

MIRANDA LAW & POLICY REVIEW

VOLUME 2 ISSUE 1
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Editorial

From the Principal's Desk-

Dear Readers,

With great assiduity and commitment, I present to you the second edition of the *Miranda Law and Policy Review* (MLPR), anchored around the pertinent and urgent theme of the "Commons." Building on the strong foundation laid by our inaugural issue, this edition deepens our collective endeavour to promote student-led peer-reviewed scholarship that deals with some of the most pressing legal and policy concerns of our interconnected world.

The idea of global commons, spanning across material and immaterial realms – from natural ecosystems to digital networks – encourages multilayered debates on governance, equity, sustainability, as well as cooperation. The articles in this issue embody the underlying complexities of these shared resources, offering interdisciplinary perspectives that question and challenge existing frameworks and imagine new avenues for justice. Every paper has been a subject of rigorous and scrutinised double-blind peer appraisal by scholars and experts across disciplines to establish our publication as an apogee of academic integrity and authenticity.

Each page of this publication is a reflection of the unwavering commitment of our faculty, student editorial board, and contributors towards advancing academic excellence and meaningful policy innovation. I also impart my deepest gratitude to the experts and advisors for their consistent support and guidance have served to be conducive in making this issue possible.

Our purpose, to provide a space for critical appraisal, debate and discussion, legal research, and informed policy analysis addressing the problems troubling our world, echoes with every edition of *Miranda Law and Policy Review*.

In this excursion of inquiring engagement, we unfurl the pages to our readers to engage avidly and intentionally with the works featured here and to contemplate, question, and contribute to the evolving discourse on the global commons. I hope this release enriches your understanding, initiates a new paradigm, and inspires action toward a more equitable and sustainable existence.



Principal

From the Faculty Editors-

Dear Readers,

Miranda Law and Policy Review began as a research journal in the year 2024 with the objective of providing a forum for practitioners and academicians to discuss to the forefront well-researched and qualitative studies on pressing issues which haunt the world today. The first edition incorporated thorough and well-analyzed research papers on varied themes. Carrying on the tradition of success, the second issue of *Miranda Law and Policy Review* is themed on "Commons" and treats a host of significant issues pertaining to common resources, collective rights, and alternative modes of governance over resources even in prevailing capitalist frameworks. Far from static, the space of commons in this volume is a dynamic field to think through the concept as not just legal or economic but as a space of epistemic pluralities and multiple realities. Each article in this issue critically examines the intricate legalities that regulate over these commons and offers a multi-layered reading. We welcome you to be a part of our content, learn about unusual thinking and make contributions to this area of law and policy study.

With the theme of "Commons, the second edition places itself in the digital domain which is the most used method of communication in modern times." Nandini Choubey and Zoya Fatima's article, "Digital Commons in the Knowledge Economy" brings out the privatization of the internet and social media that results in gatekeeping of knowledge, algorithmic control and creation of false narratives by AI. Debangi Kashyap, an independent researcher, in her paper entitled "Illusion of Digital Commons: Social Media in a Neoliberal, Data-Extractive Information Market Economy" writes about social media as a force that democratizes and how neoliberalism and datafication inform online relationships.

Dhriti Rana's "Women-led Innovations for Sustainable Commons Governance" focuses on the innovative quality of women's leadership that is necessary in reconfiguring resource governance and management according to global case studies. Sharanraj Krishnan's socio-legal ethnography research, "From Margins to the Commons: How Gender Registration Shapes Trans* Access and Belonging in Contemporary India" incorporates a gendered perspective to analyze the rights of citizenship and gender registration process for the transgender and gender non-conforming people in India post the NALSA vs Union of India case, 2014 which gives legal recognition to the transgender rights in India.

The use of comparative research in broadening our knowledge on commons in the fields of governance and management has been broadened through the work by Dr. Tanvi Sehgal and Niharika Arora. Dr. Sehgal's comparative research positions India with Nordic nations and the European Union in gender mainstreaming in the governance sector. Likewise, Arora's comparative research on organizational designs India and UK enlightens us on how conformity is influenced by age, gender, and institutional support in management.

Samik Chakraborty constructs his research on a close reading of Amitav Ghosh's "The Great Derangement" and talks about how it is essential to shift from Eurocentric logocentrism and increase epistemic commons needed to solve world problems such as climate change. Gurwinder Kaur in her article examines the success of the Atal Innovation Mission(AIM) as an innovation-oriented policy strategy to promote growth, creativity and social change in India critically.

The journal ends with two pieces that locate the commons within the pressing agenda of environmental peacebuilding and governance. Nandini Parashar, through suggesting a relational 'big picture' model of environmental peacebuilding, presents a compelling alternative to the parochial binary conflict and cooperation models. Jyoti Singh's critique further supports such a view by outlining the corporatisation of natural resources in post-war countries based on an in-depth study of Congo, detailing the tenuous trajectory of resource-fueled recovery, and contending that participatory governance is key to enduring peace.

Choice of these thoroughly evaluated articles reflect the Review's evident dedication to acknowledging and promoting scholarly contributions that intertwine various dimensions and challenge the various 'truths' regarding "commons".

Based on Cicero's conviction that "gratitude is not only the greatest of virtues, but the parent of all the others," we express our gratitude to our Principal, Prof. (Dr.) Bijayalaxmi Nanda for her constant motivation and unstinted support over its course, developing it into a lively, well-established scholastic forum that owns academic respect and instills intellectual curiosity. We are also grateful to our eminent advisors for their rich contributions that have provided the intellectual rigor to this publication. Our heartfelt gratitude to our prestigious peer review panel, whose thorough assessment and astute suggestions have enhanced the quality and depth to each article presented in this edition.

A special mention is due to the entire student editorial board, headed by Editor-in-Chief Debanchita Kashyap. The collaborative work of the team, the senior and junior copy editors, the editorial board members, and our contributors is an indicator of shared enthusiasm for promoting sophisticated discourses in law and policy.

To our readers, we hope that you are motivated by this issue to consider beyond your usual cognitive and epistemological ontologies. We encourage you to read the diverse range of perspectives and critical analyses contained within these pages. *The Miranda Law and Policy Review* editorial board looks forward to and welcomes your valuable feedback and suggestions, hoping that this edition will stimulate critical thinking and better inform more equitable and sustainable law and policy applications.

With warm regards,



Prof. (Dr) Namrata Singh
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Dr. Tarang Kapoor
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From the Student Editor-

What is a journal if not a space of friction, a tension between thought and action, past and possibility, language and law?

There are few spaces in academic life, I feel, that encourage you to grow as wholly as a journal does. *The Miranda Law and Policy Review* has been just that for me: a space of constant learning and unlearning, that expanded my thinking and sharpened my sense of purpose. As an editor in the inaugural issue, I could not have anticipated the depth of insight, collaboration, and self-discovery that lay ahead on this road for me. But working alongside a team so driven, curious, and intellectually generous, I was constantly challenged to confront my limitations and shortcomings and grow through them. So, when I was called upon to serve as the next Editor-in-Chief, I was overcome with a mix of immense joy, responsibility, and a resolve to honour the journal's legacy and carry forward its vision with the care and integrity it deserves.

When we launched this edition of the *Miranda Law and Policy Review*, themed around the "Commons," we knew we were wading into contested waters. Commons is not just about shared resources or public goods, but it's the very idea of collective imagination. Who has access to it, who defines it, and who defends it? From forests and rivers to cultural memory, public health, and digital spaces, the commons are steadily and increasingly under siege. This erosion is telling of a broader case of inequality, one that is both material and epistemic. Therefore, while curating this journal, we aimed to move beyond the myopic ecological understandings and locate the commons as a deeply political, legal, and philosophical imagination. All the contributions gathered here traverse diverse intersections and terrains, from digital economy to gender and governance, conflict and peacebuilding, innovation and organisational ecosystems, and environmental justice, while offering nuanced epistemic and planetary perspectives.

This journal has been shaped and sustained by many generous and dedicated hands. I extend my deepest gratitude to our Principal, Prof (Dr.) Bijayalaxmi Nanda, for her unwavering trust, vision, and guidance, in making this endeavour possible. To Prof (Dr.) Namrata Singh, for being the backbone of this journal. Your unwavering presence, calm reassurance, thoughtful precision, and an unfaltering work ethic have inspired each one of us to give our best. To Dr. Tarang Kapoor, whose constant support, guidance, and quiet yet firm direction have carried us through every draft, deadline, and doubt. I also sincerely thank the rest of the faculty editorial team for their invaluable suggestions and support. Endless appreciation surrounds our peer reviewers, readers, and every person who trusted us with their words. You've challenged us to think deeper, work more diligently, and hold ourselves to higher standards.

Last but not least, I express my deepest thanks to my dear fellow members of the editorial board for braving through slow Wi-Fi, emotional burnout, and late night difficult edits.

Working on this issue has made me realise that publishing is not just a technical process, but a collective act of care, quiet yet radical. When you look back at this issue, may this speak not only of the commons but also of the quiet communion we created in its making.

As I write this, I'm reminded that journals like the *Miranda Law and Policy Review* do more than just preserve ideas; they participate in their making. In a world increasingly divided by what can be bought or owned, may we continue to nurture what must be held in common.

Debanchita Kashyap
Editor-in-Chief

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Illusion of Digital Commons: Social Media in a Neoliberal, Data-Extractive Information Market Economy

Debangi Kashyap¹

Abstract: The emergence of social media platforms has been accompanied by narratives of democratization, open participation, and community-driven knowledge production. These platforms present themselves as digital commons; virtual spaces where individuals can freely interact, collaborate, and share information, and this benefits all participants of the digital community in an implied uniform manner. Social media sites have since developed into a panoptic space where individuals not only share content but also generate revenue. The commodification of content serves as a full-fledged business model for some and a lucrative side hustle for many others. However, in the era of surveillance capitalism and neoliberal governance, social media functions less as a common and more as a site of corporate extraction, where user-generated data is enclosed, commodified, and exploited for profit. This research aims to critically examine the illusion of digital commons within social media, analysing how neoliberalism, datafication, and platformisation shape online interactions and public discourse.

Keywords: commons, data extraction, commodification, neoliberal governance, surveillance capitalism

Introduction

The emergence of social media platforms has been accompanied by narratives of shared knowledge, open participation, and documentation of life and lessons, in a community-driven, democratised space. However, these platforms evolved with time into panoptic spaces where networking and communication meet branding and revenue generation. Platforms such as Facebook, Instagram, Twitter, and TikTok have transformed into commercial ecosystems where individuals and businesses generate revenue, serving as a full-fledged business model for some and a lucrative side hustle for many others. Influencers, content creators, and entrepreneurs leverage these platforms to monetize content, build brands, and engage audiences, while corporations use them for targeted advertising and marketing lifestyles. Mirroring the American Dream, any individual can monetise content if they are part of this digital community and study the algorithm well. With

¹ Debangi Kashyap is an independent researcher with a Master's from the University of Delhi.

more and more people being part of this digital economic ecosystem, there arise fundamental concerns of ownership, accessibility, and control within these spaces.

The term *common* generally refers to something that is not owned by any individual but is accessible to all, where everyone has equal rights to use and benefit from it. Commons are thus shared resources of a community, often regulated by collective stewardship rather than private ownership. The discourse of *commons* had first originated in the struggles of communities across the globe to restore and reclaim vital natural spaces like rivers, lakes, pastures, forests, and the resources that helped sustain them. The *commons* and *commoning* in this sense, referred to the political activism of ordinary, local people of a certain geographical space and their struggle to reshape their everyday reality, imposed by those in power, whether the government and its development projects or private industries. Thus, historically, commons included tangible assets like land, fisheries, and other resource-based components of the natural surroundings. However, with the coming of the digital age, the word commons started being associated with digital spaces where anyone with an internet connection could interact. Such spaces include open-source software, free knowledge websites like Wikipedia, and repositories of books in free e-libraries, to name a few. Digital commons are hence, governed by theories of openness, collaboration, and communal benefit. In this sense, social media with its doctrine of open participation, and community-driven knowledge production, gets categorized as a digital common. However, in an era of information capitalism, where data is commodified and platforms exercise control over user-generated content, the reality of digital commons is increasingly speculated. This paper explores the illusion of digital commons within social media, examining how neoliberal, data-extractive economies shape access, visibility, profit, and control over digital spaces that are ostensibly public but function as privatized, profit-driven, enterprises.

The first section of the paper delves into the understanding of historical, and digital commons and draws comparisons between the two, establishing the key theoretical frameworks that govern these discourses. The next section looks into neoliberalism and informational capitalism introducing concepts of surveillance capitalism, biopolitical public domain, and legal re-optimisation. The third section focuses on social media in the market economy and examines Zuboff's instrumentarianism while also reading Foucault's governmentality to understand algorithm governance. In the next section, an attempt is made to examine the socio-political consequences of algorithm governance and its impact on the public sphere and democratic participation, while problematising digital spaces within social media as digital commons.

Objectives: This paper aims to problematize the space of digital commons through social media, and identify the convoluted forces of neoliberalism, data economy, and platformisation that shape online interactions and public discourse. This will be addressed in the following manner:

1. Investigating how social media platforms simulate the characteristics of digital commons while remaining privately owned, profit-driven enterprises.
2. Exploring the mechanisms of data extraction and commodification within social media and their implications for the user's digital presence.

Commons, the tragedy of commons, and digital commons

Commons have existed since time immemorial. However, capitalist ascendancy, the rise of private properties, the growing world population, and debates regarding ownership and protection fuelled the cosmopolitan enthusiasm for common-pool resources. These resources are not under any exclusive national, international, or private jurisdictions and hence are free of regulations. Commons then by extension is “a resource to which no single decision-making holds exclusive title” (Wijkman, 1982, p. 512). These resources can range from the environment, the ozone layer, seas, and oceans to a common pasture, a forest, or even a shared well. Garrett Hardin's seminal work titled “The Tragedy of Commons,” published in the *Science* magazine, made an important observation that commons or common-pool resources are at risk of depletion if individuals acting in their self-interest fail to consider the finite nature of these resources. He advocated for the increased control of natural resources, as individualistic goals were often contrary to the collective good of the community. This prisoner's dilemma was contested by E. Ostrom, who suggested that this type of pessimistic ideal did not adhere to real life. Commons have sustained themselves through centuries, and this has only been possible because the actors are in communication and collaboration with each other, living in a community where reputations and lifetimes depend on one's social obligation (Deleixhe, 2018). She suggests that it is not through increased control but collective action that the commons can be safeguarded. Her originality showcased itself in her theoretical transformation of commons from natural resources to socially constructed phenomena. Her contributions led to the observation that commons were commons because of coordinated or polycentric governance and vice versa. Later theorists like Cogolati and Wouter “suggest calling this collaborative activity itself the common to radically distinguish it from its reified forms” (Deleixhe, 2018, p.3).

