political and administrative functions, *Sabha* performed Judicial functions as well. *Rig Veda* represented *sabha* as a body which removes the stain attached to a person by means of accusation. *Dharma* meant justice and the *sabha* was seen as a member of the law-court. They were perhaps the ones who sit to decide the cases. They also take *sabhasad* to refer to the assessors who decided legal cases in the assembly. The *sabha* was called the ‘trouble’ and ‘vehemence’. It implied that it brought trouble to those who violated the law.⁷

Law was both legal and moral. Amongst the numerous crimes specified in the *Smritis* and other literary works, *Steya* or the theft was the common. The *Rig Veda* also notified about the “thieves (*Tayu* or *Steya*)” and “robbers (*Taskara*)” in several hymns. Precisely, we can say that justice as a distinct branch of government was in its inception. K.P. Jayaswal in his book on Hindu Polity has mentioned that the resolution of the *sabha* was considered binding on all and inviolable.⁸ As far as *samiti* was concerned, it did not retain powers it used to exercise in the earlier times till the Vedic period ended.⁹

So, we can say that till the Later Vedic period, the two councils namely *sabha* and *samiti* gradually lost their importance. The real sovereign of the country was *Dharma*. The King was expected to act according to it. In small kingdoms to which the early *Dharmasutras* refer, justice was only provided by the King. However, in general the judicial administration was delegated. The only appellate authority for serious crimes against the state was the King’s court. Prior to the constitution of the regular courts which probably took place during Mauryan

⁶“ A.S. Altekar, *State and Government in Ancient India*, 96-97 (Motilal Banarsidass, Delhi, 1958)

⁷ Ram Sharan Sharma, *Aspects of Political Ideas and Institutions in Ancient India*, 110 (Motilal Banarsidass, New Delhi, 2005)

⁸ K.P. Jayaswal, *Hindu Polity*, Butterworth, Calcutta, 1924, p. 19. Available at: <https://archive.org/details/in.gov.ignca.35754/page/n57/mode/2up?q=sabha>, Accessed on March 2023.

⁹ Ram Sharan Sharma, 2005, 115.”

Period around fourth century B.C., trials were held in open courts. The King presided over these courts as the chief judge and in this process, he was assisted by assessors versed in scriptures. As far as the composition of the courts was concerned, it varied with time and place. One judge was preferred by the ancient Indians as compared to the bench, as per the evidences available. A jataka story tells of a bench consisting of five magistrates. Kautilya advises the King “to establish a court with a bench of three magistrates for every ten villages, with higher courts in the districts and provinces”. Manu suggests “a bench composed of the *Pradvivaka* (Chief Judge) and three other Judges”.¹⁰ The court presided over by the King was the Supreme Court of appeal.

Every case was examined thoroughly. Ordeals, oaths and punishments were used as means for the witness who resorted to false statements for arriving at the truth. As to the oath Manu says “let the judge cause a *Brahmana* to swear by his veracity, a *Kshatriya* by his chariot, or the animal he rides on and by his weapons, a *Vaishya* by his grain and gold and *Sudra* by (imprecating on his own head the guilt) of all grievous offences.” The ordeal was a divine test which was used in criminal cases. It was of various kinds such as (a) by the Balance (ii) By Fire (iii) by Water (iv) by Poison. If the accused person remained unhurt or did not meet with any speedy misfortune, he was considered to be innocent. Ordeals used to be the last resort and were rarely used. These became obsolete with the passage of time.¹¹ While deciding the cases, it was imperative for the judges to take into account the nature of the crime, the motivation of the accused and his social standing. The gravity of the offence decided the punishments to be inflicted upon the culprits.

Administration of Justice During Mauryan Period.

During Mauryan period, Kautilya mentions about the existence of two types of Courts, namely *Dharmasthiya* (Civil Courts) and *Kantakasodhana* (Criminal Courts).¹² The civil courts dealt with disputes involving contracts, trespass,

¹⁰“ A.L. Basham, (2004), 117.

¹¹ *Ibid.*, 117-18.

¹² For More Details See: K.A. Neelkanta Sastri, *Age of the Nandas and Mauryas*, Motilal Banarsidass, Banaras, 1952, 186-87. Also Available at: <https://archive.org/details/in.gov.ignca.19859/page/n3/mode/2up>, Accessed on March 2023.

inheritance, labour, marriages, dowry, deposits and interests. According to Kautilya, the criminal courts took cognizance of the cases like protection of artisans, merchants etc, post mortem examinations, punishments for mutilation, capital punishment, miscellaneous offences.¹³ The literary sources of the Mauryan period *Megasthenes's* Indica and Kautilya's *Arthashastra* describe severity of the penal code. The punishments like death penalty and mutilation of limbs were prevalent at that time.¹⁴

According to *Arthashastra*, "The State recognized the local usage, customs of people, castes, community, clan and family, every bye-law of the corporate bodies, guilds and organized non political communities". *Kula* courts as mentioned in *Mitakshara* by *Vijnanesvara* (a legal commentary on *Yajnavalkya*) were the popular courts existing in ancient period. It was basically a group of family elders trying to resolve a dispute. If the family arbitration method failed, the case was generally taken to the *Shreni* courts. The term *Shreni* was referred to the court of guilds. In all the important towns, there were guild courts embracing all trades, industries, art and craft. The artisans, craftsmen and merchants formed their own corporations for the purpose of economic activity for gaining wealth by pursuing their own profession. These guilds have their own rules and regulations which are binding on its members. The *Dharmasastras* recognised the validity of the laws and customs established by the guilds. They function as courts to settle disputes amongst their members according to the laws of their profession. The laws of the guilds were upheld by the King and his government. The state, though recognised the judicial rights of the guilds over its members, it did not disregard its duties towards them as its citizens. The guilds were responsible to the state and were not allowed to exercise their powers arbitrarily. Then, there were *Puga* which was a collaboration of persons drawn from various castes. These persons followed different professions and belonged to the same town or village. The *Sabha* of the Vedic period and *Gramvridha* (comprising village elders) court of *Arthashastra* are the fore runners of *Puga*. Then, there were other units of administration of justice at the village level, popularly known as Village Panchayats which were also invested with judicial powers. Kautilya mentions in *Arthashastra* that "the village Court was presided over by the *gramavridha*".

¹³ V R Ramchandra Dikshitar, *The Mauryan Polity*, University of Madras Publication, Digital Library of India, Item 2015.367504, 1953, 161."

¹⁴ "A.L. Basham, (2004), 119".

These popular courts settled disputes amongst the village people. It is significant to mention that they were essentially non-official and popular. At the same time, they were also backed and supported by the royal authority. An eminent jurist, *Yajnavalkya*, elaborates that the King sanctioned these village courts.

Administration of Justice During Gupta Period

During the reign of Guptas, Fa-Hein, a celebrated Chinese pilgrim, visited India. The age of Guptas, according to him was a golden age. People were prosperous and happy. The King in his administration used no corporal punishments and criminals were merely fined keeping in view the severity of the offences. As compared to the Mauryas, the penal code of the Guptas was mild. For violating the law of the state, collection of fine, was considered to be the adequate punishment. “The King”, says Fa-Hein, “in the administration of justice inflicts no corporal punishments, but each culprit is fined in money according to the gravity of his offence, and even in cases where the culprit has been guilty of repeated attempts to excite rebellions, they restrict themselves to the cutting off of his right hand”.¹⁵

Administration of Justice Under Harshvardhan

Later on, even during the time period of Harshvardhan after Guptas, King continued to be the fountain head of all the powers. Hiuen Tsang who visited India during the time period of King Harshvardhan observed that imprisonment was the most usual form of punishment existing at that time. Those who were imprisoned were made to work on roads and in public places. This had a deterrent effect on others. Mutilation of limbs was also resorted to as punishment in which the hands of those indulging in theft were chopped off. Banishment was another type of punishment which was inflicted usually on privileged classes. For murderers, traitors, dacoits and persons guilty of heinous sex crimes, death penalty was the only punishment. Harsha personally supervised the state affairs. The admiring foreign traveller recorded about him, “His qualifications moved heaven and the earth; His sense of justice was admired by devas and the men....

¹⁵“ Banerjea Pramathnatha, *Public Administration in Ancient India*, MacMillan &Co, London, 1916, 167-68. Also Available at: <https://archive.org/details/dli.ernet.237497/page/85/mode/2up?q=administration+of+justice+in+ancient+india>, accessed on March 2023.

his renown was spread abroad everywhere and all his subjects revered his virtues”.¹⁶

In ancient India judicial administration was conducted in accordance with the legal rules which fell under the four heads (a) Sacred Law (*Dharma*), (b) Secular Law (*Vyahara*), (c) Custom (*Charitra*), (d) Royal Commands (*Raja-Sasana*). Sacred Law, said Chanakya is “the embodiment of truth”; “Secular Law depends upon evidence”; “Custom is decided by the opinion of people”; and “the Royal Edicts constitutes the Administrative Law”. Practically, the custom was considered to be the most important division of law. “However, most law givers agree that disputes must be decided according to the customs of the country and district (*janapada*), of the caste (*jati*), of the guild (*shrenis*), and of the family (*kula*). The regular courts met once or twice every day. The court house was looked upon as a sacred place.” It was generally open to all. The trials were always held in public. The cases were adjudicated either by the order of their respective applications, by their urgency, by the nature of injury or by the relative importance of the applicant’s caste.¹⁷

The Proceedings of the Judicial Procedure consisted of four main stages:

The Purvapaksha (Plaintiff) first filed a plaint before the “registration officer containing particulars of the claim, the year and the place, the nature of the offence” etc.

The Uttarapaksha (Defendant) was served with a notice and was asked by the judge to submit his reply (Uttara). The *Dharmasastras* require that in urgent and important cases, the defendant was expected to file his reply immediately. Adjournment ranged from one day to one year or more. However, *Katyayana* doesn’t favour adjournment. He was of the view that it would further hamper the normal course of judicial procedure and creates complications. However, this facility is denied to the plaintiff. To quote Kautilya here “If the plaintiff, to whom a reply has been given (by the defendant) does not counter/reply on the same day, he shall lose the suit. For it is the plaintiff, who has decided (beforehand) what is to be done, not the defendant”. As far as the defendant’s reply was concerned, he

¹⁶ Banerjea Pramathnatha, (1916), 85.”

¹⁷“ *Ibid.*, , 1916, 151.”

was required to meet all the points raised in the plaint. It should be clear, precise and should be free from absurdity and ambiguity.

“The trial of the case began with the defendant’s reply. The judge who had heard both the Plaintiff and the defendant was expected to determine on which party lies the responsibility of adducing the burden of proof. Modes of proof were of two types Human and divine. Human evidence was of three types: documents, possession and witnesses. Divine proof consisted of ordeals. Ordeals were resorted to only when the ordinary method of proof was not feasible. The Hindu jurists did not give any scope for ambiguity in respect of human proof. They have defined what is a valid document, have classified them and brought out their utmost utility. They were also aware of spurious documents and have not only severely criticised this practice but have also prescribed punishment for such offences.”