The Internet as we know it today evolved as a form of knowledge common. John Perry Barlow in 1996, made a Declaration of the Independence of Cyberspace and passionately worked to make the internet into “a world that all may enter without privilege or prejudice accorded by race, economic power, military force, or station of birth . . . a world where anyone, anywhere may express his or her beliefs, no matter how singular, without fear of being coerced into silence or conformity,” (Barlow, 1996) hence establishing it as a digital common. Scholars like Yochai Benkler aligned with the vision and elaborated on a non-government, non-profit production called the “commons-based peer production” which relied on the technological innovations of the twenty-first century, network economy and Free/Open Source Software (FOSS). Benkler

thus, defined “commons-based peer production” as a mode of creating information, knowledge, and cultural content outside the traditional market framework, driven by an ethos of open collaboration, self-governance, and shared resources (Benkler, 2006).

Social media an extension of this free information network, was fuelled by the same humane impulse to connect, communicate, and collaborate. From the introduction of online communication services like CompuServe, America Online, and Prodigy, to emails and web blogs, that dominated the scene for a while. From LinkedIn, one of the first limited-access, specific community-oriented sites for career-minded professionals, to the introduction of Myspace in 2003. From Facebook in 2008 to Instagram in 2010, the social media scene transformed tremendously in a short period of time. In the backdrop of neoliberal capitalism, it hastily revamped itself into a revenue-generating enterprise.

Neoliberalism and informational capitalism

Foucault described neoliberalism as a mode of governance that extends economic logic into all aspects of life (Foucault, 1978-79). Every private and public action gets evaluated based on its productive capacity. Governments operate like businesses, adopting market techniques in policy-making and administration, and managerialism becomes the dominant logic of governance. Here, decision-making is guided by efficiency, competitiveness, and market rationality rather than traditional bureaucratic authority. To further this efficiency information extracted from individuals is processed to create better, more engaging business patterns and extract larger economic benefits. Thus, in the political economy of informational capitalism, information extracted from individuals serves as raw materials. This heralds an age of surveillance capitalism. An age, where every activity across the web leaves a digital footprint that can be traced back to the user. Furthermore, the information is not only tracked but extracted, described, and processed as raw materials. This public domain of information, which serves as “a repository of raw materials that are there for the taking and are framed as inputs to particular types of productive activity” (Cohen, 2017, p. 1) is termed the Biopolitical Public domain by American legal scholar, Julie E. Cohen. The construct of this domain is extrinsic to the legal frameworks that govern privacy and data protection laws as the resources are already projected as public and ready for use. Zuboff in her book *The Age of Surveillance Capitalism*, observes that information/surveillance capitalism operates on the one hand by purging itself of restrictive legal apparatus and on the other hand, skilfully moulding the legal space to advance its capitalist goals. This is termed legal reoptimisation (Cohen, 2019), where legal institutions undergo changes to deal with the new economic scenario. This is achieved through various modes, the most common being the terms-of-use agreements that govern interactions across digital platforms. These one-way contracts or uncontracts (Zuboff, 2019, p. 220-21) dictate fundamental rights over data ownership, surveillance, and user autonomy. However, they are often fashioned in a lengthy and superfluous manner which users rarely read in full. Owing to the zero negotiations allowed on these terms-of-

use agreements, where the user can either accept or decline, where declining will exclude them from access to the particular platform, which often is unnegotiable due to the value these platforms are capable of adding to the user's life in this digital world, these contracts are termed one-sided or uncontracts. Thus, by shaping the legal mechanisms strategically, these platforms expand their power over the unsuspecting populace.

Role of social media in the market economy

Social media platforms are by no means a simple social tour de force. These convoluted platforms keep users captivated for hours at end, posting, reposting, sharing, comparing, and evaluating themselves based on the achievements of their peers. In the age of social media, where privacy is non-existent, data extraction can have dire consequences. People actively publicize private information for validation, credibility, and personal brand formation on these platforms, only to have their information used as raw materials available for appropriation. Additionally, these platforms use obscure and dynamic, ever-changing algorithms that dictate visibility, community formation, and even the user's economic activities. For instance, if a viewer plays a reel advertising a particular product for more than three seconds, they start encountering multiple ads for that same product across their Facebook, Instagram, and LinkedIn pages. This is because social media and all other information capitalist platforms use algorithms designed to predict user behaviour, optimize engagement, and promote economic success. This data-driven, algorithm-based commercial surveillance to maximise economic gain and predict user behaviour is redefined as instrumentarianism by Zuboff. Her concept of instrumentarianism is rooted in behaviourist principles where human actions are observed, recorded, and subtly influenced using algorithmic interventions (Zuboff, 2019). This allows corporations to manipulate consumer behaviour without the need for direct coercion. Interestingly, then, social media platforms serve as tools of Foucault's neoliberal governmentality, subtly shaping individuals' behaviours and responses via self-regulation and voluntary compliance (Foucault, 1977-78).

Social media - Digital Commons and the Illusions of digital commons

This section, asks the final question of this research paper; are digital commons, really commons? To answer this question, one has to look into Benkler's division of commons into four types based on two intrinsic parameters—limited access or open access commons and regulated or unregulated commons (Papadimitropoulos, 2018). While limited access commons are generally regulated, open access commons can be regulated or unregulated. Information, knowledge, and other intellectual commons are usually open access unless enclosed by intellectual property rights, in which case these become limited access and regulated. By this logic, social media platforms are limited access and regulated platforms. However, are these platforms common?

The key trait that makes or breaks a common, defined by E. Ostrom is regulation by collective stewardship rather than private ownership (Ostrom, 2008). Social media platforms are not spaces that emerged in vacuum, these were created by specific capitalist entrepreneurs with individualistic goals and aspirations. For example, Meta owns both Instagram and Facebook creating and controlling the algorithms that govern these platforms. Meta also sets the terms-of-use and can alter these terms at a whim. Additionally, Meta has excess to user data which it can repurpose to fit its own agenda. While these platforms are open to anyone with a phone and an internet connection, they are still heavily regulated—and not by the users. The algorithm discourages collective moral oversight of the social media community as users are often exposed to content that aligns with their interests, and moral and intellectual sensitivities. These algorithms can also be used to force political polarization and promote hate culture, by pushing rage baits that generate more views and revenues, all the while exploiting people's emotions. Hence, it can be concluded that social media- though provide the illusion of commons are not really commons.

Conclusion

Social media platforms are a salient part of life in the twenty-first century. No longer restricted to communication, these platforms have transformed into active business models that generate livelihoods for many. However, countless benefits cannot obscure the reality of social media platforms in a neoliberal, data-extracting, information-driven economy. Digital spaces within social media are rife with contradictions. While these platforms are framed as open spaces, mimicking the American dream, they too fall short of the promised utopia. Governed by corporate greed and strategies for profit maximization, these platforms appropriate user labour, manipulate user behaviour and repurpose user data as raw materials. Social media networks that should ideally function as a space for collective knowledge sharing and co-creation instead have as their modus operandi an algorithm that predicts user behaviour by misappropriating private data, blurring the lines between genuine communal engagement and economic exploitation.

The digital infrastructure that facilitates connectivity also entrenches power asymmetries, where platform owners dictate the terms of participation and monetization. Commons-based peer production, as envisioned by theorists like Benkler, struggles to survive in a system that commodifies attention, interaction, and even identity.

In conclusion, the idea of digital commons cannot be realised in a neoliberal capitalist world. For digital spaces to function as commons, there needs to be a complete restructuring of ownership, governance, and data laws. A polycentric governance of digital spaces should be established, leading to the creation of digital commons that cater to user needs rather than surveillance capitalists' agendas. The challenge lies in resisting neoliberal forces and preventing market policies from permeating every aspect of life in the twenty-first century.

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Women-led innovations for sustainable commons governance: a path to a resilient and inclusive future

Dhriti Rana¹

Abstract: Women were historically responsible for managing common natural resources, but their role was not appreciated. This research is focused on those cases where the innovations, which women led, have changed how the commons are managed and transformed a situation of climate change and social inequality. It explores the use of digital tools- such as the mobile app, GIS, and data platforms- to help inclusive, transparent, and participatory governance. The article also examines the ways women have been changing the financial system through the use of microfinance, crowdfunding, and climate finance to help them to get over the existing barriers and fund sustainable community initiatives. The article also covers the issue of how the Western model of land grab and extractive manufacturing is being counteracted through the ecofeminist and Indigenous resistance view. Based on the international cases presented, the author argues that women's leadership is the key component in the development of climate resilience, resource-sharing based on equity, and sustainable development. Political support, digital inclusion, and economic empowerment are crucial for the creation of resilient and inclusive governance systems.

Keywords: women-led development, commons governance, sustainability, digital inclusion, climate resilience

Introduction

Throughout history and all over the world, women have been the key drivers behind the management of common natural resources. They often performed the role of leading the use of water, firewood, and agricultural land, utilizing their profound ecological knowledge for the benefit of the ecosystem. Nevertheless, they have frequently been denied access to decision-making positions in resource policy and institutional frameworks.

In the contemporary era of climate change and social inequality, women have continued to assume the role of pioneers in the governance of commons. They exhibit an array of novel, innovative practices in line with their organizations, cooperatives, and community-led activities, aimed at resource-sharing practices that are inclusive nature and at the same time result in better environmental outcomes. And, the development of cutting-edge technologies example, mobile apps, GIS tools, and digital platforms, allows them to be fully engaged in the decision-making process, so that governance models would be transparent and equal, thus promoting good and democratic practices in the lead.

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Despite this fact, those women leaders remain unrecognized and undervalued in the existing male-dominated institutions. The paper addresses how women, by enabling themselves to have a voice in their community, control technology and financial innovation without any male interference, have redesigned the management of commons. Men's absence in general, including financial exclusion, women's position in society, and access to state policies, are seen as major barriers to a larger participation of women. The research, by presenting various cases across the globe, supports the claim of the necessity of gender-responsive policy frameworks that are inclusive of women who lead sustainable resource governance.

Research Methodology

This research employs a qualitative, secondary research approach to analyse women-led innovations in sustainable commons governance. The data were collected using careful reviews of the literature of peer-reviewed academic publications, policy briefs, case study reports, and official documents exclusively from respected institutions such as the UN, CGIAR, and Women's World Banking. Thematic analysis was used to unearth the core ideas and recurrent patterns, such as technology adoption, financial inclusion, policy engagement, and gender-based barriers. The sources were chosen using the relevancy criteria that focused on the importance of observations about common goods governance, female leadership, and participatory methods. Data were analysed by ensuring that the insights were classified and gathered into clusters so that the linkage between women's agency and the higher governance results was made clear.

This way of conducting the study, though described as being extensive, does not de facto guarantee that all the relevant information is used since the complex reality of a social problem usually involves gaps in publicly available data. It is much better if forthcoming research implements both primary data and comparative fieldwork to make the conclusions more credible and of a larger scope, yet that issue is neither criticized nor undermined in this paper.

Research Significance: The Importance of Women's Leadership in Commons Management

Women have historically been fundamental players in the preservation and control over such shared resources as water, land, and forests. Their in-depth knowledge of local ecosystems and sustainable practices has indeed been the very heart of community resilience. Nevertheless, their leadership has been largely ignored in the mainstream governance structures, which remain male-dominated and exclusive. A change in women's roles in commons governance has been evident in recent years: women have become more prominent players in the sector, especially within grassroots and community-based organizations. These platforms have enabled

women to have their say in the decision-making processes, to take care of the equitable distribution of resources, and to propagate environmental sustainability.

Advancement of technologies, including mobile applications, digital data platforms, and GIS, not only broadens the horizon of women's influence in governance but also results in women's more direct participation in governance matters. Such innovations are the key to the clarification of natural resources distribution, the decentralization of authority, and also to the creation of participatory governance. However, several obstacles are still looming, including financial exclusion, gender discrimination, and the lack of institutional representation, which are, thereby, the main obstacles to women's complete involvement in governance. Despite these challenges, women are leveraging alternative financing models—such as microfinance, crowdfunding, and climate funds—to advance their initiatives. Moreover, in response to the negative impacts of globalization, such as land grabs and extractive industries, women have taken leading roles in resistance movements that advocate for ecofeminist and Indigenous rights frameworks. These efforts collectively demonstrate that women's leadership is vital not only for resource conservation but also for achieving climate resilience, economic equity, and democratic governance.

Women's Role in Sustainable Commons Governance

Women have traditionally been in charge of natural resource management in their local communities. They have played crucial roles in water management, forest management, and land management for agriculture. Although they have played important roles in the management of common resources, they have been marginalized by gender discrimination and cultural restrictions. Women are restricted from leadership and decision-making roles, especially in formal institutions of government, which hinders them from being engaged in sustainable resource management. Kachhap et al. (n.d.) are of the view that governance patterns involving everyone, irrespective of gender, can address these issues. When women participate in leading or managing shared resources, outcomes are more balanced and work better. Women's self-organization—through cooperatives, community organizations, and self-help groups—enables social solidarity, inclusiveness, and enhanced local governance.

Women leaders are linked to increased transparency, accountability, and concern for the environment. These are particularly evident in community-based natural resource management, where women's teamwork in leadership is highly adapted to collaboration. However, to retain and scale up these models, institutions should provide support, legal recognition, and policy reforms that legitimize women's engagement in decision-making. Besides, mobilizing women is not only a question of equity—it makes the society sustainable. Having women in leadership translates into more effective environmental solutions, integration of knowledge forms,

and facilitating sustainability in the longer term. However, system changes are also required to ensure that women's leadership is institutionalized and not merely informal and symbolic.

Gender and GIS: A Feminist Perspective

Geographic Information Systems (GIS) are powerful tools for displaying and interpreting spatial data. When used with gender-sensitive frameworks, GIS can be very supportive in detecting inequality patterns, identifying resource access, and increasing the capability of participatory decision-making. Nonetheless, the evolution and implementation of GIS technologies have repeatedly been gender-biased, which has caused the disempowerment of women by men and thus has gendered biases. UN Women (2021) notes the extreme urgency of the integration of gender issues at all stages of GIS projects—from collecting and processing data to interpreting and disseminating. Gender-disaggregated spatial data can lead to better outcomes in situations of a lack of land, water, health services, and infrastructure. When its creation is conscious, GIS can be a great tool for advocacy and planning, whereby it becomes a mechanism for the promotion of the voices and demands of women that they are indeed expressed in governance processes in a meaningful way.

Schuurman (2010) critically views GIS from a feminist angle, considering, for instance, the fact that these technologies had their origin in male-dominated institutions and were, therefore, not only exclusive to women but also to other marginalized groups. They stand for the development of a kind of GIS which is rooted in feminist geography; such are the approaches which emphasize inclusion, unseat established power dynamics, and appreciate indigenous knowledge. This kind of change asks for technical adjustments as well as a cultural move to more inclusive epistemologies.

From these views, it is obvious that GIS is not an impartial tool. It signifies and reinforces societal structures within which it is located, and it reproduces those structures at the same time. Feminist elements in GIS seek to redress this situation through substantive grounds of justice, intersectionality, and participatory methodologies. To take as an example the quality association of land use with shared resources and the monitoring of the environment, the feature of gender-sensitive GIS can contribute to good governance and the equitable distribution of resources; in this context, women are the main actors proprietary of a policy framework and digital access that guarantee their right to the land. (Schuurman, 2010)

Digital Tools for Equitable Decision-Making: How Women Utilise Technology for Participatory Governance

Digital technologies play a critical role in participatory governance, particularly for women who have historically been excluded from formal decision-making. Mobile apps, social media sites, online discussion forums, and data visualization tools have provided women with new channels of interface with institutions,

advocating for their rights, and influencing policy choices. These technologies are best applied where cultural, geographical, or institutional constraints restrict women's mobility or participation in public life. For example, women in far-flung or peripheral communities can now report governance problems, track service delivery, and interact with local officials directly through mobile technology. Digital spaces are thus not just media of communication but also arenas of empowerment and civic action.

Implementation of digital tools comes hand-in-hand with broader policy and law reforms, such as India's Digital India initiative, which aims to bring digital access and resources closer to people, particularly rural communities. Yet, gender differences in digital skills, internet use, and owning a device remain huge obstacles. Unless special policies are made to overcome these differences, such as digital inclusion policies of the National Policy on ICT in School Education (2012) or PMGDISHA (Pradhan Mantri Gramin Digital Saksharta Abhiyan), technology might only exacerbate these differences.

Most of the developing world does not have effective or poorly enforced data protection and privacy legislation. These put women who post sensitive information online at risk. Legislation such as India's Personal Data Protection Bill and UN data privacy guidelines must be enforced strictly. This is to guarantee that digital empowerment is not at the cost of personal security. These internet resources also allow collaboration. Women utilize the websites to mobilize campaigns, exchange information, and campaign for gender-sensitive policy on topics as varied as land rights to environmental degradation, and the provision of public services. If utilized effectively in conjunction with local government bodies, like panchayats, city councils, or forest user groups, their use can make decision-making inclusive, transparent, and accountable. Finally, the potential of digital tools lies not just in their technology but in how they are applied within successful policy frameworks. Making digital government systems gender-sensitive requires collaboration between governments, civil society, and international development partners.

Case Studies of Successful Community-Led Governance Models

Examples of Effective Community-Led Governance Models- The majority of local initiatives in the Global South show the way women leaders can reshape community life, the environment, as well as inclusion, especially when women use digital technology and legal changes.

1. Ushahidi, Kenya

Ushahidi was originally used to document violence post-election. Today, women from poor Kenyan neighbourhoods use it to document issues regarding resources, such as water scarcity, land ownership, and security concerns. Ushahidi allows users to report information in real time via SMS or on the web. This has simplified everyone's ability, particularly women who may not have a voice in formal complaints. This has

increased public services' transparency and accountability, in the wake of Kenya's 2010 Constitution, which is centred on citizens' participation in democracy and governance. (Ushahidi, 2024).

2. Women's Groups, India

Indian women's organizations known as Mahila Mandals have utilized mobile applications to document and report local issues such as poor water systems and security concerns. Such applications are not merely conversational; they have enabled individuals to collaborate with local authorities and facilitated the ability to advocate for change by presenting a common voice. Such actions comply with India's constitution, which promotes local government under the 73rd Amendment. The amendment reserves a third of the seats in local councils, known as panchayats, for women, thereby empowering them in community decision-making. (Sharma, 2024)

3. The Philippines: Women in Humanitarian and Health Movements

In the disaster-risk zones of the Philippines, women's digital initiatives have played a vital role in health and crisis management. Through collecting information and using coordination tools at the community level, women have helped make decisions about where resources should be directed towards health and education. These initiatives are typically included in national programs like the Philippine Disaster Risk Reduction and Management Act (2010), which seeks to prepare communities for disaster.

These case studies do identify some best practices:

Technology as a bridge: Online tools facilitate it for individuals to become engaged and enhance the dialogue between citizens and the government.

Policy integration matters: Where there are legislations for inclusion (such as gender quotas or participatory planning), technology can enhance their effectiveness.

Voice becomes influence: Platforms like Ushahidi and Mahila Mandals not only record problems but also help to fix them by creating public information that people can act upon. Such models also depict some shortcomings. Digital capability gaps, poor internet connectivity, and institutional lack of support can hinder the long-term sustainability of such models. In addition, the extent to which such platforms function depends on political support and policies that cater to needs, demonstrating the significance of government accountability bills and bills for inclusive governance for both men and women.

Supporting Women's Empowerment through Funding and Digital Financial Inclusion

Financial access is highly critical in enabling women to participate in managing communal resources in a manner that is equitable to the environment. The majority of women, though, particularly in rural and disadvantaged regions, continue to lack financial access. Banks do not extend loans to women since they might lack collateral, credit history, or formal employment—issues that are exacerbated by gender stereotypes and institutional biases.

Other means of accessing funds, such as microfinance, crowdfunding, and climate finance, have begun bridging this gap. Funds for NGOs (n.d.) describes how these funds assist in providing essential financial support for women's enterprises, such as sustainable agriculture and healthcare. These funds have enabled grassroots movements, which have facilitated women to unite, act, and fund community development.

Financial inclusion through digital channels is necessary. Women's World Banking (n.d.) states that over 750 million women globally do not have access to financial services. Digital channels such as mobile banking, e-wallets, and cashless payment systems can empower women to be financially independent. For example, mobile banking enables women to manage their savings, receive government entitlements, or invest in microenterprises without visiting banks, which might be distant or inaccessible. Governments and institutions at last are moving. Initiatives such as the World Bank's Financial Inclusion Global Initiative, the G20's Women Entrepreneurs Finance Initiative (We-Fi), and government initiatives at the national level (such as India's Jan Dhan Yojana and Digital India initiatives) have enabled women to access finance. But the issue is, how to implement these initiatives, particularly in bridging technology and social barriers to women's take-up of digital services, such as getting digital devices, literacy and writing skills, and internet security concerns. Also, digital means of financial inclusion have to go hand-in-hand with building strong skills, regulatory awareness, and good institutions. For instance, simplifying the digital KYC, offering mobile-friendly tools in local languages, and having complaint grievance redressal processes can have a remarkable impact on access and trust. There also has to be cooperation with banks, NGOs, and government agencies to come up with products that address the unique needs of women, such as low-fee savings accounts, micro-insurance, or small working capital loans. (Clear Tax, n.d.)

Targeted financing and digital finance complement each other in a cycle. Financing enables women's businesses to expand, and digital resources enable them to have access, control, and scale. This complementarity boosts women's economic empowerment and their capacity to govern and manage resources sustainably.

Women, Land Struggles, and Globalization: An International Perspective

Agarwal (2002) studies that Land is an essential basis for women's empowerment, especially in agrarian and Indigenous societies. Besides being associated with livelihood and food security, it is also associated with social identity, cultural continuity, and political voice. However, in most places, women's access to land is still largely limited by laws, culture, and institutions. Institutional exclusion undermines gender equality and sustainable resource management.

Bina Agarwal (2002) examines the intersection of gender, land rights, and globalization. She describes how changes in the market and massive land transactions, frequently referred to as "development" or export agriculture, have affected women and men differently. Privatization and commodification of resources led to the dispossession of many, particularly where land ownership law is poor or poorly enforced. Women, who typically do not have a formal title to land, tend to be the first to lose land and receive the least assistance in return.

Globalization has continued, in the majority of cases, to perpetuate these inequalities. Foreign investment in the resource extractive sectors and adjustment economy policies have served to advance business interests at the expense of community rights. These cases tend to overlook how gender impacts land ownership, decision-making, and inheritance. Even where land reform measures are in place, they often do not address gender, providing joint titles that benefit men, or sidestepping traditional attitudes towards inheritance and ownership of property. Women have not only been victimized by this process. Agarwal notes that women across the world have waged land rights movements, advocating for land tenure security, legal reform, and legal validation of customary land use. Organisations such as La Via Campesina and Women's Land Link Africa (WLLA) have emphasized equitable land governance through both formal and customary laws. Legal standards are critical to development. Instruments such as the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), CEDAW, and domestic land legislations (such as Uganda's Land Act of 1998 or India's Forest Rights Act, 2006) facilitate the safeguarding of women's land rights. Implementation, however, tends to be ad hoc, and the majority of women are not adequately educated on the law.

The future of governing commons successfully must acknowledge the role of women and also reform to correct imbalances of power. These are:

- Gender-disaggregated land data collection to track and evaluate ownership patterns.
- Community-based land mapping, often using participatory GIS, to formalize customary claims.
- Legal assistance and advocacy campaigns to assist women in asserting land rights and combating violations.

Instead of thinking in terms of what women would want land to be, what this does is shift the emphasis from welfare to rights. What it does is make women not only recipients but also significant stakeholders in the state and the struggle against discrimination and the destruction of the environment.

The Critical Role of Women in Climate Action and the Need for Gender-Focused Climate

Finance

Climate change has more impact on women than on men, particularly poor women, rural women, and women living off the land. Women's roles and contributions to climate change are not considered in international and national policies. Climate matters are addressed from a gendered approach, which is necessary—not only for equity, but also to make climate actions more effective.

Why Women Matter in Climate Action

The UNFCCC (n.d.) reports that women possess valuable knowledge and experience on climate resilience due to their knowledge of sustainable living patterns, particularly in agriculture, water management, and biodiversity conservation. Indigenous and rural women have always had agroecological systems, controlled what their families consume, and passed ecological knowledge to future generations. Women are also the primary drivers of adaptation and disaster risk reduction. From organizing local environmental movements to organizing post-disaster relief efforts, their leadership assures community resilience and unity. More importantly, studies show that decision-making processes involving gender are more likely to yield sustainable and equitable climate solutions.

Yet, climate change is not gender-neutral. Structural inequities—in the form of restricted access to land, finance, education, and political power—magnify the exposure of women and reduce their ability to respond. Gender-blind climate policies have been criticized for the potential to exacerbate disparities instead of targeting them.

The Imperative of Gender-Centered Climate Finance

Despite increased awareness of the gender-climate relationship, there is still inadequate funding of women-focused climate programs. UN Women (2024) reports that very little of the international climate funding is focused on gender-equality-centered initiatives. This underfunding occurs even when there is proof that investment in women's leadership yields more equitable, locally focused results.

Climate-supported funds with a gender focus are needed to fund women-led activities in renewable energy, sustainable agriculture practices, conservation, and community resilience building. It also enables

infrastructure to be constructed that is responsive to women and girls' needs, such as safe water sources or warning systems.

In gender-inclusive climate finance operationalization, the following are essential:

- Demanding gender analysis in all climate project proposals and financing instruments (e.g., Green Climate Fund, Adaptation Fund).
- Creating women-responsive financial instruments such as micro-insurance, small grants, and low-interest green loans
- Linking finance to skill development, such as in climate-resilient agriculture, entrepreneurship, or the use of technology.
- Tracking and reporting gender effects for accountability and steering correction.

Global pacts, such as the Paris Agreement, SDG 5 (Gender Equality), and SDG 13 (Climate Action), emphasize bringing gender into climate policy. But if there are no particular investments and means of ensuring they are enforced, these ambitions are mere dreams. In short, women are not only victims of climate change but also powerful change agents. Empowering women through targeted funding and climate policy that involves women is not only just; it is a savvy requirement for effective, local, and sustainable climate action.

Successful Women-Led Commons Governance Initiatives: Lessons and Best Practices

Women-led projects in the management of common resources have transformed societies and enhanced the environment. They demonstrate that quality women's leadership can significantly contribute to the management of common resources and benefit society and the economy. A case in point is the Green Belt Movement (GBM) in Kenya, founded by Dr. Wangari Maathai. The project is tree planting and conservation, and women are engaged in decision-making, resource management, and dealing with foreign donors. The success of the grassroots project demonstrates the tenets of local feminism and teaches a valuable lesson: women should take the lead in managing natural resources, such as reforestation, to reap sustainable environmental gains. The resources and tools given to rural Kenyan women gave them more voice in issues that impacted their communities and, in the process, achieve real environmental changes. Moreover, the development of local capacities was pivotal to the long-term sustainability of the GBM even after Dr. Maathai's stay.

Another prominent example is Women's Land Link Africa (WLLA), which has registered significant developments in promoting women's land rights in Uganda, Ghana, and Tanzania. WLLA empowers women by facilitating easier access to land and by providing them with legal information to safeguard their rights.

The provision of legal assistance results in effective partnerships between women and resource developers, and this ensures that women enjoy effective participation in governance and policy-making. Through the partnerships, activities of WLLA can have lasting impacts on policy and governance systems. In India, the Self-Employed Women's Association (SEWA), which is headed by Ela Bhatt, is quite famous for assisting women, particularly those employed in casual jobs. SEWA has been successful as it emphasizes women's financial inclusion, i.e., enabling them to access healthcare, education, and financial services. Through its support for self-help groups (SHGs), SEWA has empowered many women to control their economic destiny. This is an example of how essential it is to have continuous education and empowerment programs to ensure women's long-term economic independence.

The common factor among them is that they consider women as the leaders in resource management. Saving land, land ownership, or workers' rights, these examples suggest that, as leaders, women can build teamwork and involve everyone in decision-making. This establishes the governance of women as stronger, and we must promote and learn from such models all over the world to empower women to lead in managing collective resources.

Recommendations

To make sure that women have equal rights to land and resources within commons governance, it is indispensable that the governments of the world are implementing comprehensive legal and institutional reforms that would not only guarantee gender equality in property ownership and use but also these measures would most likely be much respected and observed. The authorities indeed can do this through the implementation and enforcement of legal regulations, which will guide in ensuring that the gathering and securing of land by women indeed takes place, thus meeting the desires of women to the full extent. Additionally, due process mechanisms must be instigated to shield women from gender-based violence and discrimination within governance spaces so that women can freely express themselves in the governance sector.

Women's leadership in commons governance can be promoted through affirmative measures such as leadership training, mentorship programs, gender quotas, and so on. These women-oriented activities not only help women gain leadership skills but also provide them with various formal and informal support, which enables them to make sustainable decisions effectively.

Furthermore, the development of the right set of policies, which can address the issues faced by women in Commons management from a gender-sensitive perspective, will be a ground breaker. The latter problems include, but are not limited to, women's shutout from information, financial resources, and technical training in the area of resource management. Community awareness programs are much needed as they are the ones

that are capable of creating a new understanding of what sustainability is all about, and at the same time, through them, the affected community can pool resources to build the necessary structures for resource management. Not to mention, the formation of women's networks plays a vital role in enhancing resource governance. These networks facilitate information sharing, mutual support, and amplify women's collective voices and thus enable the latter to have a stronger influence on the decision-making process of the management of the resources, thereby leading to the resources being managed in the fairest possible way.

Conclusion

Women's involvement in the management of commons is important for long-term natural resource sustainability. Their involvement is, however, hindered by legal, cultural, and institutional hurdles. Studies repeatedly show that where women are at the forefront of decision-making, common-pool resource management is inclusive, equitable, and sustainable. Women bring cooperative solutions and place-based methods best positioned to address the challenging issues of long-term resource management.

International case studies prove the advantages of mixed-gender systems of governance, revealing that policy measures in the legal sphere to promote women's leadership are the most effective measures to support natural resource conservation. The enhanced security of resources due to such a system is directly related to enhanced social cohesion, better relations of the community, and more equitable distribution of social advantages.