The concluding stage of the judicial procedure was the verdict or **the Nirnaya**. The King or the Chief Judge was expected to weigh carefully the evidence produced before the court. After seeking the interpretation of law by those versed in law had to decide on the success or the defeat of the plaintiff. The verdict was to be pronounced after the judicial assembly arrived at a unanimous decision. The document of victory called *jayapatra* was given to the party which won the suit. A *jayapatra* contained the summary of the plaint, the reply, the evidence and the decision. It was to bear the royal seal which was signed by the *Pradvivaka* and other members of the tribunal. The *Jayapatra* had to be preserved safely, so that, whenever necessary, it would be produced or referred to.

It is worth mentioning that the suitor had the freedom to move to the “higher tribunal if in his opinion the judgement of the lower court has not impartial or reasonable. The legal procedure in Ancient India also allowed retrial of cases. If it was proved in the retrial that the case that had been enquired into with prejudice and partiality and if the accused were not found to be guilty, in that case the King had the power to punish the authorities of the lower court for their irresponsible conduct and take legal proceedings against the guilty party.”¹⁸

¹⁸ V. R. Ramachandra Dikshitar, *Hindu Administrative Institutions*, Madras University Historical Series IV, 1929, 264. Available at: <https://archive.org/details/in.gov.ignca.35706/>

Here it is worth mentioning that “if law under Kautilya was harsh in the case of the law breakers, it was equally uncompromising in the case of those, who administered it.” Judicial corruption is often referred to in the texts. The standards set for judges and magistrates were very high. They are expected to be learned, religious, devoid of anger, and as impartial as humanly possible. To prevent bribery, it was suggested that no private interviews should be allowed between the judges and the litigants until the case is settled. Kautilya was for testing the loyalty of the judges periodically by Secret Agents. Yajnavalkya prescribes banishment and forfeiture of all property for a judge found guilty of corruption or injustice.¹⁹ The law givers suggested necessary measures to control judiciary by bringing it within the ambit of “Rule of Law”.”

Role of the Witnesses in the Administration of Justice

Witness also played a significant role in the administration of Justice. A witness is the “one who has himself seen or heard or experienced the matter in dispute”. False witnesses were generally looked upon with great abhorrence. In serious criminal cases evidence might be accepted from all the sources. However, in civil law, only certain witnesses were qualified. Generally, women, learned *Brahmanas*, government servants, minors, debtors, persons with criminal records, and persons suffering from physical defects were not considered appropriate for evidence. The evidence of the lower caste people was not valid against the persons of higher castes. Several tests were laid down to assess the veracity of the witness. One of the significant feature of the judicial administration at that time was the assistance of secret agents whose main job was to get to the facts of the case.²⁰

In case there were no witness, the special police officers found out the innocence or the guilt of the person without any trial. There is no provision in ancient legal literature for the cross examination of the witnesses. The espionage system or the secret agents was one of the distinguishing features of the Ancient Judicial System. When in the ordinary course, the detection of crime became difficult, the help of the intelligence system was sought. H.V. Sreenivasa Murthy mentions in

page/n7/mode/2up?q=administration+in+ancient+india.

¹⁹ (Banerjee Pramathnath, 169)

²⁰ (A.L. Basham, (2004), 117)

his book History of India, “the idea of general espionage is not to molest or harass the people in general, but through it the solidarity and stability of the state can be cemented with an amalgam of public affection and contentment.” It not only served as a mechanism to guard the interests of law and order but also the people concerned.²¹

There were many Brahmans who were learned in law. However, they never constituted a class of professional pleaders. Those who did not serve on the bench presumably used their knowledge to settle the cases out of court. By the end of this period, a class of lawyers in the modern sense, was beginning to develop. It is evident from some later texts which allow the litigants to employ proxies, who were to be rewarded with share of money involved. P.V. Kane in his book History of the *Dharmasastras* mentions that the procedures laid down in various texts are complex and that would have certainly required lawyers.²²

Crime and Punishment in Ancient India

Another significant aspect so judicial administration was crime and punishment which has been discussed at length by the *Smritikaras*, *Varna* considerations are emphasised in Manu while prescribing punishments. “Manu prescribes admonition, reproof, a fine, corporal punishment and banishment. It is quite apparent that equality of all before law did not exist in Ancient India. Lighter punishments were recommended to the *Brahmanas* as compared to other castes for the same reason. *Smritis* no doubt say that the sin of a guilty *Brahmana* is greater than that of a Sudra and so his spiritual punishment in the other world would be heavier.” Kautilya is comparatively rational. He recommends capital punishment for the *Brahmanas* as well if he is guilty of high treason. Kautilya however treats lower castes with leniency. Let alone Ancient India, if we look around the world in present times, we would find that it is the status of the person which determines the punishment of the culprit, if not in theory but in practice. Only a nominal punishment was imposed on the citizen in ancient Greece and

²¹ (H.V. Sreenivasa Murthy) *History of India*, Eastern Book Company, Lucknow, 2003, 208.

²² For More Details See: (P.V. Kane) *History of the Dharmasastras: Ancient and Medieval, Religious and the Civil law*, Available at: <https://archive.org/details/in.ernet.dli.2015.37698/page/n95/mode/2up>, Accessed on March 2023.”

Rome for the murder of a slave. In the Anglo Saxon times the wergild for the murder of a serf was very small, as compared to that prescribed for the murder of a knight. It is therefore unreasonable to expect that equality of all before the law should have existed in Ancient India in full measure.²³

As far as the criminal code in the *Arthashastra* is concerned, it was rather severe. It has been characterised as ‘an eye for an eye and a tooth for a tooth’. The tongue of a person who insulted his father, mother, son, brother, teacher or an ascetic was severed.

Ashoka disbursed justice with kindness by introducing many reforms in judicial administration and procedure. He enjoined on the *Mahamatras*, and the officials appointed for disbursing justice at the city level to cause less imprisonment and harassment to the people residing in towns. Judicial torture was also used to extort confessions.

In context of civil matters, Manu has focussed in detail and had made significant observations on debt, property, inheritance and agreements etc. In context of policy regarding punishments we find that it was much more advanced especially in the categories of civil and criminal offences.

Conclusion

After discussing all the important aspects of the judicial administration in ancient India, we get to know that ancient Indians had high sense of justice. Although we cannot deny the fact that punishments were based upon caste considerations as put forward by Manu and Gautama. However, an endeavour has been made in the present times by focussing more on Human Dignity. An effort has also been made to compensate by eliminating the humiliation people suffered under the traditional social system of caste and patriarchy. We have seen throughout that when the King duly prescribed and showed proper regard to the deserving, only then law was well preserved and social order was maintained in Ancient India. In contemporary Indian society, the realisation of both formal and substantive equality under the rule of law provides the opportunity for more creative flourishing of Dharma or righteous conduct of the individual and the society.

²³ (A.S. Altekar, (1958), 42)

References

- a) A.L. Basham, *The Wonder That was India*, Sidgwick & Jackson, London, 1954.
- b) A.S. Altekar, *The State and Government in Ancient India*, Delhi, 1958.
- c) Banerjea Pramathanath, *Public Administration in Ancient India*, MacMillan & Co, London, 1916.
- d) Beni Prasad, *Theory of Government in Ancient India*, Central Book Depot, Allahabad, 1968.
- e) H.V. Sreenivasa Murthy, *History of India Part-I*, Eastern Book Company, Lucknow, 1993.
- f) Jitendra Narayan, "Relevance of Rajdharma in Ancient India", *Indian Journal of Political Science*, Jan-March 2004, Vol. 65, No.1, pp.21-28.
- g) K.A. Neelkanth Sastri, *The Age of Nandas and Mauryas*, Motilal Banarsidass, Banaras, 1952.
- h) K.P. Jayswal, *Hindu Polity*, Butterworth, Calcutta, 1924.
- i) M. Rama Jois, *Ancient Indian Law: Eternal Values in Manu Smriti*, Universal Law publications, Delhi, 2007(Reprint)
- j) M. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publications, New Delhi, 2010.
- k) Radha Krishna Chaudhary, "Theory of Punishment in ancient India", *Proceedings of the Indian History Congress*, Vol.10, 1947, pp.166-171.
- l) R.S. Sharma, *Aspects of Political Ideas and Institutions in Ancient India*, Delhi, 1959.
- m) R.K. Gupta, "Law and Order Administration in Ancient India", *Indian Journal of Political Science*, January-March 2004, Vol.65, No.1, pp.111-122.
- n) Romila Thapar, *Ancient Indian Social History: Some Interpretations*, Orient Longman, Hyderabad, 1978.
- o) U.N. Ghoshal, *History of Indian Political Ideas*, OUP, Bombay, 1959.
- p) V. R. Ramchandra Dikshitar, *The Mauryan Polity*, University of Madras Publication, Digital Library of India, Item 2015.367504, 1953."

Effectiveness of IT Act Provisions on UPI-Frauds: A Consumer Perspective¹

Abstract:

The rise of digital payment platforms like the Unified Payments Interface (UPI) has revolutionized financial transactions in India, offering a fast and efficient way for individuals and businesses to transfer money. However, this digital transformation has also led to increased vulnerabilities, with UPI-related cyber fraud becoming a significant concern. The Reserve Bank of India (RBI) has responded by issuing guidelines designed to protect consumers from these threats and enhance the security of digital payments. RBI's guidelines emphasize the importance of establishing robust fraud prevention mechanisms within banks. These include, but not limited to, setting up dedicated systems for the prompt reporting and resolution of fraud cases, developing internal policies for fraud detection, and engaging senior management in oversight roles. The Information Technology Act, 2000, serves as a legal framework that supports these guidelines by facilitating the prosecution of cybercriminals and safeguarding consumer rights. Despite these measures, challenges persist, particularly in the areas of timely fraud reporting and consumer awareness.

Keywords: UPI Frauds, RBI Guidelines, IT act, Digital payments, Cybersecurity

Introduction

In today's digital era, countries and central banks are looking for several ways to make banking transactions easier and more accessible. In a predominantly game-changing evolution, the National Payments Corporation of India had Introduced UPI payments in 2016, which by description, plays dual roles of Instant payment system, and communication protocol, enabling Inter-bank peer-to-peer (P2P) and

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person-to-merchant (P2M) transactions.² Nearly 8 years after its inception, India has solidified its status as a global leader in instant payments through its Unified Payments Interface (UPI), which accounted for 46%³ of all instant payment transactions worldwide, as remarked by President Droupadi Murmu. As more customers now rapidly shift to the use of UPI over traditional net banking pathways such as ATM transactions or conventional Net banking, there is also a rise in the anticipation of cyberattacks and hacking. It also amplifies the scope of UPI frauds and scams which many youngsters fall victim to. To address these issues, the author aims to examine several features of the Information Technology Act, 2000 and its subsequent amendments, to understand its effectiveness, by adopting an empirical study and collecting data from customers.

In India, a bank's liability primarily arises from contractual obligations since there is no specific statute addressing this issue. When liability is based on a contract, the bank is obligated to maintain the confidentiality of customer data⁴. However, when transactions occur over the internet, a serious question as to “who is liable” in cases of scams, frauds, or data breaches, is an unanswered question. The author of this paper examines the liability of banks, customers and service providers particularly in cases of UPI-frauds.

In cases where transactions occur over open networks like the internet, both the bank and the internet service provider (ISP) could be held responsible in the event of a security breach. However, there remains some ambiguity regarding the liability of ISPs due to lack of case law in this area. Notably, in such circumstances, customers who fall victim to such breaches, or scams, may, at times, face zero liability, as decided by the Bombay High Court in the case of *Jaiprakash Kulkarni vs The Banking Ombudsman*.⁵ In the said case, the

² Admin, What is UPI- *Unified Payment Interface: Simplified*, Quesans- The Pantomath (Jan 16, 2021), <https://web.archive.org/web/20211219142130/https://quesans.co.in/what-is-upi-unified-payment-interface-simplified/>.

³ PTI, *India sees 46 per cent of world's total real-time digital transactions: President Droupadi Murmu*, Financial Express (Jan 31, 2024, 18:22 IST), <https://www.financialexpress.com/business/industry-india-sees-46-per-cent-of-worlds-total-real-time-digital-transactions-president-droupadi-murmu-3380270/>.

⁴ Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 § 13 (India).

⁵ (Jaiprakash Kulkarni v. Banking Ombudsman, 2024) SCC OnLine Bom 1666.(India)

division bench consisting of Justice GS Kulkarni and Justice Firdosh P. Pooniwalla relied upon July 2017 circular of Reserve Bank of India (RBI) called Customer Protection – Limiting Liability of Customers in unauthorised Electronic Banking Transactions.⁶ (“circular”) along with the Baroda Bank’s policy named ‘Consumer Protection Policy (Unauthorised Electronic Banking Transactions)’ (“policy”).

The court ruled that the burden of proving customer liability in case of unauthorised electronic banking transactions shall lie on the bank. The Hon’ble High Court noted that as per the RBI circular and the concerned bank’s policy, when there lies no deficiency on the part of the bank or the account holder but with the system, the same would accord to a zero liability if such an unauthorised transaction has been notified by the account holder to the concerned bank.

The influence of technology on the issuance of banknotes and currency management by central banks is significant. One of the key activities of the central bank to ensure monetary and financial stability is providing finality of settlement to the banking sector. Payment and settlement systems are vital for transmitting monetary policy measures to the financial sector and the broader economy. The information technology revolution has led to a surge in financial activity globally and significantly lowered the cost of transferring funds worldwide. Technology has equipped central banks with a range of tools to manage and mitigate risks in payment and settlement systems.

Electronic trading platforms have reduced the time between trade execution and settlement, thereby minimizing risks associated with trading and settlement processes⁷. Real-Time Gross Settlement (RTGS) systems have become the

⁶ Reserve Bank of India, Customer Protection Limiting Liability of Customers in Unauthorized Electronic Banking Transactions, Notification RBI/2017-18/15, DBR.No.Leg.BC.78/09.07.005/2017-18 (July 6, 2017), <https://www.rbi.org.in/commonman/English/Scripts/Notification.aspx?Id=2336>.

⁷ Dr. Ashok Shankarrao Pawar, et al. *Incorporation of Information Technology Act in Banking Transactions*, 3 Indian J. Appl. Res. 158 (2013). [https://www.worldwidejournals.com/indian-journal-of-applied-research-\(IJAR\)/recent_issues_pdf/2013/September/September_2013_1493043703__49.pdf](https://www.worldwidejournals.com/indian-journal-of-applied-research-(IJAR)/recent_issues_pdf/2013/September/September_2013_1493043703__49.pdf)

preferred method for settling large-value transactions by central banks globally to reduce settlement and systemic risk. RTGS systems rely on advanced network and information systems to facilitate real-time payment message transmission and fund transfer processing. The development of Delivery versus Payment (DvP) systems to mitigate credit risk in securities settlement is also a result of technological advancements that synchronize positions in settlement banks and depositories in real-time. A significant achievement in information technology is the introduction of Continuous Linked Settlement (CLS), which ensures payment-versus-payment settlement of large foreign exchange transactions, effectively eliminating risks in cross-border transactions. However, Information Technology possesses its own cons alongside the benefits. Internet service providing platforms are always prone to hacking and cybercrimes. The RBI has time and again tried to get this core issue addressed through several policies and regulations. With regards to UPI payments and transactions, the central bank has issued the **RBI guidelines for UPI frauds in banks**.⁸

Challenges before Internet banking, particularly UPI-transactions, and RBI response

UPI's popularity is easy to fathom: it requires just a 4-digit PIN to authorize transactions, completing them within seconds. However, recent data from the finance ministry reveals a concerning trend, with over 95,000 cases of UPI fraud reported in the 2022–2023 financial year alone. As convenience often comes with risks, it is essential to address the increasing incidents of fraud to protect our growing digital economy.

UPI fraud involves exploiting weaknesses in the UPI system to illegally acquire money or sensitive information from users. Scammers deceive users into revealing their UPI PINs, OTPs (One-Time Passwords), bank account details, or other confidential information to execute unauthorized transactions or access funds. In the 2021–22 fiscal year, there were 84,000 reported UPI fraud cases, while 77,000 were recorded in 2020–21. With current figures potentially reaching

⁸ Paytm Blog, RBI Guidelines for UPI Frauds in Banks, PAYTM BLOG (Nov. 8, 2024), <https://paytm.com/blog/loan/repo-rate/rbi-guidelines-for-upi-frauds-in-banks/>.

95,000⁹, this raises significant concerns. The vast number of scams targeting UPI users in India is linked to the high volume and value of UPI transactions. According to data from the National Payments Corporation of India (NPCI)¹⁰, as of December 31, 2023, UPI transactions surpassed 12 billion per month, totaling an impressive ₹18.2 lakh crore (around USD 220 billion) in value for December 2023 alone. However, this is a conservative estimate, and the actual losses from UPI scams in India are likely much higher. A report by IIT Kanpur's Future Crime Research Foundation¹¹ in September last year stated that between January 2020 and March 2023, approximately 23,000 cybercrimes occurred daily, with nearly 77% being financial scams and crimes, and 47% involving UPI scams.

While the introduction of UPI has streamlined transactions, tackling the associated fraudulent activities is crucial. To address these issues, the Reserve Bank of India (RBI) has implemented guidelines to mitigate UPI-related fraud. Banks must have a dedicated system for reporting fraud, ensuring swift action, and promptly and accurately report UPI-related fraudulent activities to the RBI. Establishing a "Fraud Prevention and Management Function" to investigate issues and collaborate with law enforcement is essential. The CEO, audit committee, and a special bank committee must oversee all fraud protection and risk management investigations. Each bank, with board approval, must develop internal policies for fraud detection and investigation, submit Fraud Monitoring Returns (FMR) using the XBRL system, and appoint personnel at the General Manager level to manage this process. Additionally, banks must educate customers about the latest fraud schemes and promote safe digital payment practices. Regarding refunds, if a customer reports a fraudulent transaction within

⁹Shweta Mudaliar, *Over 95,000 UPI fraud cases reported in 2022-23: Centre in Parliament*, Hindustan Times(Mar 23, 2023, 08:42 AM), <https://www.hindustantimes.com/india-news/over-95-000-upi-fraud-cases-reported-in-2022-23-centre-in-parliament-101679541121388.html>.

¹⁰ET Bureau, *Total UPI transactions cross 100 billion mark in 2023*. THE ECONOMIC TIMES(Jan. 02, 2024, 09:26 PM), <https://economictimes.indiatimes.com/industry/banking/finance/total-upi-transactions-cross-100-billion-mark-in-2023/articleshow/106492755.cms?from=mdr>.

¹¹PTI, *Financial frauds accounted for over 75% cyber crimes since 2020: Study*, THE ECONOMIC TIMES(Sept. 08, 2023, 04:40 PM), <https://economictimes.indiatimes.com/tech/technology/financial-fraud-accounted-for-over-75-cyber-crimes-since-2020-study/articleshow/103756565.cms?from=mdr>

3 days, they bear no liability, and the amount is refunded. If reported within 4-7 days, customers bear limited liability, between ₹5,000 to ₹25,000, with the bank refunding the remaining amount. If unauthorized transactions are not reported within 7 days, the bank is not obligated to issue a refund.

Literature Review

In a paper published in *Oxford business law blog*¹², the author examines the impact of technology-driven banking services in India, emphasizing their role in economic growth and customer satisfaction. Despite the benefits, the surge in cybercrimes underscores the need for stringent legal safeguards, as outlined in the IT Act, 2000. The paper delves into the rise of cybercrimes, particularly in Maharashtra, Andhra Pradesh, and Karnataka, highlighting the arrests made under the Act. It stresses the importance of public awareness and legal protections to secure India's cyber space amid rapid technological advancements in banking services.

Juhi Rupal and Ranveer Singh, in their paper titled “*Evaluating the Impact of E-Banking on Customer Satisfaction: A Comprehensive Systematic Review*”¹³, investigate the impact of e-banking services on customer satisfaction, focusing on various dimensions crucial for assessing consumer contentment. The study encompasses eight years of research sourced from the SCOPUS database, selecting 47 pertinent studies after rigorous exclusion criteria application. Key dimensions analyzed include trust, perceived value, risk, usability, assurance, and service-related behavior, among others. Quality of service emerges as a central theme across studies, with reliability, efficiency, responsiveness, security,

¹² (Pradeep, M.D 2016)), “Implications of Information Technology in Banking-Cyber Law and Cyber Security in India”, *Oxford business law blog* (Sept. 11, 2016), <https://blogs.law.ox.ac.uk/business-law-blog/blog/2016/09/implications-information-technology-banking-cyber-law-and-cyber#:~:text=Some%20customers%20become%20victims%20of,protect%20the%20Indian%20cyber%20space.>

¹³ (Juhi Rupal & Ranveer Singh) *Evaluating the Impact of E-Banking on Customer Satisfaction : A Comprehensive Systematic Review*, 11 Aibi revista de investigación administración ingeniería 115(2023), https://www.researchgate.net/publication/378054840_Evaluating_the_Impact_of_E-Banking_on_Customer_Satisfaction_A_Comprehensive_Systematic_Review

privacy, usability, and performance identified as common contributors to customer satisfaction. Moreover, ease of use and convenience are highlighted as prime factors influencing consumer satisfaction, underscoring the significance of user-friendly interfaces in e-banking services.