To elicit such results, policy interventions need to include the implementation of relevant legal reforms, gender-sensitive policy uptake, and information campaign implementation in communities where women are being marginalized. In the future, more research needs to be conducted to explore the long-term impacts of gender-inclusive governance on environmental and social justice. Most importantly, the research needs to explore the nexus of gender, age, ethnicity, and class to understand the varying needs and experiences of women in commons management.

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“From Margins to the Commons:” Socio-legal Ethnography on How Gender Registration Shapes Trans* Access and Belonging in Contemporary India

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Abstract: Contextualising the events post-NALSA judgement and the various contributions that led to the legal recognition of gender identity in India, the study formulates a socio-legal perspective towards gender registration, fair implementation of the NALSA judgement and improving access to entitlements for transgender and gender non-conforming people. The study uses findings from an 18-month ethnographic fieldwork, participant observation, and formal interactions with individuals from the community, government, and NGO workers, to provide a socio-legal perspective on gender registration.

Based on the lived experiences of trans* people, the study examines the legal, legislative and policy changes through a socio-legal perspective with an application of a post-modern and post-structural approaches on the social realities of transgender individuals whose lives have been affected by these changes. The study conducted as part of doctoral thesis in Bhiwandi and nearby areas in Thane District, Maharashtra, including participant observation and interactions with public health institutions, community-based organisations, and state representatives. The respondents included transmen, transwomen, indigenous hijra/kothi community members, other non-binary, gender non-conforming identities, trans/queer activists from multiple local organisations that work for the wellbeing of LGBT+ communities, and government officials.

The study finds that the current transgender jurisprudence in India does not fully guarantee legal protection, as the state safeguards the rigid binary system based on gender expression and masculine/feminine appearance, leaving gaps in access to rights and recognition. There is a limited understanding within the medical fraternity, lawmakers and the judiciary regarding the diverse socio-ethnic gender identities existing in India. Access to Commons for historically marginalised communities remains fraught with systemic violence and are murderous in nature, embedded in a broader queer necropolitical framework within neo-liberal carceral state apparatuses. Exclusion based on class, caste, and religion within transgender communities reinforces systematic elimination from the politics of gender discourse.

Introduction

Law has been instrumental to advance social causes through litigation and other strategies, with civil society groups and social movements relying on judicial and legislative action for social change (Cummings, 2005). Examples include Articles 14 and 15 of the Indian Constitution, affirmative actions for socially and economically backward classes, Mandal Commission, and laws protecting the rights of religious minorities, individuals with disabilities, reservations for other backward classes and economically weaker sections. The

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passing of affirmative laws in favour of marginalised and minority groups reduces stigma and discrimination² towards them, widens public sphere, and improves societal acceptance by promoting inclusion.

Gender registration is understood as a person's recognition, expression, and protection before the law (Asia Pacific Transgender Network, 2017) which has a significant impact on daily lives of transgender³ people. This is a crucial step in exercising their right to self-identification, which enables legal change in name and gender markers on identification documents and administrative records, such as birth certificates, passports, ration cards, education, and employment records (Köhler et al., 2013). A vast majority of TGNC individuals worldwide are stripped of the right to obtain official documents under their appropriate name and sex to match their gender identity (Open Society Foundation, 2017). TGNC people experience human rights violations when their name and sex details on official documents do not match their gender identity or expression (Carpenter, 2020; The Yogyakarta Principles, 2006). These violations occur in the form of stigma or discrimination when documents disclose that someone is transgender, denial of services where they are turned away from gender-segregated facilities and lack of access to services appropriate to their gender identity, i.e., fundamental citizenship⁴ rights to the commons⁵ including access to entitlements in education, food security, health, or employment (PUCL-K, 2001). Ironically, having identity markers on official documents becomes necessary for minorities to be legally recognised as such.

The current legal and policy discourse in India surrounding trans* lives pivot around the notion of dignity. In *National Legal Services Authority (NALSA) v. Union of India*, decided on April 15, 2014, the

² Stigma is “a negative or unfair social attitude attached to a person or group often based on a perceived deficiency or difference,” while discrimination is “unequal treatment rooted in stigma.” Refer (American Psychiatric Association, n.d.; Better Health Channel, n.d.; Thornicroft et al., 2016; Yanos et al., 2020) Transgender individuals face stigma and discrimination due to transphobia, which targets their gender expression through mockery, shaming, and bullying. Veena Das examines stigma in relation to honour, violence, and social suffering, particularly in the context of gender, caste, and communal conflict, as social exclusion and shame is often imposed on marginalised gender minorities through state policies, legal frameworks, and everyday interactions (Das, 2006; A. Gupta et al., 2019). She links discrimination to institutional violence and systemic inequalities, where legal and social systems reinforce power hierarchies, leading to exclusion, poverty, and violence. The consequence of stigma and discrimination due to improper documentation is further supplemented by evidence in Table No. 1

³ Transgender or trans* is an umbrella term that describes people whose gender identity and/or gender expression differs from the sex they were assigned at birth. While widely used, it may not fully encompass local, indigenous, and native gender non-conforming identities. Transgender people may or may not choose to alter their bodies hormonally and/or surgically. In the Indian subcontinent this term includes, but is not limited to, transsexuals, cross-dressers, intersex, and other gender-variant people like *hijras*, *kinnars*, *jogtis*, *aravanis* or *two-spirits*, having their separate ethnocultural, social and political identities. Their socio-political and cultural identity differences can be noted as legally, according to the 2014 NALSA judgement, *hijras* are biological males who reject their masculine identity and identify either as women, or “not men”, or “in-between man and woman” or “neither man nor woman”. Hijra gharanas also include intersex individuals. In India, hijras form a community with unique initiation rituals and professions (like begging, dancing at weddings or blessing babies). In this study trans* or Transgender (TG) and gender non-conforming (TGNC) individuals is used to reflect these diverse identities.

⁴ Citizenship is “a legal status and relation between an individual and a state that entails specific rights and duties” (Center for the Study of Citizenship, 2025). Appadurai sees modern citizenship as a dynamic, shaped by transnational identities, and cultural-economic flows such as globalisation and migration (Holston & Appadurai, 1996). Chatterjee differentiates civil society—elite, formally recognised citizens—from political society, where marginalised groups negotiate their rights (Chatterjee, 2008; Sarkar, 2008).

⁵ Shared resources are accessible to all, rather than owned by individuals or entities. See (Bhattacharya et al., 2022) for insights into the mechanisms and barriers affecting trans* rights.

Supreme Court of India (SCI) gave legal recognition to the rights of transgender individuals (*Writ Petition (Civil) No.400 of 2012 Sc*, 2014). However, there is a dichotomy in judicial and legislative developments for the rights of TGNC subjects in India (Jain et al., 2018). Vaibhav Saria highlights these policies are designed to absorb sexual and gender minorities into nationalist agendas through a discourse on dignity (Vakoch, 2022). Some Indian states are ahead of others in their implementation of reforms but owing to the geographical vastness of the Indian Subcontinent and the presence of various socio-ethnic gender identities, it is vital that information is understood simultaneously at multiple levels of implementation and perspectives. Given this context, it is important to understand pathways of exclusion, marginalisation and carceralisation⁶ from mainstream society. This research aims to frame the rights of citizenship of the trans* communities in India through their lived experience using a socio-legal⁷ perspective and examines the efforts taken by the Indian State and Judiciary to enable the process of registering gender through bureaucratic mechanisms, shaping trans* access to commons, belonging and welfare measures within the field context.

Method

The study uses findings from an 18-month ethnographic fieldwork, participant observation, and formal interactions with individuals from the community, government, and NGO workers, to provide a socio-legal perspective on gender registration. This conducted as part of doctoral thesis, in *Bhiwandi* and nearby areas in *Thane District, Maharashtra*. Study participants (N=35) included transmen, transwomen, indigenous *hijra/kothi* community members, other non-binary, gender non-conforming identities, trans* activists from multiple local community-based organisations and government officials. To contextualise the events post-NALSA judgement and the various contributions that led to the legal recognition of gender identity in India, the study formulates a socio-legal perspective towards gender registration, fair implementation of the NALSA judgement and improving access to entitlements for transgender and gender non-conforming people. The study examines the legal, legislative and policy changes with an application of a post-modern⁸ and post-structural⁹ approaches on the social realities of trans* individuals whose lives have been affected by these

⁶ Carceralisation refers to the growing reliance on a culture of incarceration as mechanism for social control. In a carceral system, the state uses policies and institutions to define criminal activity and punish people for engaging in it. Foucault refers to a culture in which the panoptic model of surveillance has been diffused as a principle of social organisation, extending beyond prisons, policing, and other forms of state control (Foucault, 1977). Read further here (Bandyopadhyay, 2024; Shedd, 2011).

⁷ Law is embedded in society and functions within social contexts, shaping, maintaining, and reshaping social structures. Refer (Flood, 2005).

⁸ Postmodern approaches challenge the traditional notions of objectivity, universal truths, and fixed structures emphasising pluralism, and fluidity. These perspectives influence governance, public administration, and development. See (Foucault, 1977).

⁹ A philosophical movement that critiques fixed meanings, stable structures, and universal truths, challenging structuralism. In gender and identity studies, it questions biological determinism, emphasising the social construction of these concepts. See (Foucault, 1977) exploring power, discourse, and institutions, particularly in relation to knowledge production and control.

changes, the judiciary process, State and Centre level efforts. This is achieved through a narrative analysis of the literature review, experiential narratives, and community's perception of the mainstream discourse on legal course of events, responses of activists and community members on implementation aspects of the NALSA judgement, TG Act 2019 and on the future of the trans* politics in India. The study relied on ethnographic field work using multiple qualitative methods in the form of interviews, focus group discussion and participant observation as well as online sources to collect information in the various community and government spaces accessed during the span of the study. Literature review and secondary analysis of judicial cases reflect on gender identity registration process, discourse on legal recognition of gender and transgender citizenship accessed from data sources including government websites, legislative and judiciary repositories, legal cases, newspaper articles, non-governmental organization reports, and research articles using relevant keyword search. Two hundred thirty-six legal cases were found in various online judicial repositories, out of which 27 cases were selected for the study. These documents along with the rich ethnographic qualitative data were then catalogued into themes, sub-themes, and domains using MS Excel and Atlas TI, to identify common narratives and assessing the real-life implications of these laws on trans* lives. The theoretical moorings underpinning the study, examining the literature, fieldwork, and reflective exercises, included queer theory and Marxist feminist theories such as social constructionism¹⁰, biopower¹¹ and transgender jurisprudence¹² (Epstein, 1987; Foucault, 1978; Sharpe, 2002). These present counter hegemonic ideas, challenge traditional biomedical and cis-hetero paradigms and provide a comprehensive understanding of the societal constructs and power dynamics that shape the experiences and rights of trans* communities.

Background Literature

Social constructionism examines how sex, gender, and sexuality are shaped by societal norms and linguistic constructs, emphasising that these concepts emerge from social negotiation rather than fixed biological realities (Berger & Luckmann, 1991). Knowledge is collectively constructed, with power constantly produced, challenged, resisted, and subverted (Marecek et al., 2004). This study applies social constructionism perspectives for situating, contextualising, and analysing legal reforms addressing TGNC lives (Dutta, 2013; Kole, 2007; Vanita, 2016).

¹⁰ Social constructionism argues that characteristics like gender, caste, race, sexuality, ability, and class—often seen as absolute or biological—are shaped by cultural and historical contexts. It argues that much of what individuals perceive as 'reality' is constructed through social conventions, norms, and structures. This challenges the essentialist and biological determinist views of gender and sexuality, which are often treated as social facts or self-evident. The application of social construction theory to sexuality and gender has been widely embraced and disputed (Epstein, 1987).

¹¹ Introduced by (Foucault, 1978), describes how modern nation-states regulate populations through discipline, surveillance, and control over life. It concerns the regulation of bodies and life through institutions like hospital, school, and prisons as well as population growth, and internalisation of norms through surveillance.

¹² It encompasses theories, judicial interpretations and policies that shape rights and recognition within legal systems, addressing gender identity, discrimination, healthcare access, and legal recognition (Sharpe, 2002).

Modern nation-states¹³ reinforce self-surveillance, self-regulation and discipline, a concept Foucault calls “*technologies of the self*.” Language plays a crucial role in shaping reality, embedding cultural meanings, and reinforcing the superiority and “normalcy” of heterosexuality¹⁴. Categories such as “gay,” “straight,” and “bisexual” frame sexual desire, establishing non-heterosexual desire as “other,” though language can also be used to challenge and subvert these established meanings (Marecek et al., 2004). “Trans*/ness,” attempts to obscure spatial and temporal differences in multiple subject positions by encompassing every possible gender diversity in one single fold (Kole 2007b). From a social constructionist viewpoint, meanings are dynamic, emerging through interactions, leading to the co-construction of meanings. Individuals actively engage with cultural messages, rather than passively absorbing imposed norms (Marecek et al., 2004).

Foucault critiques the State’s control bodies and desire through legal and institutional structures. Schools, hospitals, and prisons function as sites of surveillance and discipline, legitimising the regulation of bodies considered outside societal norms (Foucault, 1977). Saurabh Srivastava applies a Foucauldian lens to explore how the state disciplines and regulates desire, analysing intersection of queer movements and feminist struggles within legal frameworks and social structures, that have historically reinforced heteronormativity (Srivastava, 2014). Ruth Vanita examines intersection of globalisation, capitalism, and human rights, highlighting how LGBTQ+ visibility has expanded opportunities but also reinforced neoliberal constraints that commodify identities and their struggles (Vanita, 2013, 2016).

Trans* identities and carceral apparatuses

Conscious of blaming all of India’s social problems on the colonial legacy, Ruth Vanita and Saleem Kidwai, argue that modern homophobia and transphobia in India under colonial imperialism stems from the introduction of criminalisation of homosexuals and transgender people (Section 377 and the *Criminal Tribes Act* (CTA))(Vanita & Kidwai, 2000). Colonial legal frameworks functioned as carceral apparatus, shaping the present-day gender registration mechanism by the technologies of welfare mechanisms to ensure access to entitlements (Bodwal, 2022). British and other colonial forces imposed cis-heteronormative norms, repressing Indigenous, alternative sexualities and gender expressions, conforming people through legal sanctions and systemic persecution (Weerawardhana, 2018). (Peoples’ Union for Civil Liberties, 2003) documented how persecution manifested in the form of community-wide criminalisation and state harassment, continuing even post-independence under laws targeting 'unnatural' offences and 'abnormal' existence (Anantharam, 2009).

¹³ It is sovereign political entity with a centralised government, defined territory, and national identity, shaped by cultural, linguistic, or historical factors. It operates under a legal framework ensuring autonomy in governance and international relations (O’Hearn & Wilson, 2011). (Anderson, 2020) argues that nation-states are built through shared narratives, cultural symbols, and collective identity, reinforced by print capitalism and mass communication.