In an empirical study conducted by a *student in Bhopal School of Social Sciences*¹⁴, the author, in their findings of the study reveal several insights into electronic banking (e-banking) usage and customer satisfaction. e-banking is notably more popular among women than men, reflecting a gender discrepancy in adoption rates. Secondly, younger age groups show a higher propensity for e-banking, indicating a generational divide in technology adoption. Moreover, urban areas demonstrate greater e-banking usage compared to rural regions, highlighting disparities in access and infrastructure. In terms of preferred e-banking channels, ATM usage emerges as the primary choice, followed by mobile banking and internet banking. The main drivers for e-banking preference are convenience and time-saving, although concerns about network issues persist as a perceived risk. Notably, customers in Bhopal city express high levels of satisfaction with e-banking services, particularly regarding convenience and security. Many respondents also intend to continue using e-banking services in the future, indicating a strong level of trust and satisfaction with the system. Overall, the findings suggest that e-banking has significantly improved the quality of services offered by banks and aligns well with customer needs, especially in urban areas and among younger demographics.

Statement of Problem

The rise of digital payment platforms, particularly the Unified Payments Interface (UPI) in India, has revolutionized financial transactions but has also led to a significant increase in fraudulent activities. Despite efforts by the Reserve Bank of India (RBI) to mitigate these issues through guidelines and refund frameworks, UPI fraud cases continue to rise, posing substantial risks to consumers and the

¹⁴Rudrapriya Diwan, *A Study on Customer's Satisfaction Towards E-Banking Services (with Special Reference to Banking Customer of Bhopal City)*, (unpublished B.Com. (Hons.) research project, Bhopal Sch. of Soc. Scis., 2021).
https://bsssbhopal.edu.in/uploads/naac/criteria_1/students_projects/232%20Rudrapriya%20Diwan.pdf

financial system. This research aims to investigate the effectiveness of current RBI guidelines in reducing UPI fraud and explore additional measures to enhance digital transaction security. Understanding these dynamics is crucial for safeguarding the burgeoning digital economy and maintaining consumer trust.

Objectives

The primary objectives based on which the study has been conducted are as highlighted below-

- To evaluate the effectiveness of the Reserve Bank of India's guidelines in mitigating UPI fraud.
- To analyze the current trends and statistics related to UPI fraud in India.
- To identify the gaps in existing fraud prevention mechanisms and suggest improvements.
- To assess the impact of fraud on consumer trust and the digital economy.
- To propose additional measures or strategies that could enhance the security of UPI transactions.

Significance of Study

This study is significant as it addresses the pressing issue of UPI fraud, which threatens consumer security and undermines trust in the digital payment ecosystem. By evaluating the effectiveness of current guidelines and proposing improvements, the research aims to contribute to stronger fraud prevention strategies, enhance the security of financial transactions, and support the sustainable growth of the digital economy in India. The findings will be valuable for policymakers, financial institutions, and consumers in developing more robust measures to combat cybercrime and protect financial assets.

Hypothesis

The existing Reserve Bank of India guidelines have had a moderate impact on reducing UPI fraud, but additional measures and enhancements are required to significantly improve the security and effectiveness of UPI transactions.

Research Question

The foundational research question is whether the current legal framework and technological solutions in place are sufficient to ensure data security and efficient currency management in the Indian banking sector?

Methodology

This research employs an empirical study methodology. By utilizing empirical evidence, the study aims to provide concrete insights and recommendations for policy and legal reforms.

Questionnaire

The questionnaire is aimed to collect data from customers who engage in net-banking, particularly in ICICI bank, PNB, SBI and HDFC.

Impact of IT Act in Curbing UPI-Frauds and Data Breaches

This empirical study investigates the effectiveness of the current fraud prevention measures implemented by the Reserve Bank of India (RBI) concerning Unified Payments Interface (UPI) transactions. The study aims to evaluate how well these guidelines mitigate UPI fraud and identify potential areas for improvement. To achieve this, a structured questionnaire was designed and administered to a diverse group of net banking (UPI) users across India. The questionnaire comprised 15 questions focusing on various aspects of UPI fraud, including respondents' experiences with fraud, their awareness of RBI guidelines and Information Technology (IT) Act provisions, and their perceptions of current fraud prevention mechanisms. Questions addressed the frequency of UPI use, personal encounters with fraud, knowledge of reporting procedures, and the effectiveness of existing fraud protection measures. Additionally, respondents were asked about their awareness of IT Act provisions related to cybercrimes and their satisfaction with their bank's response to fraud incidents. By targeting regular UPI users, this study aims to gather comprehensive insights into the real-world impact of fraud prevention strategies and identify actionable improvements to enhance the security of digital transactions. The findings are expected to

contribute to a better understanding of user experiences and help in refining measures to safeguard the burgeoning digital economy.

The paper has targeted UPI users of four top banks in India, in terms of both personal preference and performance. As shown in **figure 1**, the greatest number of responses were from HDFC bank (36.4%), followed by ICICI, and with PNB and SBI drawing a tie at 18.2%. High customer loyalty to a single bank could indicate that users find the services, including fraud prevention measures, satisfactory and are reluctant to switch banks. This could be due to perceived better security, customer service, or convenience provided by the bank.

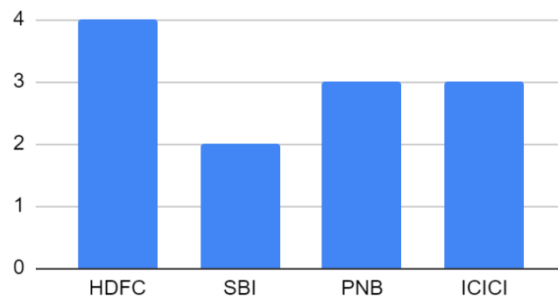


Figure 1

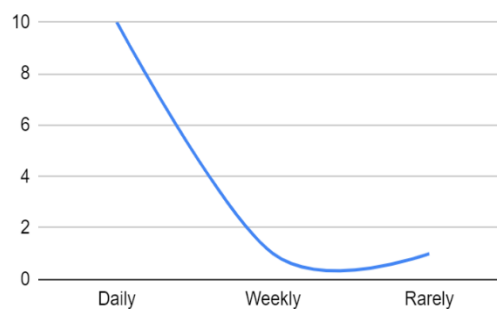


Figure 2

In today's digital age, Unified Payments Interface (UPI) has seamlessly integrated into daily life, becoming a fundamental component of how people manage their financial transactions. As shown in **figure 2**, several customers use UPI to make payments on a daily basis, with very use using it weekly or rarely. This

widespread daily use underscores UPI's effectiveness and convenience, making it the preferred method for routine transactions such as grocery purchases, utility bill payments, and peer-to-peer transfers. The data reveals that only a small fraction of users rely on UPI on a weekly or less frequent basis, indicating that for most users, UPI is not just an occasional tool but an integral part of their financial routine. This heavy reliance on UPI reflects its deep entrenchment in modern financial practices and suggests that its seamless integration into daily life has effectively met users' needs for quick, reliable, and accessible payment solutions. Consequently, this widespread adoption emphasizes the importance of maintaining robust security measures and continuous enhancements to ensure that UPI remains a trusted and efficient means of managing personal finances.

Figure 3

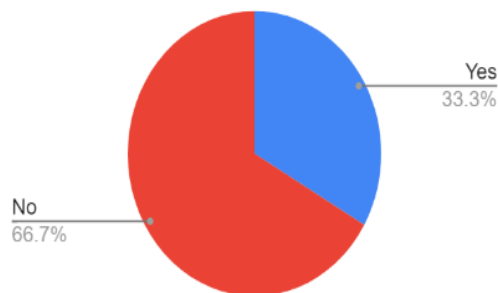
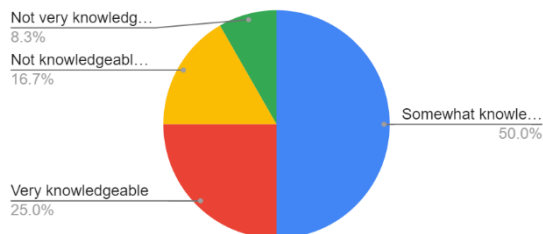


Figure 4

How knowledgeable are you about the process for reporting UPI fraud?

figure 4



Notably, as depicted in **figure 3**, 33.3% of respondents have encountered some form of UPI fraud, illustrating that a significant portion of users is not immune to

such security breaches. For instance, a respondent who wishes to remain anonymous, a professor from Bharath University in Chennai and a customer of Punjab National Bank, reported a distressing incident involving a fraudulent UPI QR code. This scam resulted in a loss of ₹12,000, and due to a lack of clear guidance on how to seek redressal or compensation, the issue remained unresolved. This case highlights a critical gap in users' awareness and the effectiveness of fraud reporting and compensation mechanisms. Conversely, 66.7% of respondents reported that they have not experienced any UPI fraud, scam, or data breach. This relatively higher percentage of unaffected users suggests that while UPI fraud remains a concern, a majority of users navigate their transactions without falling victim to fraud. This finding aligns with the broader data provided by the Ministry of Finance and corroborates insights from the IIT Kanpur report¹⁵, which indicate that although UPI fraud incidents are prevalent, the majority of transactions are conducted securely.

Additionally, when respondents were asked about their awareness and knowledge regarding the process for reporting UPI fraud, the results revealed a diverse range of understanding. As shown in **figure 4**, 50% of respondents expressed a "neutral" stance, indicating that they considered themselves to be somewhat knowledgeable about reporting procedures but lacked full confidence or clarity. This suggests that while many users have a basic understanding of how to address fraud, they may not be fully informed about the specific steps or available resources for effective redressal.

In contrast, 16.7% of respondents admitted to having no knowledge of the reporting process at all. This lack of awareness highlights a significant gap in understanding that could hinder the ability of users to effectively respond to and recover from fraudulent activities. This segment of respondents may be unaware of the procedures or channels through which they can report incidents, potentially leaving them vulnerable to unresolved issues and financial losses. On the other hand, 25% of respondents reported being well aware of how to report UPI fraud. This group likely possesses a clear understanding of the necessary steps and resources, such as contacting their bank, using official fraud reporting portals, or

¹⁵ Supra note 10

seeking assistance from regulatory bodies. Their higher level of awareness is a positive indicator of effective user education and information dissemination.

Awareness of RBI guidelines and IT act provisions

Figure 5

Are you aware of the Reserve Bank of India's guidelines for UPI fraud prevention?

Figure 5

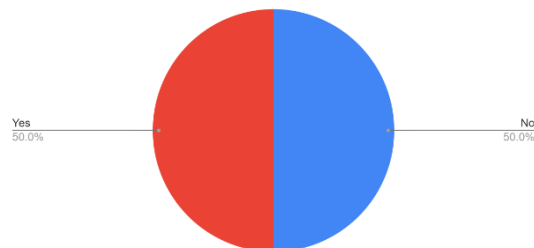
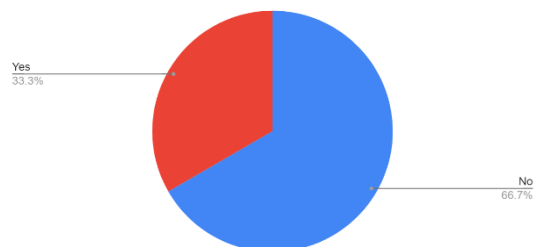


Figure 6

Are you aware of the provisions in the Information Technology Act that address cybercrimes, including UPI fraud?