¹⁴ Hetero-normativity is an ideology that assumes and promotes compulsory heterosexuality as the preferred sexual orientation and expression. Societies where heterosexuality is treated as the norm and rewarded are called heteronormative societies (Schilt & Westbrook, 2009).

These laws marginalised TGNC communities by denying inheritance rights, restricting public participation, and enabling police brutality (Narrain, 2003, Narrain, 2009). The CTA and the Habitual Offender Act marked certain low-caste service communities outside the imagination of “village community” as “habitual offenders” or “criminals,” subjecting them to registration, surveillance, and arbitrary imprisonment (Michelraj, 2015; Singha, 2015). Radhika Singha describes colonial preventive policing to control certain communities, a practice that continued through police reform, surveillance and punishing ‘dangerousness’ (Singha, 2015). In 2009, the Delhi High Court struck down Section 377, ruling it unconstitutional for criminalising private consensual same-sex relationships (*Naz Foundation v. Government of NCT of Delhi and Others*, 2009). However, the Supreme Court reinstated it in 2013, leading to further legal battles. After years of petitions and advocacy, Section 377 was finally overturned in 2018 (Boyce & Dutta, 2013). While this legal victory was significant, Radhika Radhakrishnan highlights persistent hierarchies and exclusions within queer communities across gender, caste, class, and religion (Radhakrishnan, 2019). The Navtej Singh judgement, while crucial, primarily benefited gay men and had a limited impact on female sexuality (except symbolically) and trans* identities, particularly following the NALSA 2014 judgement (Kothari, 2019). The British colonial census categorised *hijras* as a caste, which as Gannon argues, allowed the empire to attribute their oppression to the indigenous caste system rather than British policies like the CTA (Vakoch, 2022). The Indian legal system continues to struggle with intersectional discrimination, as TGNC individuals face barriers in accessing reservations—forced to choose between caste and gender identity. A vertical reservation system risks erasing class differences and presumes social uniformity, reinforcing the need for horizontal reservation (Vakoch, 2022).

Legal Changes

India made progress in legal gender recognition through 2014 Supreme Court NALSA Judgement and The Transgender Persons (Protection of Rights) Act, 2019. The NALSA judgement recognised transgender rights and was widely celebrated by the advocates of trans* rights (Loh, 2018). Following this ruling, identification documents like voter ID and passport now include gender markers for transgender people. Both the judiciary and the Government of India accepted international human rights standards by upholding right to self-identification for of trans* individuals (Carpenter, 2020; *Writ Petition (Civil) No.400 of 2012 Sc*, 2014). The SCI directed the government to treat TGNC people as a socially and economically backward class, granting them reservations education and employment—equating their discrimination with caste-based bias and overlooking intersectional challenges (Sangeetha Sriraam, 2022).

In 2015, MP Tiruchi Siva introduced (*The Rights of Transgender Persons Bill, 2014*) in the Rajya Sabha, which was unanimously passed but stalled in the Lok Sabha. That same year, the Ministry of Social Justice and Empowerment (MosJE) drafted a bill based on an Expert Committee report on transgender issues (MSJE Report, 2015). The committee proposed welfare measures, including public awareness campaigns,

gender sensitisation initiatives, separate bathrooms, specialised healthcare, HIV sero-surveillance centres for TGNC individuals. The *Transgender Persons (Protection of Rights) Bill* was first introduced in Parliament in August 2016 (HT Correspondent, 2019; The Transgender Persons (Protection of Rights), 2016). After the 2019 general elections, the government reintroduced the bill, which was passed unanimously but faced criticism from the transgender community. Further details on its criticism, amendments, and provisions can be found in works such as (Bhattacharya et al., 2022; Feminism in India, 2019; N. K. Gupta, 2022; Ishikaa Seth, 2021; Kumar, 2022; The Transgender Person (Protection of Rights) Bill, 2019). Since the Act's implementation, MoSJE has launched initiatives like SMILE (Livelihood and skill development program for transpeople) and Garima Grehs (transgender shelter homes).

Figure 1. Legal and Socio-legal changes indicated in the data w.r.t sexual and gender minorities in India

Socio-Legal Changes		
Transpersons Act 2019 • Issues • Reservation and Affirmative Action • Transgender Certificate	Section 377 of the IPC • Its effects on peoples lives • Its effects on transgender lives • Protection beyond decriminalisation • Gender inclusive Rape laws	2014 NALSA Judgement • Implementation of the judgement • Perceived importance of the judgement • Awareness regarding transgender rights

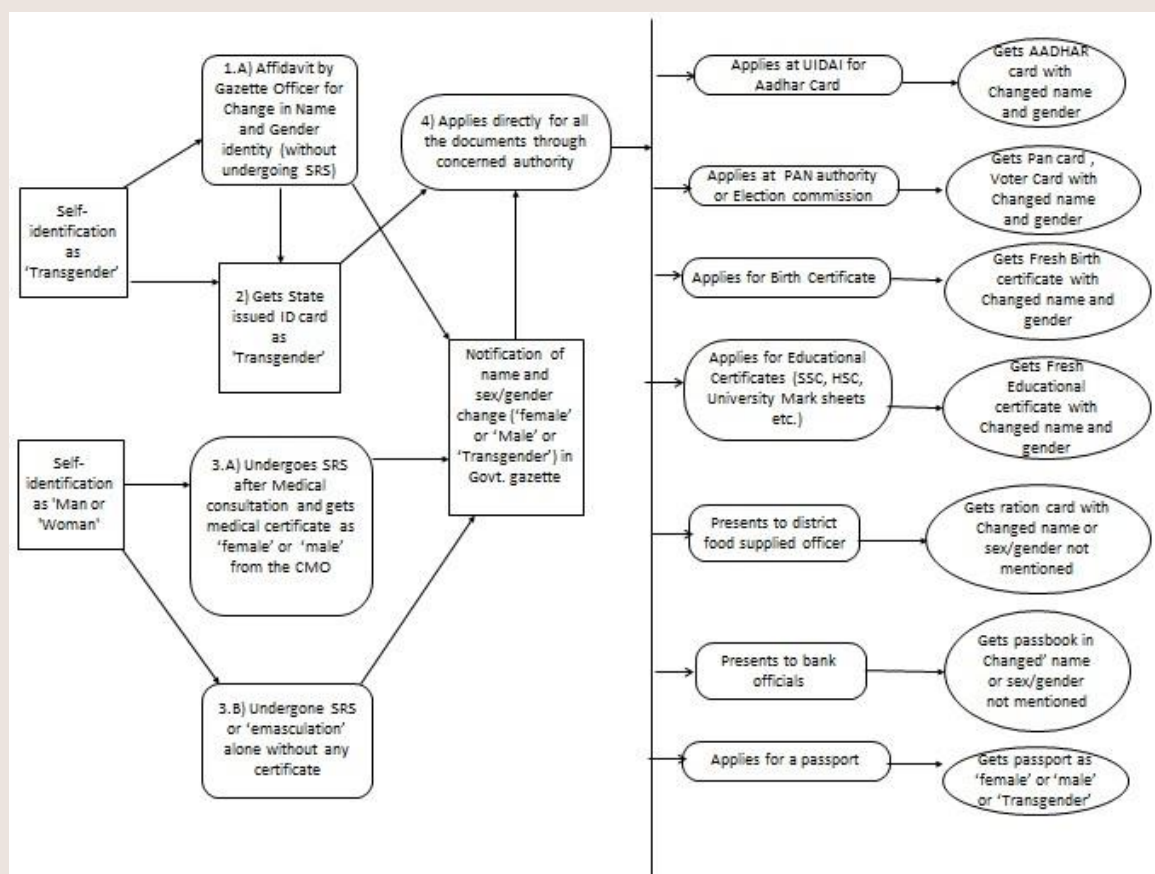
The Complexity of the Gender Registration Process

The Gender registration process in India requires formal steps, including obtaining a Gender Dysphoria Certificate, preparing an affidavit, publishing a name and gender change in newspapers, and applying to the District Magistrate or the regional transgender board with medical and other supporting documents. However, publicly announcing name and gender changes with a 'dead' name in the newspaper, gazette notification, publicly accessible registries or even the new IDs infringes on transgender individual's right to privacy. Under the NALSA judgment, individuals have three gender options for legal recognition: female, male, and transgender. While self-identifying as to transgender does not require any medical proof, legally registering as a "man" or "woman" requires a Medical Certificate post-Gender Affirming Surgery (GAS).

The process of obtaining a transgender certificate remains bureaucratic and dehumanising. Although the requirement for district screening committee certification was struck down, the Bill still mandates surgery for gender identity changes, with the District Magistrate determining the validity of GAS. Additionally, TG Act 2019 lacks a mechanism for appeals in case of disagreement with certification decision. Post-NALSA, gaps persist in accessing information (transgender census), information protection, and privacy safeguards,

necessitating reform. Figure 2 outlines gender registration steps based on personal accounts, online sources, and government transgender welfare board websites (Transgender India, 2018a, 2018b, 2018c).

Figure 2. Process of Legal Recognition in India (Self-Adapted)



The National Council for Transgender Persons, advises the government on policy formulation. However, few states have implemented government-issued identity cards for TGNC individuals. Welfare boards and screening committees often exclude other gender minorities. Additionally, the process is complex, requiring interactions with officials who may lack sensitivity to transgender issues, further exposing individuals to stigma and discrimination.

Transgender Welfare Initiatives and legal developments

Several state governments have established transgender welfare boards, though their effectiveness remains contested (YP Foundation, 2018). Tamil Nadu was the first Indian state to introduce a transgender welfare board with transgender representatives, conducting a statewide census and issuing gender identity cards marked "Aravani" in 2008 (Gopalan, 2007; UNDP, 2016). Kerala followed with a census in 2015, leading to its State policy for Transgender welfare announced (Department of Social Justice 2015;

Nambiar and Shahani 2018b). Post-NALSA judgment state-sponsored initiatives have included gender registration, healthcare services, education, and skill-based programmes (DNA, 2018; Govt. of Karnataka, 2017; Nambiar & Shahani, 2018; NDTV, 2019; Reuters, 2016; Sumanta Ray Chaudhuri, 2017; The Indian Express, 2017; The Logical Indian, 2019b, 2019a; The News Minute, 2017; UNDP, 2010, 2016; YP Foundation, 2018). However, activists highlight inefficiencies, lack of transparency, representation, and funding shortages. West Bengal's transgender welfare board was criticised for failing to establish an identification mechanism due to bureaucratic inaction (Sumanta Ray Chaudhuri, 2017). The failure of these boards has been attributed to lack of transparency in its creation, non-inclusiveness, internal divisions within the community, mis-reporting of numbers and inconsistent funding (Centre for Law & Policy Research, 2017; HT Correspondent, 2018; Skill Reporter, 2018; Sumanta Ray Chaudhuri, 2017). Legal advancements for intersex rights include the Kerala High Court's 2023 dismissal of parental requests for corrective surgery on a seven-year-old intersex child (Chetana Belagere, 2023). The Delhi Child Rights Commission recommended banning non-essential "normalising" surgeries on intersex children (Meenakshi Ganguly & Kyle Knight, 2021). Tamil Nadu set a precedent in 2019 by banning such procedures, affirming informed consent rights of intersex children (KR Chandru, 2007; Kyle Knight, 2019a, 2019b; Tamil Nadu Government Order Banning Surgeries on Intersex Infants, 2019).

Judicial Cases

An online search identified 27 cases on gender registration of TGNC individuals, categorized into seven domains: Education, Employment, Elections, Food Security, Inheritance, Physical violence, and Documents with preferred gender markers (Refer to Table 1 Supplementary evidence). These cases highlight instances where individuals were denied their right to self-identification, with courts upholding their rights. However, the judicial proceedings remain time-consuming and constrained by rigid, often discriminatory, binaries. Few rulings excluded preferred pronouns and subjected TGNC individuals to invasive medical examination and policing — recognised as human rights violations and breaches of privacy. The pathways of stigma and discrimination, explored subsequent sections, stem from gender-specific laws that exclude TGNC individuals (such as Food Security, Inheritance laws, right to marry etc.) or lack of protections (e.g., rape, sexual assault) stemming from systemic exclusion. Social services such as civil partnership, child adoption and legal protection from sexual violence also remain inadequate.

Findings

The laws discussed have significantly influenced societal attitudes toward non-normative bodies and queer lives (Aksoy et al., 2020). The findings are drawn from qualitative data, including participant observation notes, key informant interviews and focus group discussions out. Of the 35 formally engaged participants, 8 are presented as case studies, narratives, and opinion quotes.

These accounts follow a non-linear narrative, incorporating multiple and contrasting perspectives that engage with findings from the literature (Figure 1 and 2), later analysed in the subsequent section (Refer to Figure 3). Key themes identified through qualitative data coding include *understanding gender registration*, and *stigma and discrimination related to gender registration* in India. Sub-themes explore how participants perceive gender registration, its benefits, and the mechanisms for obtaining documentation.

Excerpts from Observation notes:

Death of a transgender activist in Bhiwandi

*Kareena*¹⁵ K, a prominent transgender social activist and field informant from Bhiwandi, was tragically murdered by her boyfriend in a brutal act of intimate partner violence. I heard multiple versions of what happened... Her murder, captured on CCTV, led to a police investigation, during which authorities detained and questioned everyone present at the scene before ultimately arresting the suspect. Other community members spoke about the frequency of such violence faced by TGNCs in Bhiwandi. During a voter ID camp organised by the transgender CBO in Bhiwandi, a senior Guru addressed police compliance following the incident. TGNC members were being harassed as a fallout of the incident, yet the Guru emphasised community's commitment to justice, reaffirming their belief in the legal system despite its failures...Even with the brutality of the situation, community members believed in the process of the justice system and stood in unison against such instances of violence.*

This incident highlights the resilience of the TGNC communities, demonstrating their continued efforts to seek justice despite institutional failures. The fieldwork interactions with Transgender CBO in Kalyan and Bhiwandi, an organisation operating transgender shelter home under the SMILE scheme, reveal how marginalised individuals navigate systemic oppression. These community-driven initiatives provide transgender certificates, basic material amenities and temporary shelter for trans* individuals who leave or are forced out of their natal families. Despite the repeal of colonial-era laws, the legacy of systemic scrutiny, harassment and oppression remains deeply entrenched. With those laws out of the way, the participants in the study expressed how their societal experiences have changed, but they keep encountering such life-threatening experiences daily. Some community members expressed concerns about distinguishing 'real' transwomen from the 'fake' ones. A Kinnar-identifying field staff shared during an FGD,

“(The government) has provided many facilities for TGNCs, like the transgender card and Aadhaar card, and has focused on their many needs, due to which they are progressing in the society now, occupying higher positions and levels. But people feel they don't want to work.

¹⁵ All the names in Asterisk are anonymised and, in some instances, abbreviated to maintain anonymity of the respondents.

Society has also realised that TGNCs can achieve things. Earlier, there was a lot of chaos—they were scared, and the trans population remained hidden...>>But now, they aren't scared, and now they go in front of society, and speak openly...>>whatever questions are raised, we can answer them."*

Focus group participants discussed what improved visibility means to them and how legal reforms affected their lives. Community members and activists emphasised that decriminalisation and legal recognition have encouraged TGNC individuals who previously remained hidden or closeted, to publicly “*come out*.” Another participant expressed frustration at the lack of institutional support from government institutions like public hospitals and municipal offices, particularly in providing social security schemes for trans* individuals, including those living with PLHIV¹⁶. Mx. P*, a gender-fluid community leader and community care coordinator in Kalyan, shared his thoughts on gender registration and state-level efforts post- NALSA judgement during a formal interview,

“I feel it is necessary that progress happens, and it is happening as well. If you look at a few states, if someone must get any surgery done, the government sponsors it. For example, in Rajasthan, the trans individuals receive 2-4L if they want to get surgeries done. In other states, say in Tamil Nadu, there has been substantial work done for transmen as well. The government has started realising this slowly, through advocacy. For example, they are conducting projects under National Institute of Social Defence (NISD) including Transgender shelter-home, and providing ID cards, which weren't there before...>>All this work has been done after the NALSA judgement was passed.”

Senior community members discussed the impact of Sec 377's decriminalisation on trans* visibility, acknowledging how LGBT+ movements and Pride parades have elevated trans* representation in mainstream imagination and discourse. MSS*, a transgender counsellor in Kalyan, shared insights on societal shifts towards trans* community, emphasising the historical misuse of Sec 377 against the *hijra* community,

“There was a lot of misunderstanding about Sec 377 in the hijra community. They used to feel how would 377 apply to us? But it used to affect... >>When any criminal cases used to happen, they used to not consider cases of kinnars. Now there is some change. (Reason?)

They used to not even file their cases, they were not even interested, this is 10-15 years ago, and they would say this is your community issue, you sort it out among yourselves, that is how the police used to say... >>There have been a lot of changes due to the NALSA judgement. It might not be 100% complete but at least it is some change...>>In every sector, LGBT people are

¹⁶ People Living with HIV/AIDS

visible, that is when they will start accepting us... >>They weren't used to it before. Now, slowly, they have started seeing us almost everywhere..."

MSS stressed the urgent need for a transgender census, as nationwide data on sexual and gender minorities remain unknown. She highlighted the barriers to gender self-determination, especially for TGNC individuals who lack supporting document.

"NALSA judgement is a huge copy with many pages. Even I haven't read the whole thing, working in the social sector. I wouldn't completely comprehend or remember it...>>There are many government schemes, but those schemes have so many atti (requirements) which only one or two people fit into. Because they have numerous requirements, who will have that? Only the person who stays with family would have everything. Those who must leave their homes don't leave with their certificates. They either runaway or are chased away—they don't have the time to gather documents. Once they step out of the house, they can't even return. That's why they don't have what is needed. The government needs to understand this first and plan their schemes accordingly. There are very good schemes, but how many benefit from them?>>What is the point of these schemes if they don't reach everybody?"

Azaad*, a lawyer and queer activist, provided insights into the legal shifts before and after Section 377's repeal. Azaad* spoke of how, using the Criminal Tribes Act, the police criminalised *Hijras*, a bias that still exists and is part of the police training.

> "We always need to keep in mind that alongside 377, you had another law that informed people and it directly criminalised the existence of our trans community... that is the CTA enacted during the time we were colonised... they also folded the trans community in 1921 and that legislation continued to be on the books until 1952, repealed by Parliament, five years after independence... >>that legislation ended up informing a lot of the biases of the police force predominantly against the (trans/queer¹⁷) community...>>it was only in 1980-ish that a petition was filed in the Bombay High Court challenging the police force continued to use information that was in the CTA but kept teaching the constables, they kept teaching inspectors about them and further the biases of the law that this community does this and the Bombay High Court urged the State of Maharashtra to revamp its training material for its constables and inspectors."*

¹⁷ While both "trans" and "queer" are significant within the LGBTQ+ community, they are not interchangeable. "Trans" specifically refers to gender identity, whereas "queer" is a broader term that can encompass gender identity, sexual orientation, and critiques of gender and sexuality norms. The asterisk (*) denotes inclusivity, encompassing a wider range of gender identities beyond trans men and trans women.

He emphasised that while the striking down of Sec 377 was milestone, it did not automatically lead to tangible improvement. He pointed out that the community's fight occurred outside of courtrooms, often met with government apathy. Drawing parallels with advocacy for HIV/AIDS rights, he described how it was not just about changing laws but challenging institutional neglect.

> “There was a significant victory against government neglect, lack of medication, and indifferent attitudes of establishments towards afflicted people which remind us that victories in these fights were not just about changing laws, but also about challenging government neglect and the indifferent attitudes of establishments towards afflicted individuals...>>The Navtej Singh decision was a closing ceremony because the big fight on the rights around Section 377 was settled a few months before in another decision of the Supreme Court on the privacy issue (Justice Kuppuswamy judgment on Right to Privacy). The government's position was that privacy is a Western concept and not something that Indians need. This legal battle was part of the broader fight for rights highlighting the intersection of legal and social struggles in the fight for queer rights...”

While Section 377 was struck down, it remains on the books, now primarily clubbed with the POSCO Act for child abuse protection and bestiality. He acknowledged the NALSA decision's role in transforming judicial attitudes, identifying three major steps taken by the court: recognising the 'third gender,' ensuring access to education and employment through reservations, and upholding individual's right to self-identification. Azaad* describes the 2019 TG Act as *“not exciting and causes reversal of the NALSA judgement.”* Reflecting dissatisfaction with its provisions he calls it a “wishy-washy” piece of legislation. Comparing it unfavourably with India's Right to Information Act, Right to Education Act, Right of Food Act, and Right to Work Act— all of which clearly define entitlements and government's obligations, elements missing in the Trans Act. Trans/queer activists and community members align with Azaad*'s views on the 2019 Trans Act, describing it as *'tokenistic,'* and lacking substantial provisions to safeguard and advance trans* rights. Many respondents in the study expressed frustration that the Act was enacted *'merely in name,'* failing to address systemic issues. JK*, a *Kothi* respondent from a transgender CBO in Bhiwandi, highlighted broken promises from private companies, which claim to offer alternative livelihoods for transpeople. He also expressed scepticism about the same-sex marriage Supreme Court judgement, viewing it as performative rather than impactful.

“It is the same as before, where things happen for a few days and then it stops. All these things happen just for show, like in the case of same-sex marriages.”

Transgender participants and local activists shared their concerns about the awareness, importance, and implementation of transgender rights under the NALSA judgement. Many expressed frustrations over the lack of documents reflecting their gender identity, arguing that legal reforms have done little to improve their lived realities. Political leaders' promises have left the community

disillusioned, as tangible remain elusive. This struggle is evident in the experiences of Tabassum*, a Kinnar community member from Bhiwandi, who faced delays in obtaining documents with her preferred gender markers. She identifies as *akwa*¹⁸, as she does not intend to undergo *nirvaan*¹⁹ and shares that living conditions for trans* people remain largely unchanged.

“When they are walking on the street, they are bullied and heckled at... If you go to the police, even they don’t listen to them. They take them lightly... They get compelled into it (sex work) so they wouldn’t have to worry about a job. You know that they are a bit hiledule (effeminate)—if they go to an office for a job, they would call them mitha, gandu, or mirchand... > > See, the government comes and takes our photos, but nothing happens for us. If the government provides ration, at least (for) individual Kinnars, even if they do not have ration cards, based on their Aadhar or voter card, (they) should get 10kg rice and 10kg wheat. Everyone else has a ration card, but transgender community members do not have ration cards. That 10kg rice, they buy it for 25 rupees per kg and eat it...>>Transgender members that stay at Gayatri Nagar must pay to get a drinking water tank. (And the general people who stay there?) They have tap water (piped) connections, and the transgender

Tabassum* also emphasises on the importance of gender counselling before taking life-altering steps. While some in the community believed *nirvaan* or gender-affirming surgery is necessary for transgender recognition, concerns persist about fake *hijra* or *akwa muraat* exploiting transgender certificate benefits. However, Tabassum* argues that such disputes are often sideline more urgent transgender issues. Her story highlights that even with rights being recognised legally, the practical implications in social realities remain to be seen. Bandy, a 27-year-old transman working as a clinic receptionist, faced significant challenges during his social transition, back in his hometown in Tezpur, Assam. His experience highlighted bureaucratic ignorance, including the district magistrate’s lack of awareness regarding the documentation processes.

(If you receive a TG ID card, does it help you to change into other documents?) No...the educational board always requires your birth certificate for anything, then I must make a new Birth Certificate... It is the worst here. If I give any exam, and I pass, I wonder if I should tell them about me?... My problem here is if someone who has got their transgender certificate and wishes to change it from female to male or male to female, go into binary category, then they could do that... The application process recognises phase 1 and phase 2, so my phase 1 is completed, I have a transgender certificate, now I am going into Phase 2, because I want to identify as male,

¹⁸ A local term for someone from the *hijra* community who has not undergone or doesn’t intend to undergo gender affirming surgery.

¹⁹ A local term to denote castration procedure.

that's why my problem is whether should I mention it or not. What do you think, should I be telling it to them or not? (So, your concern is whether you want to be identified as a transman or a man, right?) If as a transman, I got a job under Male category, and if they get to know I worry that one day they might file a legal case against me, on why I lied about my identity. My Aadhar card and Pan Card do show as male, but in education certificates I have not done it yet... When I applied for my TG certificate at the District Collector office back in my home district, they didn't know much about all these things. I might be the first person in the whole area. They invited me twice for a meeting. Two government doctors came and then one lawyer, after that a senior SI, they came and did a meeting and were talking about screening. They called the doctors, because it was a screening, I had the whole proof with me and showed it to them that they are not allowed to do a screening. They admitted, yes you are right, screening is not permitted, we learnt a lot from you, (laughs) but still they won't learn anything on their own...

Bandy did not receive sufficient legal support and had to hire a private lawyer. Uncertain about the existence of a welfare board in Assam and struggling with the mandatory birth certificate requirement in educational institutions, he feared his trans identity being disclosed, jeopardising future opportunities. After undergoing a bureaucratic nightmare, he won an appeal at the Guwahati High Court in 2022, ensuring his educational certificates and mark sheets were reissued (Bandy* vs Cotton University, 2022). This case, along with insights from 27 judicial cases, confirms the complex, time-consuming and dehumanising nature of legal identity changes for transgender individuals. The SMILE portal and other documentation processes continue to pose significant barriers for minorities seeking self-determination and their right to exist.

Discussion

The legal changes provide the necessary legal framework supporting transgender rights in India, paving the way for transgender people to assert their identity and access various fundamental entitlements including educational opportunities, healthcare, and employment benefits. As a literal translation of rights assured to transgender individuals by the 2014 NALSA judgement, the TG Act 2019 serves as a legislative policy. Almost 10 years since the judgment, most of the directives in the NALSA judgment are yet to be implemented. There lies a dichotomy in development in the sphere of governance concerning the rights of transgender people. While both, the judiciary and legislation have supported the need to enact specific policies and laws, they remain silent on their sexual rights, protection from stigma and discrimination, strict adherence to existing binary categories, and the inclusion of a spectrum of non-binary and gender non-conforming identities across class, caste, and (dis)ability categories (Semmalar et al., 2019). Anecdotes and experiential narratives from the field by community members and service providers like Mx P*, Tabassum* and Bandy* reflect the change in implementation

measures but question its effectiveness, overt trans-medicalisation of bodies, focus on anatomy, sexual organs, surgeries, and scrutiny through social welfare measures.

Discussions with community members, revealed their opinion on the impact of scrapping of Sec 377 on the community's lives, the need for protection beyond discrimination and the call for rape laws that protect trans* individuals. Referring to the recent judgement on same-sex marriage by the Supreme Court, several community members like JK* feel distanced from such debates. They perceive these as tokenistic debates and superficial representation of the trans*/queer community, which lose momentum as soon as these are out of mainstream media discourse, resulting in stronger gender backlash. This can be lamented as an over reliance on judicial measures. While tendencies of the courts and state apparatus reflect a non-commitment to social justice, continuing to uphold traditional family values, heteronormativity, and conservative ideas. These colonial tendencies are reflected in Azaad*'s anecdote on the police and other bureaucratic training, which continue to exclude certain identities while absorbing a few trans* subjects into nationalistic fold (Loh, 2018). Trans/queer activists and lawyers echoed Azaad*'s disappointment with the 2019 Act, viewing it as a step back from the court's original intentions and counterintuitive to the Supreme Court's ruling that every individual has the right to self-identify their gender without undergoing GAS. They highlight the lack of adherence to affirmative actions for trans persons, a crucial aspect of the court's ruling, raising critical questions about trans* citizenship, inclusion and belonging. Referring to Partha Chatterjee's understanding of citizenship and political society, trans* people remain in political society despite legal recognition as their rights remain contingent on bureaucratic discretion rather than being guaranteed through affirmative action (Chatterjee, 2008). Similarly, Appadurai, considers marginalised communities often exist in a liminal space, where they are neither fully included nor excluded from formal citizenship (Holston & Appadurai, 1996).

Surveillance using welfare schemes

Postmodern thinkers posit that construction of transgender identity within the state welfare apparatus is shaped by mechanisms of security, surveillance, and welfare (Bodwal, 2022). They note how ambiguous terms like “needs,” and “desires” are constructed and perceived by the state, and extraneously used to define transgender identities through this process of normativity. This dual nature of invisibility and hypervisibility is ingrained in heteronormative structures, as the legal changes often put transgender bodies through scrutiny and surveillance (Bodwal, 2022; Sharpe, 2002, Chapter 8). Their visibility comes at the cost of being disciplined in formal spaces, for example, when a certain status of ‘womanhood’ is desired, it is imagined as ‘middle class, upper caste’ (Duncan, 1995; Dutta & Roy, 2014).