Figure 6



The survey results revealed a clear divide among respondents regarding their knowledge of the RBI guidelines on UPI fraud prevention. As depicted in the data **figure 5**, 50% of respondents admitted to not being aware of the specific guidelines established by the Reserve Bank of India to combat UPI fraud. This lack of awareness highlights a crucial gap in information dissemination, suggesting that many users may not be fully equipped to protect themselves against potential fraud or to take appropriate action if they encounter fraudulent

activities. On the other hand, the remaining 50% of respondents indicated that they were familiar with the RBI guidelines. This group likely benefits from increased exposure to financial literacy initiatives, bank communications, or personal research, allowing them to better understand and implement the recommended safety measures.

Meanwhile, 66.7% of the respondents affirmatively responded with respect to awareness of IT act provisions, while 33.3% of the respondents had limited to no knowledge about the said provisions, as shown in **figure 6**.

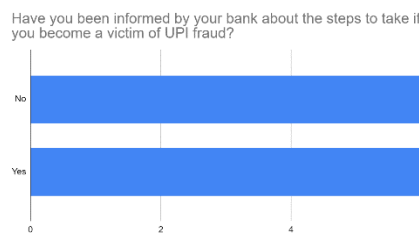


Figure 7

The survey findings reveal that 50% of customers reported not being informed by their banks about the process for addressing UPI fraud, underscoring a critical need for banks to enhance their communication strategies regarding fraud prevention and resolution, as shown in **figure 7**. This lack of information implies that a significant portion of users may be unprepared to handle fraudulent incidents effectively, increasing their vulnerability to financial losses. It also suggests a gap in customer education efforts, which could undermine trust in the banking system and digital payment platforms.

Conclusion and Suggestions

The increasing prevalence of UPI fraud underscores the need for enhanced security measures and user education to safeguard digital transactions. The survey results indicate that a significant portion of users is not adequately informed about how to handle fraud, revealing a gap in the communication strategies of banks and financial institutions. Despite the convenience and efficiency offered by UPI, its security vulnerabilities pose substantial risks to

users, particularly minors, who may lack the experience or knowledge to navigate these threats effectively. Therefore, it is imperative to implement robust security protocols and provide comprehensive education to ensure that all users can confidently utilize UPI services.

1. **Enhanced Awareness and Education:** Banks should intensify efforts to educate customers about UPI fraud risks and prevention methods. Regular workshops, webinars, and informational materials should be made accessible to all users to ensure they understand the guidelines and know how to respond to fraudulent activities.

2. **Improved Verification Processes:** Implementing more rigorous verification processes, such as multi-factor authentication, can significantly enhance UPI security. Requiring a one-time password (OTP) in addition to a UPI PIN will add an extra layer of protection, reducing the likelihood of unauthorized transactions.

3. **Stringent Age Verification:** To protect minors from falling victim to UPI scams, banks should enforce strict age verification procedures when registering users. Children's access to UPI should be limited, and parental oversight should be encouraged through joint accounts with guardians.

4. **Technological Innovations:** Developing advanced security software or firewalls that prevent the creation of fraudulent links or QR codes could further reduce the incidence of UPI fraud. Banks and technology firms should collaborate to design solutions that mitigate these risks.

5. **Clear Guidelines and User Manuals:** Providing users with detailed, easy-to-understand manuals and guidelines on safely using UPI can empower them to take proactive steps against fraud. These resources should be regularly updated to reflect the latest security protocols and best practices.

By implementing these recommendations, banks and regulatory authorities can strengthen the security of the UPI ecosystem, ensuring it remains a reliable and trusted platform for digital payments.

Bridging the Gender Gap: The Impact of Inadequate Legal Framework on Women in the Unorganized Sector¹

Abstract:

Despite making up a sizable portion of the labour force worldwide, particularly in developing nations, the unorganized sector is still mainly exempt from official legal protections. This study examines the gender disparity in this field, emphasizing how women are disproportionately impacted by the lack of a strong legal framework. Although there are difficulties for both men and women in informal employment, women are more vulnerable because of things like unequal pay, little social security, harassment at work, and insufficient maternity benefits. The study emphasizes the socioeconomic and legal elements—such as cultural norms, low levels of education, and restricted access to formal employment opportunities—that worsen these gendered disparities. Through an analysis of existing laws and policies, it investigates why these frameworks often fail to address the specific needs of women in informal work environments. The research underscores the urgent need for comprehensive legal reforms that provide gender-sensitive protections, aiming to promote equal rights, security, and dignity for women in the unorganised sector. By bridging this legal gap, we can work toward creating a more inclusive and equitable workforce for all. The unorganised sector need more reforms relating to maternity, child care leave as well as prevention of sexual harassment at workplaces. In this research we will try to resolve the issues with a helpful solution.

Keywords: Unorganised Sector; Legal Frameworks; Gender Gap;

Introduction

The unorganized sector, encompassing a vast range of informal employment opportunities such as domestic work, street vending, construction labor, and small-scale manufacturing, represents a crucial pillar of economic activity in many developing nations. Despite its significant contribution to national economies, this sector remains largely beyond the reach of formal regulations,

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leaving millions of workers, particularly women, vulnerable to exploitation and marginalization. Women form a substantial proportion of the unorganized workforce, yet they face multiple challenges that arise from the intersection of gender and informality. Women workers in particular, are in vulnerable position than their male counterparts. The absence of a robust legal framework to safeguard the rights and welfare of these workers compounds the existing gender disparities, contributing to wage gaps, lack of social security, unsafe working conditions, and limited access to resources and opportunities for upward mobility.

Any social, economic, or industrial structure that disregards the potential abilities and specific aptitudes of this half would suffer numerous consequences. Women make up half of the population of India, and as such, they make up half of the potential labour force. The gender gap in the unorganized sector is rooted in broader socio-economic and cultural norms that place women at a disadvantage in the labor market. These norms are reinforced by the lack of legal recognition and protection for informal workers, creating a cycle of inequality. Women in the unorganised sector are often employed in lower-paying jobs, with limited job security and virtually no access to benefits such as maternity leave, health care, or pension schemes. Furthermore, the absence of laws addressing workplace harassment and discrimination means that women are more vulnerable to exploitation and abuse. The challenges are compounded by the limited enforcement of existing laws that, while applicable to the organised sector, fail to extend meaningful protection to informal workers.

Objective of the Research Paper

This research paper aims to critically examine the impact of the inadequate legal framework on women in the unorganized sector, exploring how the gaps in legislation and enforcement contribute to the perpetuation of gender-based inequalities.

By analyzing the socio-economic and legal dimensions of this issue, the study seeks to provide a comprehensive understanding of why women in the unorganized sector remain disproportionately disadvantaged.

Additionally, it proposes potential legal reforms and policy interventions that could help bridge the gender gap, ensuring that women have equal access to rights, protections, and opportunities in the workplace. Addressing this gap is not only a matter of justice but also a prerequisite for creating a more inclusive and equitable economy.

Research Methodology

The study uses a mixed-methodology approach to investigate how women in the unorganized sector are affected by insufficient legal framework. It does this by combining qualitative and quantitative research methods. The goal of the study is to present a comprehensive understanding of the gender gap in the unorganized sector, based on the experiences of female workers in the actual world as well as data-driven analysis. The results will guide policy suggestions meant to strengthen the legal safeguards for women working in the unorganized sector of the economy.

Definition of Unorganized Sector

The unorganized sector, also known as the informal economy or the informal sector, is made up of jobs and economic activity that are not covered by official legal and regulatory frameworks. Because they frequently lack formal contracts, legal safeguards, and social security benefits, workers in this industry are more susceptible to abuse and precarious working conditions.

There are many different types of jobs in the unorganized sector, such as but not restricted to:

- Agriculture and related fields include forestry, fisheries, small-scale farming, and animal husbandry.
- Non-agricultural jobs include: street vending, housework, construction labour, clothing production, cottage and artisanal industries, and many types of casual labour.

Legal Framework in India for the Unorganized Sector

India's unorganized sector is vast and multifaceted, employing a large portion of the population, especially women. To address the challenges faced by workers in this sector, including gender disparities, the Indian government has introduced several legal measures. However, these measures often fall short in providing comprehensive protection, especially to women workers. Below are the key legal frameworks relevant to the unorganized sector in India:

1. To research the issues that construction site workers encounter.
2. To examine the causes of the issues faced by female employees on building sites.
3. To outline the issues women face with employment satisfaction and legislative compliance.

The Minimum Wages Act, 1948

The Minimum Wages Act establishes the minimum pay those employees in particular industries are required to receive. Nonetheless, many women work in the unorganized economy in casual positions with lax pay standards. Workers in informal employment, especially women working in domestic services, home-based businesses, and agriculture, are not fully covered by the Act. lacks monitoring methods in informal urban and rural areas, creating enforcement challenges. Gender-based discrimination results in women workers frequently receiving earnings below the minimal criteria, even in spite of legislation.

The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (EPF)

The act applies mainly to organized sector workers, some provisions have been extended to certain categories of informal workers. The majority of women in the unorganized sector are excluded from EPF coverage, leaving them without retirement security or savings schemes.

The Maternity Benefit Act, 1961 (Amended in 2017)

The Maternity Benefit Act entitles women to paid maternity leave and ensures job security during pregnancy. While this is an important legal provision:

- The Act predominantly applies to formal sector employees, leaving women in the unorganized sector without access to paid maternity leave.
- Many women in informal employment are not aware of their rights under this law, or their employers simply do not adhere to these protections.

The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996

The construction industry employs a large number of women, and this Act governs their working conditions. It stipulates welfare benefits, minimum wages, and safety precautions. One of the difficulties is the low worker registration rates brought on by red tape. It includes insufficient implementation of safety protocols, resulting in hazardous work situations, especially for female employees.

National Rural Employment Guarantee Act (NREGA), 2005

NREGA guarantees 100 days of employment to rural households, with a focus on providing job opportunities for women in rural areas. The Act includes provisions for equal wages for men and women and provides a degree of financial independence to women. However:

- In some regions, the scheme's implementation has been weak, with women often relegated to lower-paying, physically demanding tasks.
- Many rural women are unaware of their rights under NREGA or face barriers such as lack of access to work sites due to childcare responsibilities.

The Unorganized Workers' Social Security Act, 2008

This Act aims to provide social security and welfare measures to unorganized workers, including health benefits, old-age pensions, and life and disability coverage. While it was a significant step forward, its implementation has been patchy, and it lacks a strong enforcement mechanism. Key shortcomings include:

- No specific provisions to address the unique challenges faced by women, such as maternity benefits or protections against sexual harassment.
- Lack of awareness and access among workers regarding their entitlements.
- Difficulty in registering workers, many of whom are employed in informal, unregulated environments.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

This law was enacted to prevent and address sexual harassment in the workplace. While this Act applies to both formal and informal sectors, its effectiveness in the unorganised sector is limited by:

- Lack of awareness among women workers about their rights and how to file complaints.
- Absence of workplace committees in informal settings, where women often work in isolation, such as in homes or small informal businesses.