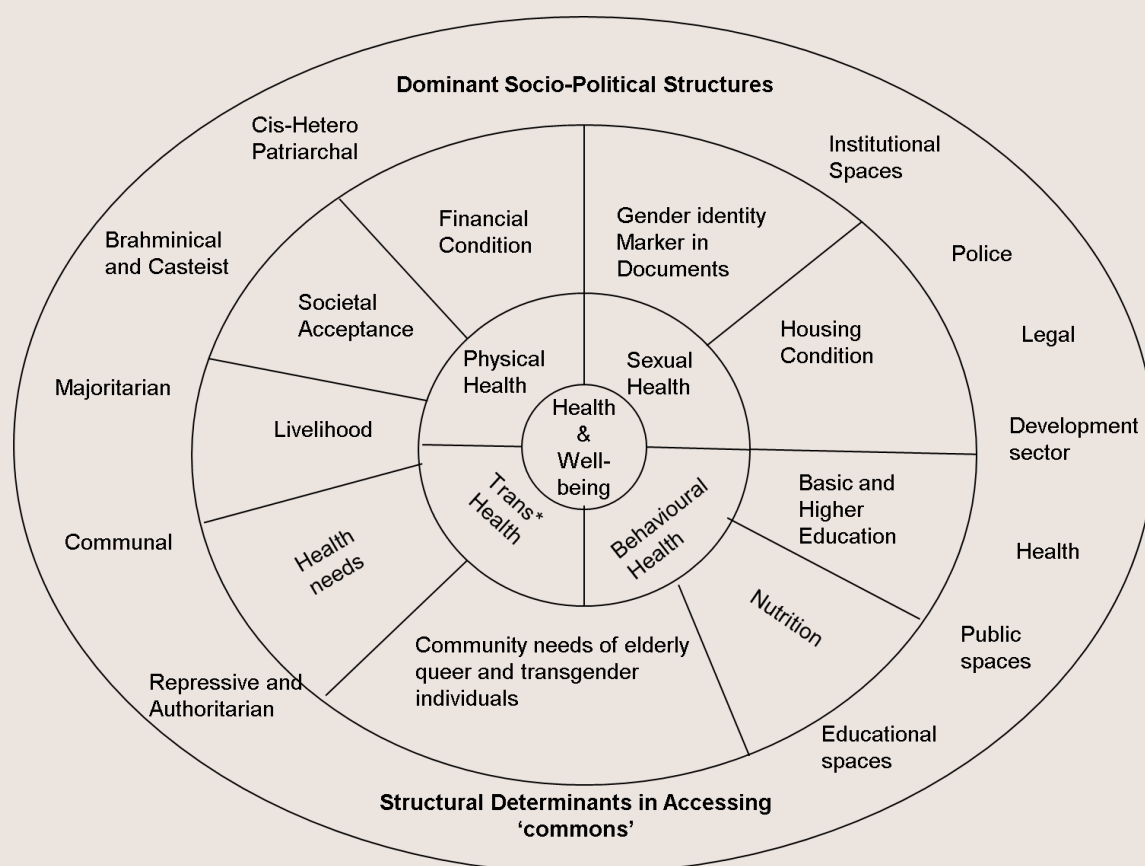


Figure 3. Material needs of the trans*/queer community as framed by the study participants

Figure 3 illustrates the challenges faced by transpeople in accessing commons and their material needs to achieve optimal state of wellbeing. For the bureaucratic process of obtaining citizenship documents and other claims to seemingly-granted rights, the burden of proof lies on the transgender individual, along with the prerequisite of certifiable GAS, reproduces existing barriers. Pathologisation and the undue emphasis on biomedical perspectives on sexual and gender identity increases the reliance on screening committees, making individuals vulnerable to abuse through scrutiny under the guise of protecting their rights. The colonial measures and perspectives of abolition of non-normative identities in the form of CTA and Sec 377 are carried forward in the recent technologies of “citizenship,” determining aspects of *belonging* among queer/trans* lives encountered during the study (Bodwal, 2022; Dutta, 2013; Dutta & Roy, 2014). The legal, medical, and social processes remain discriminatory in which trans* lives are regulated, disciplined, and made into *nationalistic* citizens.

Queer Necro-Politics²⁰ And Murderous Inclusions-- Normalisation of Everyday Deaths of Trans* Lives

Liz Mount's ethnographic study in a city in South India emphasises the changing structures of *hijra* and transwomen groups to claim citizenship and the "murderous inclusions" in the process of demanding their identity rights and assertion (Mount, 2017). Referring to the term coined by (Haritaworn et al., 2013), interrogates the "sexual citizenship" debate and its intersection with violence and the queer-feminist politics of inclusion. These studies suggest that the structural assaults against marginalised communities, sexual and gendered citizenship regimes, their pathologisation, criminalisation, the violent erasure of trans* and gender non-conforming subjects from lower classes and castes, without state protection have ensured that the promises of inclusions have remained murderous. Foucault writes about the medical gaze, pathologisation of deviant bodies, categorisation of alternative sexual identities, and the criminalisation of these identities through medical diagnoses by working alongside legal and disciplinary systems (Foucault, 1973). This can be seen as form of governance of body, over life and in some instances, even death, by exercising biopower and biopolitics. The field reality is indicative of this in the case of *Death of a transgender activist* where "reduction to bare life" due to economic precarity, policing, and abandonment can be observed. The brutality of everyday violence reflects the claims found in the literature, that such pathways are exclusionary in nature and anti-ethical to social justice struggles (Dean Spade, 2015; Haritaworn et al., 2014; Jasbir K Paur, 2017; Mbembe, 2020).

While lawmakers and the judiciary have started to acknowledge the status of transgender communities and the affirmative steps to be taken, the policies and various states' efforts have remained political and 'tokenistic'. Several trans* community members, activists, and lawyers like JK*, Tabassum* and Azaad* claim that the efforts by the government agencies are a 'photo-op' or a PR²¹ campaign, as the focus remains on distributing voter cards to transgender community members right before elections. Statements by senior community members are indicative of these shifting priorities and the legal measures but remain limited in its impact as they fail to ensure true representation. The right to self-identify gender is yet to be recognised by authorities in charge of legal gender change and the promise of transgender rights made on paper has yet to materialise in practice (Danish Sheikh, 2014).

Ani Dutta's article demonstrates how sexual and gender identification is regulated in the lines of legitimacy and decided by transnational developmental agencies, the state and activism. Sexual and gender identities do not fit into western categories of "transgender," "gay" or "men having sex with men

²⁰ (Mbembe, 2020) explores how sovereignty dictates life and death, expanding on biopolitics to analyse modern states and institutions that create "death-worlds," where individuals are reduced to bare life—stripped of political agency or protection. (Haritaworn et al., 2014) further examine how trans*/queer subjects face premature death due to state policies, policing, and economic marginalisation.

²¹ Public Relations

(MSM).” However, increased surveillance on their behaviours in the biopolitical manner of mapping “high risk groups” and the disciplinary regulation of their sexual behaviours into acceptability and norms are ways in which ‘inclusions’ operate under violent conditionality (Dutta, 2013). Other studies claim that these sanctions are punitive, where promises of safety and security might even lead to imprisonment, forced displacement or economic precarity in the current neo-liberal political order. Such neo-liberal citizenship and classification engrained in deathly logic can be understood as “queer necro-politics” where technologies of power reproduce state violence and social relations of living and dying, asserting life and death of ‘good and bad’ trans*/queer citizen (Haritaworn et al., 2014). The field realities showcase how neoliberal frameworks commodify queer identities through selective incorporation into nationalist projects (read “homonationalism”) and continue to face exclusion, violence, and precarious citizenship (Haritaworn et al., 2013, 2014; Jasbir K Paur, 2017).

Conclusion

The study examines the real-world impact of legal and legislative changes (Figure 1) on trans* lives, highlighting rigid gender binary in NALSA’s implementation, exclusion of transmen, intersex, and non-gender-conforming individuals, complexity in the gender registration alongside stigma and discrimination. While societal inclusion and visibility have aided informed decision-making, and access to services, transmen, intersex people, and non-gender-conforming individuals continue to face immense discrimination and bureaucratic challenges, requiring further quantification.

There remains a limited understanding within the medical fraternity, lawmakers, and the judiciary regarding India’s diverse socio-ethnic gender identities. Exclusion based on class, caste, and religion within transgender communities reinforces systematic elimination from the politics of gender discourse. Gender expression within rigid binaries has sometimes been defended by community, or state authorities. The lived experience of gender identity, complexity of field realities and legal interface must be understood through an intersectional lens. Current transgender jurisprudence in India does not fully guarantee legal protection, leaving gaps in access to rights and recognition. Drawing from (Haritaworn et al., 2014; Jasbir K Paur, 2017; Mbembe, 2020) the ‘becoming of a trans* citizen’ involves subjugation to violence, surveillance, and abandonment through economic exploitation and state-sanctioned policies. Access to Commons for historically marginalised communities remains fraught with systemic violence and are murderous in nature, embedded in a broader queer necropolitical framework within neo-liberal carceral state apparatuses.

Despite these challenges, the study underscores the urgent need for inclusive policies and legal protections for TGNC individuals. Gender registration must go beyond legislation to encompass inclusive definitions, and safeguard against discrimination. Proper identity documentation is essential for substantive access to commons, ensuring dignity, and fostering a sense of belonging. Transformative justice requires

radical care, empathy, and increased awareness among society, state authorities, medical professionals, and political leaders.

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Digital Commons in the Knowledge economy

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Abstract: This paper aims to explore the deliberate obfuscation done by institutions by using the term “commons” to say one thing and mean another. The general literature with regards to this topic is heavily postmodernist in its approach because of which their focus is on the granularity of a definition and its interpretation rather than tangible real world issues surrounding commons. Living in the information age begets a collective consciousness that hinges on a very particular kind of commons, that is, digital commons.

To instantiate, the early development of the Unix based systems and the internet was always communally oriented, which is evident in the customisation heavy interface provided by Unix based systems such as Linux prioritising user utility as opposed to the user interface heavy and functionally lackadaisical windows operating system. However, this Open Source Spirit of the internet has diminished frighteningly in recent years and what was left of it has been stifled by arbitrary corporate policies.

All in all, this has only undermined the efficacy of the platforms as this move has also stripped away other nifty functionalities such as user coded bots, in case of Twitter, the infamous Ace Attorney Bot, alongside various others. This is also in violation of the prerogative users have regarding their own data and the broader services that were not long ago, not only provided by these platforms but were arguably the defining features of them.

Another example would be e-libraries, which are predicated upon the principle of controlled digital lending.

However, such models are merely abstractions of reality, which is much more convoluted. The best precedent of this would be Internet Archive, the largest online non-profit library, which has repeatedly been at the centre of conflict for being inadequately “transformative”, relying on blatant intellectual embezzlement instead.

Such flagrant instances of doublespeak used to bely the masses beg the question: What are we to make of the legal and ethical code — or the lack thereof — surrounding their modus operandi with regards to this subject? This paper is an attempt to satisfactorily answer this question.

Introduction

In everyday vernacular, we take commons to mean a non-commodity that belongs to everyone — or in other words, no particular person. In today’s digital era, the term “digital commons” has emerged to describe shared digital resources which promise equitable access to knowledge and information. However, in recent times, there is an increasingly common linguistic appropriation of the term that contradicts this understanding. Social Media is one such example of being digital common only in the name, another one being Electronic libraries. These supposed digital commons involve disproportionate trade-offs at the expense of the user, often without their informed consent or understanding. They are often self-aggrandising, when in reality they fall

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short of expectations. The masses are aware of these problems, but also at risk of being desensitised to them as “minor inconveniences”, given how frequently they are exposed to them. This will ultimately result in the insidious nature of these dubious legal policies and questionable ethos being downplayed as trifling impediments, which destroys the meaning of the term and will, in any case, have all-pervasive detrimental consequences. This paper aims to critically examine what it means for something to adequately fulfil the definition of a ‘digital common’, as well as the legal and ethical problems surrounding the misappropriation of this term to serve other selfish ends or interests, and the possible solutions and recommended approaches to counteract the aforementioned problems.

Digital Commons and the Open Source Spirit

Knowledge, information, and cultural resources can be understood as intellectual infrastructures. In medieval England, the term ‘commons’ used to refer to a portion of land that was allotted to the tenants by the lord of a manor for their personal use. Its meaning has evolved since then and can now be understood to mean ‘any resource that belongs to and/or should be accessible to a community.’ ‘Common’ and ‘communities’ both come from the Latin word ‘communis’, which means “common, public, shared by all or many”². Without equivocation, this is the broader sense of the word which we hope to evoke.

Digital Commons are a subset of commons. Digital commons can also be understood as ‘an alternative value system that is emerging from within capitalism, but also one that has the potential to usher in a post-capitalist future’ (Birkinbine, 2020). Digital commons are collectively created and owned, non-exclusive knowledge resources and information that are less of a commodity and encourage free use of one’s own volition. Thus, we have established a rudimentary definition of these terms. However, we seem to have moved away from this definition, in practice, at least. We take it to mean one thing and are met with something entirely different. This cognitive dissonance then subconsciously forces us to re-evaluate and we often have to accommodate almost completely contradictory definitions of the same thing. It is deliberately obfuscated by institutions who stand to gain the most from employing these bait-and-switch techniques. As Francis Bacon famously said, “Knowledge is power. The real test of knowledge is not whether it is true but whether it empowers us.” Gatekeeping knowledge, ergo, is essentially preserving and expanding power.

Whether or not we consciously realise it, we are dependent upon a particular digital common for our daily computer use: Open Source Technology. Everything from computer hardware, operating systems and

² *commons* | *Etymology of commons* by etymonline. (n.d.). Etymonline. <https://www.etymonline.com/word/commons>

the internet owes their existence to it. The acronym FLOSS, which stands for Free (Libre) and Open Source Software is commonly used. It is important to first historically situate FLOSS to truly appreciate the development of digital commons, as it is now an indispensable part of it. Our protagonists are Richard Stallman, representative of free software, and Linus Torvalds, representative of open source.

Open and Free Source Software

In 1822, Charles Babbage proposed the idea of his “Analytical Engine”, which would mechanically perform routine calculations so that we could eliminate human error. In 1843, Ada Lovelace posited that Babbage’s Analytical Engine could perform operations that relied on symbols communicated to the machine. She is considered the first programmer. The development of the machines pioneered by Lovelace and Babbage were intellectually backed by emerging theories such as Gödel’s incompleteness theorem, the Turing Machine, Shannon’s mathematical theory of communication, and Wiener’s cybernetics. Much of this work was meant for military purposes during World War II.

In 1941, Konrad Zuse built the first “*electro-mechanical, programmable, fully automatic digital computer*” (Zuse, 1993). Grace Hopper popularised the idea of machine-independent programming languages as well, which resulted in Common Business-Oriented Language (COBOL) in 1959. She quite literally “debugged” the first computer by removing a moth from a Mark II computer at Harvard University. (Deleris, 2006).

The cost of computing was greatly reduced after the creation of microprocessors in the 1960s. Consequently, computer hobbyists and aficionados were now able to experiment with technology³. This also helped develop what we call “Hacker culture”⁴.

The Defense Advanced Research Projects Agency (DARPA), created in 1958, and the Artificial Intelligence Lab at MIT, founded in 1970 were monumentally important. During this time, programmers were working on Unix, which was a proprietary programming language owned by AT&T. Richard Stallman was one of the programmers working at MIT. He was prohibited from working with Unix outside officially sanctioned spaces and decided to develop his own Unix-based language that would be available to others for free, and posted this on digital bulletin boards. In 1985, he published ‘The GNU Manifesto’, which was a

³ A notable example of this would be the Homebrew Computer Club, founded by Gordon French and Fred Moore in 1975, which served as an open forum for hobbyists. It directly influenced the microcomputer revolution in Silicon Valley.

⁴ Definition of hacker: “A person who enjoys exploring the details of programmable systems and stretching their capabilities, as opposed to most users, who prefer to learn only the minimum necessary.” Hackers ought to be judged by the quality of their work rather than any other characteristic (gender, race, ethnicity, etc.). *The jargon file*. (n.d.). <http://catb.org/jargon/html/>

recursive⁵ acronym that stands for ‘GNU’s Not Unix’. The GNU Public License stipulated that anyone could access the source code for free, and anyone who used it consented to contribute under the same conditions.