The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

This Act provides legal recognition and protection to street vendors, many of whom are women. It aims to protect their right to livelihood by regulating street vending through licenses and providing access to designated vending zones. However, women vendors still face challenges such as:

- Gender-based harassment by authorities or male vendors.
- Lack of awareness regarding their legal rights under this Act.

The Code on Social Security, 2020

As part of the four new labor codes, the Code on Social Security, 2020, aims to consolidate existing labor laws and extend social security benefits to all workers, including those in the unorganised sector. It proposes the creation of a National Social Security Board to recommend welfare schemes. However:

- There is still ambiguity regarding its implementation and enforcement mechanisms, particularly for women.
- It remains to be seen whether this code can effectively address the unique vulnerabilities of women in informal employment.

Labour Codes (2020)

The four consolidated Labour Codes (on wages, industrial relations, social security, and occupational safety) are designed to simplify and rationalise labor laws in India. Although these codes aim to expand coverage to unorganised sector workers:

- Implementation challenges remain, especially in informal settings.
- Gender-specific issues like sexual harassment, maternity benefits, and wage disparities are not adequately addressed in these consolidated laws.

Key Gaps in Legal Protection for Women in the Unorganized Sector:

- **Lack of enforcement:** Even where laws exist, enforcement is weak, particularly in rural and informal urban environments.
- **Limited coverage:** Many laws are designed with formal sector workers in mind and fail to adequately cover informal workers.
- **Invisibility of women's work:** Much of women's labor in the unorganized sector, particularly home-based or domestic work, remains invisible and unrecognized.
- **Gender-specific challenges:** Laws often fail to address the specific vulnerabilities of women, such as workplace harassment, maternity leave, and access to social security.

Conclusion and Suggestions:

While India has introduced several legal measures to protect workers in the unorganised sector, substantial gaps remain, particularly with regard to women workers. Many existing laws either lack gender-specific provisions or suffer from weak implementation within informal work settings. Women employed in the unorganised sector often face severe socio-economic challenges that extend beyond the workplace and affect their families as well. A significant number of them lack essential identity documents such as voter identity cards and ration cards, which restricts their access to government welfare schemes and social security benefits.

Their living conditions are frequently precarious, characterized by substandard accommodation with limited access to clean drinking water, sanitation, and other basic amenities. Frequent migration between worksites further exacerbates their vulnerability and disrupts family stability. These conditions also have adverse consequences for the health and well-being of their families. Childcare presents an additional challenge, as mothers are often compelled to leave their children unattended while working, exposing them to risks such as neglect, exploitation, human trafficking, and psychological harm.

So, researchers believe that to bridge the gender gap in unorganized sector, there is an urgent need for stronger legal framework that specifically addresses the challenges faced by women, as well as more effective implementation and awareness programs to ensure that these protections reach the workers who need them most.

Improving the implementation of laws for women in the unorganized sector requires a multifaceted approach, given the diverse challenges they face, such as informal work arrangements, lack of social security, and exploitation. Here are some suggestions for better implementation of laws for women in the unorganized sector:

1. Strengthening Legal Framework and Awareness

- **Simplified Legislation:** Ensure that laws governing women's rights in the unorganized sector are simplified and made easily understandable to workers with lower literacy levels.
- **Legal Awareness Campaigns:** Conduct regular awareness programs in local languages to inform women about their rights and protections under existing laws like the *Unorganized Workers' Social Security Act (2008)*, the *Maternity Benefit Act*, and laws against sexual harassment.
- **Mobile Legal Clinics:** Set up mobile legal clinics to visit remote or informal sectors regularly, providing women with free legal advice, access to justice, and assistance in filing complaints.

2. Ensuring Social Security Benefits

- **Universal Social Security:** Establish a comprehensive social security system that covers all workers in the unorganized sector, including maternity benefits, pensions, health insurance, and accident cover.
- **Easier Registration Processes:** Streamline registration under schemes like the *e-SHRAM Portal* (India) to ensure women workers are easily enrolled and can access benefits.
- **Community-Based Models:** Encourage cooperatives and self-help groups (SHGs) to act as intermediaries in ensuring access to social security schemes, providing a platform for women to collectively negotiate for their rights.

3. Targeted Financial and Employment Support

- **Gender-Sensitive Skill Training:** Provide women with skill development programs focused on employability and financial literacy, helping them move into higher-paying roles.
- **Micro-Credit and Financial Inclusion:** Enhance access to micro-credit schemes for women in the unorganized sector through government programs or public-private partnerships to promote self-employment opportunities and financial independence.

- **Safe Employment Practices:** Introduce guidelines to ensure fair wages and safe working conditions for women in unorganized sectors like domestic work, construction, and agriculture. Regular inspections can help monitor compliance.

4. Strengthening Enforcement Mechanisms

- **Labour Inspections:** Regular and surprise inspections by labor departments in sectors employing large numbers of women can help ensure that employers comply with laws on wages, working hours, and working conditions.
- **Grievance Redressal System:** Create a centralized and easily accessible grievance redressal system where women can report violations, such as non-payment of wages or harassment, without fear of retribution.
- **Decentralized Local Bodies:** Empower local bodies like Panchayats or urban local governments to monitor compliance and report on violations, ensuring that laws are enforced at the grassroots level.

5. Combating Sexual Harassment

- **Extending POSH (Prevention of Sexual Harassment) Act:** Extend the provisions of the *POSH Act* to explicitly cover unorganized sector workers and ensure implementation through local committees at the district level.
- **Creating Safe Workspaces:** Encourage industries employing unorganized sector women, such as domestic work and agriculture, to adopt codes of conduct and provide gender-sensitive training for employers on preventing harassment and abuse.
- **Support Systems for Victims:** Establish support networks, such as helplines, counseling centers, and legal aid cells, specifically for women in the unorganized sector to report harassment and seek recourse.

6. Collaboration and Partnership Building

- **Public-Private Partnerships:** Encourage collaboration between government, NGOs, and private companies to address gaps in the enforcement of labor laws and implementation of welfare schemes.
- **Grassroots Organizations and Unions:** Support women's labor organizations and cooperatives to represent workers in the informal sector, empowering them to negotiate better wages, working conditions, and legal protections.
- **Engaging Local NGOs:** Partner with NGOs and women's rights organizations that have a strong local presence to conduct outreach and provide services such as legal aid, counseling, and advocacy.

7. Data Collection and Monitoring

- **Real-Time Data on Women Workers:** Develop a national or regional database to track women working in the unorganized sector, their wages, and the benefits they receive, helping policymakers understand the scope of challenges and address gaps.
- **Third-Party Audits:** Independent organizations or labor rights groups should be commissioned to conduct third-party audits of workplaces employing large numbers of women to ensure compliance with laws and safety standards.
- **Use of Technology:** Leverage mobile apps or SMS-based platforms to disseminate information on labor laws and report grievances, making it easier for women in remote areas to seek assistance.

8. Inclusive Policies for Marginalized Groups

- **Focus on Intersectionality:** Ensure that laws are inclusive of women from marginalized communities, such as migrant workers, tribal women, and women with disabilities, who may face compounded discrimination.
- **Tailored Welfare Programs:** Develop specific welfare programs for sectors that disproportionately employ women, like domestic work, home-based industries, and agriculture, ensuring they are customized to the unique challenges of each sector.

9. Promotion of Gender Equality in Workplaces

- **Equal Pay for Equal Work:** Enforce laws mandating equal pay for equal work, such as the *Equal Remuneration Act*, ensuring that gender wage gaps are minimized in the informal sector.
- **Maternity and Childcare Support:** Ensure that women in the unorganized sector have access to maternity leave and affordable childcare options, either through government schemes or employer contributions.
- **Promoting Leadership Roles:** Encourage women to take on leadership roles within unions, cooperatives, or self-help groups, ensuring that their voices are represented in decision-making processes.

Implementing these measures requires coordinated efforts between government agencies, civil society organizations, and the private sector, along with the active participation of women workers themselves to ensure lasting change.

References

- a) Dr Vandana Dave, *Women workers in unorganized sector*, 18 Women's link, (2012).
- b) Dr Sumathi Gopal, *Problems and Prospects Faced by the Women Worker in Unorganized Sector*, 6 Shod Aditya, (2019).
- c) P.E. Usha, *Determinants and consequences of women's work in the unorganized sector*, Centre for Development Studies.
- d) Vasudev & Romica, *Status of women in family: a study among women workers of organised and unorganized sectors in urban areas*, 2012 Doctoral Thesis Christ U.
- e) K. Shashank et al., *Analysis of Key Factors Affecting the Variation of Labour Productivity in Construction Projects*.
- f) L. Bureau, 2007 Indian Labour Journal. Ministry Labour & Emp. Gov't India.
- g) Dr Suresh K.P, *Socio-Economic Status of Women Workers in Unorganised Sector: Issues and Challenges*, 2020 RSCH. REV. Int'l J. Multidisciplinary.

Generational Inversion: Understanding Reverse Parenting Phenomenon in Indian Context¹

Abstract:

"It is not what you do for your children, but what you have taught them to do for themselves that will make them successful human beings."

Ann Lander

Parentification, often referred to as reverse parenting, describes a situation in which a child assumes responsibilities typically performed by parents, such as caregiving, household management, caring for younger siblings, or even financial support. This role reversal may arise due to parental illness, substance dependence, mental health issues, financial hardship, or parental absence. While sometimes temporary, prolonged parentification can significantly affect a child's emotional and psychological development, leading to stress, blurred boundaries, and conflicting feelings of duty and resentment. In the changing socio-economic landscape of Indian families, this study examines the causes, prevalence, and consequences of reverse parenting, highlighting its impact on family relationships, generational dynamics, and children's well-being.

Keywords: Parentification, Reverse Parenting, Family Dynamics, Child Well-being

Reversing Generations: Unpacking the Phenomenon of Reverse Parenting

Children predominantly get care from their parents since older generations practiced traditional family care where parents were responsible for the emotional, physical and social support of the children. It might be worth pointing out that the process when adult children take on tasks of caring and nurturing for their elder relatives is called reverse parenting. This change has been observed over the recent past especially within the Indian social fabric/setup. Such a phenomenon is contrary to the typical cultural

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expectations of caregiving in which the children are expected to support their parents and instead the parents are expected to support functional children. The exchange of positions can happen for many reasons such as parents' sickness, disability, financially troubles, or changes in the societal culture.²

The concept of reverse parenting encompasses a broad list of related tasks that are performed by adult children for their parents. These duties could include offering companionship to elderly parents, scheduling doctors' appointments, cleaning as well as offering the parent's physical care. In this context, reverse parenting appears to represent various changes in the society such as demography, new family structures, and cultural norms towards care-giving and elderly responsibilities. Other precursors include; advance in age, change in geographic environment, technological advancements in communication/transportation among others have also played a role in the occurrence of reverse parenting agreements.³

Reverse parenting, though it builds intergenerational closeness and solidarity, comes up with difficulties and issues. The elderly parents receiving care from their adult children may also feel stress, role strain and some conflicts on how to balance between the new roles they are given and other responsibilities that may include career or relationship issues.

Reverse parenting also has implications on the general aspect of wellbeing, relationship between generations, and family. The argument is made that in the era of reverse parenting arrangements, various support structures, laws, funding and neighbourhood services must be designed to meet unique family's needs. It is core to the knowledge of the role and effects of reverse parenting to help the policymakers, medical staffs and social services to put the right measures and plans in place for the families concerned by this new phenomenon. Thus, it is crucial that particular attention is paid to the question of reverse parenting, so that

² (Lena-Karin Gustafsson) et al., Informal caregiving from the perspectives of older people living alone in India, 17 *OLDER PEOPLE NURSING*, 789-803 (2021)

³ (Jinyu Liu & Mercedes Bern-Klug) "I should be doing more for my parent:" Chinese adult children's worry about performance in providing care for their oldest-old parents, 1 *INT'L PSYCHOGERIATRICS*, 1-13 (2015).

society did not disregard the existing problems that quite often act as underlying causes of serious difficulties within families, contribute to the development of tensions and rifts between generations, and impede the striving for a healthy and harmonious interpersonal relationship.

Intergenerational Relations Vis-À-Vis Generational Inversion

Inter-generational relationship means how one generation relates to the other generation especially with respect to family or societal status. These relations are essential for the proper functioning of families, for values' and traditions' transmission, and for support in generations' exchange. Generational inversion, however, is a novel where conventional roles of young generations and expectations of care giving for the older generations are reversed.⁴ Generational inversion involves youths replacing elders in leadership positions thereby inverting the conventional power relations between generations. Implicit in this is the fact that it has a profound impact on intergenerational dynamics – both as concerns the flow of material and non-material resources, communicative interactions, as well as the affective dimension of relationships. Changing roles, another potential consequence, can lead to generational inversion, under which the young members of society would help the elderly in contrast to the trend that has been noted so far. One potential effect of such a change can be a formation of new types of intergenerational relations and mutual obligations, however, it can also stimulate worries regarding the effectiveness of the traditional model of dependency. Although generational inversion is full of problems, it is stimulating for youth and elder people to enrich each other in work experiences and ideas.⁵ Unlocking these requires a shift in mindset from fixed hierarchies to the more flexible intergenerational relationships we need. What can be said, however is that those experiences of living through life at different points (the intersectionality here being intergenerational relations with generational inversion), offer insight.

⁴ (K. K. Lam & D. W. Lai) Gender differences in caregiving among family-caregivers of people with disabilities, 30 DISABILITY & SOCY 1504, 1504-1517 (2015).

⁵ (Natalia Sarkisian & Naomi Gerstel) Kin support among Blacks and Whites: Race and family organization, 69 AM. SOCIO. R. 812, 812-837 (2004).

For instance, some cultural systems operate out of a gerontocracy in which the elder generation wields authority and provides care while members of younger generations are meant to show respect and fulfill supportive roles. Yet generational inversion defies the typical hierarchy of care by reversing caregiving roles, pushing younger generations into the kind of roles that older generations should be used to. In nature, If one part changes or gains an identity separate from the original system (a child growing up and leaving home) this can disrupt established power dynamics within that relationship. A mix of socio-economic factors, which include economic globalization; the higher mobility and urbanisation have long loosened family bonds thus reversed this for almost three decades old on account that rising era has applied to position responsibility demographic exchange also signifies generational inversion.

Another crucial aspect is that in many cultures, including India, the duty of younger generations to look after their elderly and filial piety are highly valued. However, generational inversion may challenge traditional notions of filial obligations as younger generations navigate competing demands such as education, career advancement, and personal aspirations. This can lead to tensions and conflicts within families as expectations clash with practical realities. Demographic shifts, such as aging populations and declining fertility rates, can also influence intergenerational relations and contribute to generational inversion. There may be an increase in the proportion of older persons compared to younger generations when life expectancy rises and fertility rates fall, placing greater demands on younger family members to provide care and support for aging relatives.

Along with that, families may employ various coping strategies and adaptations to navigate generational inversion and maintain cohesion across generations. This may include renegotiating roles and responsibilities, seeking external support services, leveraging technology for caregiving and communication, and fostering open communication and mutual understanding among family members. Another aspect that cannot be ignored is that the generational inversion can have psychosocial implications for both younger and older family members. Younger caregivers may experience stress, burnout, and feelings of role strain as they juggle caregiving responsibilities with other life demands. Older adults may

grapple with feelings of loss of autonomy, role reversal, and adjustment to changes in familial dynamics. Understanding the intricate interactions between societal, familial, and individual influences that shape intergenerational relationships is essential to addressing these psychological ramifications.⁶

Society and Culture: Impact on Parentification

Parental methods are greatly influenced by cultural and societal influences, which also have an impact on parental views, values, conventions, and behaviours. The influence of cultural values and ideas on parenting is one important factor. Collectivist cultures, like many Asian countries, place a strong emphasis on dependency, obedience, and respect for authority. This is typical for childrearing approaches that emphasize personal responsibility to one's family and social order. On the contrary, western societies give more values to self, freedom, and self-disclosure. Accordingly, parenting practices in such cultures actively foster the appreciation of self and the development of individuality.⁷

Also, compatibilities of parenting practices have culturally defined expectations and standards. Warm demanding, knowledgeable parenting is linked with positivity in the western culture that appreciates the freedom of individuals. On the other hand, authoritarian parenting where children are disciplined and taught to always obey their parents is perhaps found in societies that uphold order and where people are expected to obey their leaders.

Cultural factors do play a very important role when it comes to the gender roles and expectations on the parent. There are so many societies that practice patriarchy, and thereby proceeding the mother to look after the house and the children, offering basic care as well as the father who mainly provides discipline and other necessities. The given gender roles influence the participation of parents in their children's lives, division of labour, and caregiving responsibilities for children within families.

⁶ (R. R. Hamon & R. Blieszner) Filial responsibility expectations among adult child-parent pairs, 52 J. MARRIAGE & FAM. 205, 205-215 (1990).

⁷ (N. Rao & H. Rao) Understanding parenting practices and family life in contemporary India: A review, 47 INT'L J PSYCH 390, 390-402 (2012).

Moreover, there are strong relations between the parenting behaviours and socio-economic conditions of the families. The concerned parents' ability to provide the needs of their children and to pay for food, access to quality education and quality health care, and other necessary things like extracurricular activities are also influenced by the state of the economy. These factors include income level, education, and resource availability. Economic instability can also affect parental stress levels, time availability, and mental health, influencing parenting behaviours and family dynamics.⁸

Technological advancements and media proliferation further influence parenting practices. Cultural attitudes towards screen time, internet usage, and digital media vary across societies and shape parental decisions regarding children's exposure to technology. Technology brings obstacles in addition to new opportunities for communication and learning such as cyberbullying, online safety concerns, and digital addiction, which parents must navigate within their cultural context.

Moreover, the legal and policy context within which parenting occurs impacts parental behaviours and family dynamics. Legal frameworks and government policies establish standards for child welfare, education, healthcare, and parental rights. Cultural attitudes towards parenting intersect with legal regulations regarding parental authority, child protection, custody arrangements, and parental leave policies, influencing family dynamics and parenting techniques. To promote parenting and childrearing practices that are sensitive to cultural differences, it is imperative to understand the ways in which these socioeconomic and cultural factors interact. Recognizing the diversity of cultural perspectives and values allows for the development of inclusive strategies that support families within their cultural contexts while promoting positive outcomes for children's well-being and development.

Intersecting Attachments: An Examination of Reverse Parenting through the Lens of Attachment Theory

The theory of attachment, first developed by Mary Ainsworth and subsequently by John Bowlby, offers a framework for comprehending the dynamics of human

⁸ *Id.*

interactions and emotional attachments, especially those between children and their primary caregivers.⁹ A framework for examining the emotional bonds that form between kids and their caregivers—typically their parents—is provided by attachment theory. According to attachment theory, healthy emotional and social development throughout infancy depends on a child's safe attachment to caregivers. Early attachment experiences have an impact on people's internal relationship working models, which in turn shapes their behavior, expectations, and interpersonal dynamics throughout the course of a lifetime. Reverse parenting, which involves younger generations assuming caregiving roles for older generations, can also be examined via the attachment theory lens.¹⁰ The following elements help to understand the influence of attachment theory and how it relates to the contemporary idea of parentification:

- **Ensurity:** According to attachment theory, parents provide children with a safe foundation from which to explore the outside world and turn for solace and assurance when things go tough. In the context of reverse parenting, older adults may rely on younger caregivers as their secure base for emotional support, practical assistance, and social engagement. The presence of a secure base facilitates a sense of trust, safety, and belonging within the caregiving relationship, contributing to the well-being of both parties.¹¹
- **Caretaker Sensitivity:** Attachment theory emphasizes the necessity of caretaker sensitivity and responsiveness to the needs of the child in building strong attachment ties. Similarly, in reverse parenting, the quality of caregiving provided by younger generations to older adults is influenced by the caregiver's ability to understand, empathize, and respond effectively to the unique needs and preferences of the care

⁹ (Inge Bretherton) The origins of attachment theory: John Bowlby and Mary Ainsworth, *DEV. PSYCH.* 759, 759–775 (1992)

¹⁰ (Mary D. Salter Ainsworth) Object Relations, Dependency, and Attachment: A Theoretical Review of the Infant-Mother Relationship, 40 *CHILD DEV.* 969, 969-1025 (1969).

¹¹ (L. M. Hooper,)The Application of Attachment Theory and Family Systems Theory to the Phenomena of Parentification, 15 *FAM. J.*, 217–223 (2007).

recipient. Caregiver sensitivity promotes feelings of security, validation, and emotional connection within the caregiving relationship.

- **Modus Operandi:** Attachment theory claims that early experiences with caregiver's alter persons' inner frameworks of relationships, affecting their expectations, faith, and behavior in relationships in the future. In the context of reverse parenting, older adults may draw upon their past experiences with caregiving, both as recipients and providers of care, to inform their expectations and behaviors within the caregiving relationship. Likewise, younger caregivers may rely on their own attachment experiences and cultural influences to navigate their roles and responsibilities in caring for older family members.¹²
- **Security and Well-being:** Research has consistently demonstrated the link between secure attachment and positive outcomes in various domains of functioning, including emotional regulation, interpersonal relationships, and mental health. In reverse parenting, the presence of a secure attachment bond between caregivers and care recipients may contribute to enhanced well-being for both parties. Secure attachment fosters feelings of mutual trust, intimacy, and support, buffering against the stressors and challenges associated with caregiving and aging.
- **Generation to Generation Transmission:** Attachment theory suggests that attachment patterns established in childhood are transmitted across generations, shaping the quality of attachment relationships within families. In the context of reverse parenting, the intergenerational transmission of attachment patterns influences the dynamics of caregiving and the quality of relationships between older adults and younger caregivers. Awareness of attachment dynamics and their intergenerational transmission can inform interventions aimed at promoting positive caregiving experiences and enhancing familial relationships.¹³

¹² (SUSAN GOLDBERG) et al., ATTACHMENT THEORY: SOCIAL, DEVELOPMENTAL, AND CLINICAL PERSPECTIVES (Analytic Press 2000)

¹³ (A N Schore) Attachment and the regulation of the right brain, 2 ATTACH. HUM. DEV. 23, 23-47 (2000).

Parentification and Health: Emotional and Mental Wellbeing

Mental and emotional well-being is a critical aspect of reverse parenting, where younger generations assume caregiving responsibilities for older generations. Both caregivers and care recipients may experience unique challenges and stressors that can impact their mental and emotional health. Mental and emotional well-being is a central concern in reverse parenting, where caregivers and care recipients navigate complex challenges and transitions associated with intergenerational caregiving. Recognizing the unique stressors and needs of individuals engaged in reverse parenting and implementing supportive interventions and resources are vital for promoting mental health and enhancing general well-being within reverse parenting arrangements.¹⁴

In the context of reverse parenting, younger generations assume the role of caretakers for elder family members, emphasizing the importance of mental and emotional well-being for all those involved. Caregivers often experience substantial stress and burnout when managing caring duties with their personal and professional obligations.¹⁵ Caring for others, managing intricate family relationships, and experiencing role changes may result in emotional fatigue, loneliness, and an increased likelihood of mental health conditions including melancholy and anxiety. Cultural expectations and social standards related to filial piety and family duty may intensify emotions of shame and responsibility, increasing the emotional strain on caregivers.

Youthful caregivers taking up the task of caring for elderly family members may experience a significant shift in roles, which may disrupt conventional family relations and personal identity frameworks. This transition in duties may elicit emotions of role pressure, loss of autonomy, and identity problems as caregivers manage their developing positions within the family and society. Both caregivers and care users may struggle with loss and sadness while facing diminishing health, functional limits, and changes in household roles and dynamics.

¹⁴ (Martin Pinquart & Silvia Sörensen) Differences between caregivers and noncaregivers in psychological health and physical health: A meta-analysis, 18 PSYCH & AGING 250, 250-267 (2003).

¹⁵ (Richard Schulz & Paula R Sherwood) Physical and mental health effects of family caregiving, 108 AM. J. NURSING 23, 23-27 (2008).

Anticipatory sorrow may be burdensome for caregivers as they see the deterioration of their loved ones' physical and cognitive abilities, while care receivers may grieve the loss of independence, autonomy, and social connections.¹⁶

Social isolation and loneliness are prevalent among both caregivers and care receivers in reverse parenting setups. Providing care, together with having few social support systems and experiencing changes in social roles and relationships, may lead to feelings of isolation and loneliness. These sentiments, if left ignored, may increase symptoms of sadness, anxiety, and emotional discomfort, further damaging the mental state and well-being for all persons involved. Effective coping skills and support structures are essential for improving mental and emotional well-being in reverse parenting. Caregivers may benefit from accessing social support, respite care, and professional therapy to alleviate caregiver stress and burnout. Care receivers may find relief in community-based resources, peer support groups, and therapy therapies to deal with emotions of loss, sadness, and social isolation.

Despite the hurdles, reverse parenting may also develop resilience, personal growth, and meaningful relationships throughout families. Caregivers and care receivers may create tighter friendships, boost family relationships, and find purpose and joy in caring roles. Cultivating resilience, practicing self-care, and establishing open communication within the family are critical components of improving mental and emotional well-being in reverse parenting. By acknowledging the particular challenges and needs of persons involved in reverse parenting and adopting supportive interventions and resources, families may manage the complexity of caring with compassion, empathy, and resilience.

An Attempt Towards Betterment: The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

The Sanskrit verses "Matru Devo Bhav" and "Pitru Devo Bhav" from the Taittiriya Upanishad have their origins of the ancient Indian Vedic period. As to

¹⁶ (S. H. Zarit et al.) Relatives of the impaired elderly: Correlates of feelings of burden, 20 THE GERONTOLOGIST 649, 649-655 (1980).

this belief, the parents were elevated to a position of great importance by being bestowed with the status of living deities. These statements were regarded as philosophical guidance on morals and ethics for students who completed their studies in Gurukul educational institutions. *The Maintenance and Welfare of Parents and Senior Citizens Act (MWPA)*¹⁷, implemented in India in 2007, is a key legal measure intended at defending the rights and well-being of elderly individuals. However, like any legislation, the MWPA has its strengths and weaknesses, and a critical analysis can provide insights into its effectiveness and areas for improvement.

An inherent advantage of the MWPA is the provision of legal remedies for elderly parents and senior citizens who experience neglect or abandonment from their extended family members. The Act recognises the ethical and legal obligation of adult children to financially support and nurture their parents, and allows dissatisfied parents to request maintenance orders from a court of law. The MWPA contains comprehensive provisions covering various aspects of maintenance and welfare for senior citizens, including provisions for establishing old age homes, protection of life and property, and mechanisms for enforcement of maintenance orders. The Act also outlines the duties of children and relatives towards their elderly family members.¹⁸ Further advantage of the implementation is that the introduction of the MWPA has effectively increased knowledge and understanding of the rights and privileges of elderly individuals in India. It has also facilitated advocacy efforts aimed at addressing issues related to elder abuse, neglect, and exploitation, thereby contributing to the promotion of elderly rights and welfare in the country.

However, even after all the efforts of codifying the laws relating to senior citizens were made, the act lacks points of strength which keeps it on the neutral side when it comes to its usage by the aggrieved persons. Despite its laudable objectives, the implementation of the MWPA faces significant challenges, including lack of awareness among the general public and inadequate infrastructure for the effective functioning of tribunals and enforcement

¹⁷ (The Maintenance And Welfare Of Parents And Senior Citizens Act, 2007) (India).

¹⁸ (N. Gupta) Maintenance and Welfare of Parents and Senior Citizens Act, 2007: A Critique, 1 INDIAN J. SOCIO-LEGAL AND CONTEMP AFFS. 1, 1-9 (2015).

mechanisms. Many elderly individuals may not be aware of their rights under the Act or may face barriers in accessing legal remedies.

There is one criticism of the MWPA which is that the onus of proving the neglect or abandonment by the children is upon the abusing parent, which can be onerous especially where there are no documents or people who can testify to the fact. This puts elderly parents in a disadvantageous position particularly where they are financially broke or have no lawyers to defend them. While the MWPA has provisions for setting up of old age homes and support services for the elderly persons in Nigeria, such facilities and services remain scarce and are equally not easily accessible particularly in the rural areas. A lot of elders may be forced to rely on their relatives or other informal caregivers or be left with no choice but be lonely since there are very few community-based services.¹⁹ The impact of the act might be hampered by the cultural and social perceptions that favour togetherness and cohesion for families at the expense of personal freedom and choices. Most of the times the elderly parents refrain from seeking legal action against the children because of social exposure or fear of being punished.²⁰

The laws of this act are considered as one of the most significant changes in ensuring the rights and welfare of elderly persons in India. However, to be successful they have to get over the implementation barriers, enhance the knowledge and accessibility of legal resources and address cultural and societal barriers that are an impediment to implementing the Act. Lastly, it is suggested the support services to elderly people should be reinforced, intergeneration relationships should be favorable, and traditions of respecting the rights of elderly people should be encouraged for achieving the goals set in the MWPA and for providing the top-level quality of aging safety for all elderly people in India.

¹⁹ (S. Khan & S. S. Nair) Elders and Law: A Critical Analysis of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, 7 INT'L J SCI. RSCH & MGMT 285, 285-288 (2019).

²⁰ (A. Sengupta & M. A. Das) A Critique of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, 15 MAN & SOC'Y: J. NE. STUD. 139, 139-152 (2018),

Bridging the Gap: suggestions for Fostering Intergenerational Understanding in the Indian Context

Management of challenges involved in generational inversion or reversal where the young is supporting the old can only be solved partially through a solution that looks at the system level, at the social level and at the individual level. Awareness raising and education is important in changing people's perception about generational inversion, its effects and where to find help. To improve others' awareness of the roles of care giving between the young and the elderly parents or grandparents, as well as to help families for generational shift to have a conducive environment to be embraced, we may organize our community workshops, educational media, and awareness creating information.

To begin with, the policies require effects in order to recognize and support the different family structures especially the generational overturn. As a type of advocacy, it should aim at enhancing legislative rights and entitlements of caregivers and care-receivers, guaranteeing their rights to receive social security payments, have flexible hours/working patterns or attend a caregiver training program. However, it is necessary to develop further ways to provide appropriate though specialization of assistance to meet the needs of families who perform generational inversion. Such services include: Hi, Kiddie, Homestay Respite Care, Counselling Services, Kid's Klost Clothing Program, Caregiver Support groups, and Bursary Program. Strengthening and development of community-based services and structures will cover all the needs of caregivers and care users throughout their lifetime.

Another major recommendation is the enhancement of the cooperation between generations. Measures should be taken that would help the old and the young generations to come into contact with each other and support one another. Several aspects may include enhanced intergenerational relationships as well as increased family closeness due to interaction occurring in intergenerational contexts, shared care responsibilities and opportunities for learning in exchanging skills and knowledge among the young and the elderly. Moreover, lengthened and diversified caring patterns or approaches and respect to the clients' culture should be emphasized. Prescribing and appreciating different cultural practices regarding care and aging addressing these different cultural attributes for

familism allows understanding and meeting the needs and expectations of culturally diverse families practicing generational reversal.

It was also seen that the need to call for support at the workplace must be met to be able to meet the demand of caregiving. Some of the important recommendable practices that can help caregivers include changes of working schedules, options for working from home and employer-provided caregiver assistance programs. Further, conducting research and evaluation activities shall afford understanding on the dynamics of generational inversion and how to address challenges associated with it. Stakeholder involvement is also very vital in that it fosters collaboration to enhance support systems as well as enhance the capacity of communities in the management of families' needs associated with generational inversion.

Self-advocacy as well as supporting caregivers and care users to have the power to defend herself/himself, search for assistance, and strengthen own coping mechanisms is necessary. Make use of compassion, strengths, and wells-being skills that will prepare individuals for a better chance in coping with the forces of caregiving. According to such guidelines, stakeholders can work collectively in order to solve the issues linked with generational inversion and implement caring contexts, which will help caregivers and care receivers in their lifetime.²¹

²¹ J. K. Davitt et al., The sandwich generation: A case study of caregiving daughters, 14 J. FAM. NURSING 372, 372-394 (2008).

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