‘Stallman became the figurehead of the movement against proprietary software. He viewed access to source code as a fundamental right, which he wanted others to believe in as well (Birkinbine, 2020). This can be understood by his famous dictum, ‘Free as in freedom, not as in free beer’, cementing the moral obligation of free software. (Stallman, 2002). According to the Free Software Foundation, ‘users have the freedom to run, copy, distribute, study, change and improve the software’. People also use the French term *libre* instead of *gratis* to reduce the confusion, as the principles of free software transcended American borders. Stallman’s Free Software Foundation was another step in the movement against proprietary software. He is still a staunch advocate of the free software philosophy.

Open source software, on the other hand, is generally associated with Linus Torvalds. He wanted to work on a kernel for an open-source operating system. Instead of having multiple programmers work independently on the same task, he thought of working collaboratively. He released the source code of his project called Linux, which was a portmanteau of ‘Linus’ and ‘Minix’. Anyone interested in contributing to this project was encouraged to do so, as long as they gave back to the community. This collaborative approach proved successful, and thus, Linux was born. People were asked to release the code even if the changes they made were seemingly trivial. The rationale was that concerted effort would reduce redundancy, which can be best understood by Linus’ Law: ‘with many eyes, all bugs are shallow’ (Raymond, 2000). Torvalds then went on to develop Git, which is a distributed version control system, used to control source code by programmers who develop software collaboratively⁶. Red Hat was the first commercial success based on an open source model. The source code was accessible for free, but developers would have to pay for enterprise-grade support. As an increasing number of developers began contributing to the source code, more and more companies gradually adopted this approach. Developers provide feedback on Reddit, GitHub, Slack, Hacker News, and companies integrate new features into their products. It is a “win-win” for all parties involved.

We can see that there is an open source spirit underlying all these developments. The very structure of Digital commons is contingent upon this spirit, one that espouses freedom, transparency, collaboration, and liberty. Rossiter and Zehle (2013) contend that Commons are not merely ‘given as a fragile heritage to be protected’ against enclosure, rather, they must be actively constructed. According to Kelty (2008), FLOSS programmers ‘do not start with ideologies, but instead come to them through their involvement in the practices

⁵ Douglas Adams defines it as “Anything that, in happening, causes itself to happen again, happens again.” Adams, D. (1993). *Mostly harmless*. Del Rey.

⁶ GitHub, founded on Git, is the web-based version control and collaboration platform for software developers.

of creating Free Software and its derivatives. However, the purview of the FLOSS community is broad. Not everyone subscribes to all of its principles, and some only subscribe to either (that software should either be free or be open source). FLOSS may be politically agnostic or neutral. Birkinbine (2020) contends that ‘free and open source software is dialectically situated between capital and the commons’. The open source spirit has dwindled significantly in recent years and has been systematically crushed by profit-driven companies. Steve Ballmer once referred to Linux as ‘a cancer that attaches itself in intellectual property to sense to everything it touches’. This implies that FLOSS is opposed to software firms. However, in 2012, Microsoft was one of the top 20 contributors to the Linux Kernel. In 2018, Microsoft acquired GitHub. This begs the question: What is the underlying motivation behind these counterintuitive behaviours?

Hardin (1968) offers a possible explanation in the form of the fallacy of collective action. According to him, communities simply cannot govern collective resources without overexploiting them. However, Ostrom (1990) illustrated that this was a false dichotomy between socialism and capitalism. The commons under feudalism were owned by a private individual rather than the state. Moreover, different kinds of commons can be governed in a utilitarian way to ensure the survival of the common resource over individual gains. For example, non-material resources, such as knowledge and information. FLOSS is classified as knowledge within the typology proposed by Hess and Ostrom (2007). Digitised know-how, as source code, software packages, and shared documentation is freely available for modification. Free software as a digital common avoids the leech problem⁷. The person can contribute to the community even if they only use the software, because they can still give constructive feedback and help in debugging it. In this way, free software regulates and controls quality.

Social Media as an Epistemic Digital Common

Kwet (2020) argues for the transformation of social media into a ‘global commons’ owned, controlled and governed directly by the people. This is a direct extension of the FLOSS principles; a digital commons solution rooted in libertarian socialist principles of self-governance, decentralisation, and federation (Shannon et al., 2012).

This idea is far too unpalatable for the mainstream audiences that venerate ‘corporate overlords and digital capitalism in a regulated form.’ Those who are trying to recreate progressive capitalism as an antidote to neoliberalism are the respected commentators. ‘The pitfalls of centralised social media giants — surveillance, censorship, corporate domination, were well understood from the outset by critics in the Free Software movement’. (Kwet, 2020) Social media giants operate on proprietary software which are closed

⁷ Someone who consumes or uses a resource without giving back to the community.

source and cannot be controlled by users. Any claims of transparency made by them are attempts to bely their nature as subversive networks that compete for their users' personal data, attention, and time.⁸

Recently, Instagram's API⁹ was once again modified due to concerns regarding user privacy and data, according to the company's claims. It is now fragmented and complicated to an off-putting extent, even for experienced developers. Users should be able to use the API to, say, access a list of their metadata (such as 'Followers' and 'Following' lists), but trying to do so is needlessly complicated. Having easy access to one's metadata is the basic prerogative of any user not only because the data belongs to and concerns them, but also because it is a part of their digital identity. Twitter also changed their API in 2023, purportedly, to rid the landscape of 'bot accounts' and scammers. This is arguably the worst decision ever made by Twitter, firstly because it has killed the very ecosystem Twitter was known for. All in all, this has only undermined its efficacy and has also stripped away other nifty functionalities such as user coded bots, in the case of Twitter, the infamous Ace Attorney Bot¹⁰, alongside various others. Twitter has also not lived up to the promise of its 'great clean-up'. 'On Twitter itself, after Musk's well intentioned Verschlimmbesserung, an ill-conceived monetisation scheme has made it profitable to buy a blue checkmark, attach it to a large language model, and set it running wild replying to viral content. The social network now pays verified users a proportion of the ad revenue received from their own comment threads, turning the most viral posts on the site into a low-stakes all-bot battle royale'¹¹ (Hern, 2024). This seems to support the Dead Internet Theory, which is the idea that the Internet consists mainly of bot activity and AI content and it is 'empty and devoid of people'. Proponents of this theory claim that this is a premeditated strategy to control our minds and obscure our sense of reality. Even if this is hyperbole, it might not be completely far from the truth. A third of Twitter's traffic is made up by what the company calls 'bad bots', and even 'good bots' are now failing to meet expectations. These companies clearly do not regard users' intelligence or respect them in any form. Capitalist social networks strive towards profit and growth, and user exploitation and inequalities are the cornerstones of this ambition. The only conceivable solution around this problem is to replace 'Big Social Media with democratic commons'

⁸ Decentralisation of Social Media has its own set of problems. These companies run on profit and the only way to generate revenue is by monetising user data and analytics. This data is acquired through dubious and unscrupulous methods. Around 70% of the Apple App Store and Google Play Store have hidden app trackers to spy on unsuspecting users. Even the Laissez-faire hypercompetitive market has not deterred the usage of such disingenuous tactics.

⁹ An Application Programming interface is the interface through which you access someone else's code or through which someone else's code accesses yours. In effect, the public methods and properties.

¹⁰ Ace Attorney Bot was a Twitter Bot that could turn Twitter comments into videos resembling the format of the popular Japanese visual novel, "Ace Attorney".

¹¹ Short form content such as TikToks and Instagram 'Reels' have hijacked people's attention and wreaked havoc on their attention spans in a similar way.

(Kwet, 2020) We need to espouse digital socialism to truly make social media a ‘digital common’, rather than the exclusionary, neo-colonial, panoptic network it currently is.

Enclosure of knowledge commons is contingent on restricting access to or prohibiting certain uses of information. Mark Andrejevic (2007) uses the term ‘digital enclosure’ to refer to the formation of two distinct classes: *‘those who control privatised interactive spaces (virtual or otherwise), and those who submit to particular forms of monitoring to gain access to goods, services, and conveniences’*. Internet users have nothing to offer but their data, and are consequently also reduced to nothing but data. The consumer becomes the one that is consumed.

Open Access Principles & The Commodification Of Information

In the “Information Age”, power is fundamentally derived from the ability to access and control information and communication networks¹² (Castells, 2009). Information serves as the raw material for knowledge, and the ability to acquire and share knowledge has been the primary driver of every significant leap forward in human history. The development of the Internet and related technologies sparked the potential for the democratization of the knowledge production process, opening it up to non-academics (Agger, 2004). The concept of ‘digital commons’ promises a vision of equitable access to knowledge, creativity, and innovation. Digital commons, characterised by shared resources, publicly funded research, and educational repositories, were intended to be freely accessible to all, transcending geographical, linguistic, and socio-economic boundaries. But this vision remains largely unfulfilled due to systemic barriers that perpetuate inequalities in knowledge access.

The Open Access movement emerged as a response to the inaccessibility of scholarly knowledge, envisioning a world where high quality research is freely available to all.

The Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities conceived of OA as:

“...a comprehensive source of human knowledge and cultural heritage that has been approved by the scientific community. In order to realize the vision of a global and accessible representation of knowledge, the future Web has to be sustainable, interactive, and transparent. Content and software tools must be openly accessible and compatible. Our mission of disseminating knowledge is only half complete if the information is not made widely and readily available to society” (2003).

¹² The Information Age is the current period in human history when information is easily accessible and widely shared, especially through the use of computers. It's also known as the Digital Age, Computer Age, and New Media Age.

The Berlin Declaration on Open Access was a landmark effort to promote equitable access to knowledge, highlighting the importance of a shared repository of resources or ‘commons’ in the digital sphere. It aims to ensure that knowledge, especially in the scholarly world, is treated as public good rather than a marketable commodity.

OA operates through two primary models:

- **Gratis Open Access:** Removes paywalls, allowing users to access content without cost.
- **Libre Open Access:** Removes both paywalls and some permission barriers, enabling users to reuse and adapt content freely under licenses like Creative Commons (Sbicca, 2013).

Public Access (PA), as opposed to Open Access (OA) is a broader concept encompassing not only free access to knowledge but also active engagement with and participation from the public (Sbicca, 2013). PA aims to democratize the production, dissemination, and use of knowledge, often emphasizing collaboration and inclusivity beyond academia. It does not have a single, defining declaration like OA, but it has been shaped by broader socio political and educational movements that emphasize democratizing knowledge. The concept of public access dates back to initiatives like the Community Memory System in the 1960s¹³ and the Cleveland Free-Net in the 1980s¹⁴. These systems aimed to empower individuals by facilitating free exchange of information. The invention of email and the creation of the World Wide Web were also significant advances to PA (Arunachalam, n.d.). In their 2013 paper, *Public Access: For Socially Relevant Knowledge Production and a Democratic Cybersphere*, Joshua Sbicca and Robert Todd Perdue argued for expanding access beyond the academic sphere. Drawing from Paulo Freire’s concept of ‘**Dialogical Cultural Action**’ that emphasizes collaboration, mutual trust, and the co-creation of knowledge between knowledge producers and the public (Freire, 1970), they emphasized the co-creation of knowledge with communities - particularly historically marginalized groups, as a broader response to systemic inequalities that plague the world.

Digital commons involve the distribution and communal ownership of information and technology. They are collectively created and owned, non-exclusive knowledge resources and information that are less of a commodity and are characterized by principles of openness and inclusivity. The ethos of digital commons

¹³ Community Memory (CM) was the first computer-based public bulletin board system that was a product of the Free Speech and countercultural movements of the 1960s. (*Guide to the Community Memory Records*, n.d.) <https://tinyurl.com/44jw7em8>

¹⁴ The Cleveland Freenet was a free public computer system that began operating in Cleveland, Ohio in July 1986 through the efforts of Dr. Thomas M. Grundner of Case Western Reserve University to create a free public community computer system, the first of its kind in the world. (*CLEVELAND FREENET | Encyclopedia of Cleveland History | Case Western Reserve University*, 2021)

aligns closely with that of OA and PA, prioritising accessibility, user empowerment, and collective ownership over proprietary control. The operational realities of implementing collective ownership of knowledge have been significantly undermined by persistent structural and systemic challenges. While the ideals of digital commons, along with the goals of Open Access (OA) and Public Access (PA) movements, are rooted in the democratization of knowledge, their practical execution has encountered numerous barriers. Structural limitations within the current knowledge economy continue to impede their progress, often compromising the transformative potential these initiatives aim to achieve.

Public Access lacks institutional support, with academic and government institutions prioritizing traditional modes of knowledge production and dissemination, which are often exclusionary. These systems emphasize hierarchical control over knowledge rather than fostering participatory, inclusive practices that PA advocates. The PA movement also struggles to secure sustainable funding. Unlike commercial ventures, it relies heavily on public funding or philanthropic support, which are often insufficient and subject to political and economic fluctuations (Arunachalam, n.d.)

Many academic institutions and researchers prioritize publishing in high-impact journals, which are often locked behind paywalls, to fulfill career advancement and funding requirements. These institutional priorities undermine OA's principles (Willinsky, 2006). The reliance on metrics like citation counts and journal impact factors¹⁵ perpetuates a system where commercial publishers dominate scholarly communication. Even within the OA framework, authors are often required to pay Article Processing Charges (APCs) to publish in OA journals. These fees, ranging from hundreds to thousands of dollars (IEEE Open, 2025), are prohibitive for researchers from underfunded institutions, particularly in the Global South. The existing intellectual property laws also heavily favor publishers, limiting the scope of OA initiatives. Furthermore, the absence of robust digital infrastructure in many parts of the world restricts access even to freely available resources (Suber, 2012). As a result, OA has been unable to significantly disrupt the commodified knowledge economy or address the structural inequities that underpin it.

In the neoliberal knowledge economy, information - once considered a public good, is increasingly treated as a commodity (Lawson et al., 2015). This shift has had profound implications for access to knowledge in the digital commons. The academic publishing industry, dominated by corporations such as Elsevier, Springer, and Wiley-Blackwell, has created significant barriers to accessing scholarly work (Sbicca, 2013). These companies operate under subscription-based models that charge exorbitant fees for access to academic

¹⁵ The impact factor (IF) is a measure of the frequency with which the average article in a journal has been cited in a particular year. It is used to measure the importance or rank of a journal by calculating the times its articles are cited. <https://researchguides.uic.edu/if/impact>

journals. As of 2002, these publishers controlled 42% of all academic articles, creating a monopolistic environment (Sbicca, 2013). This commodification directly undermines the ethos of the digital commons. Many public and academic libraries, particularly those in low-income regions, cannot afford these subscription costs, effectively excluding scholars and students from less privileged backgrounds from academic discourse. While the internet has enabled global dissemination of information, the pervasive presence of paywalls has made much of this knowledge inaccessible to the broader public.

Inaccessibility to knowledge remains one of the most pressing challenges in the digital commons landscape, with profound implications for education, innovation, and social equity. Students and researchers at underfunded institutions often lack access to essential academic resources, creating a knowledge gap that perpetuates cycles of inequality. This disparity is particularly stark in developing countries, where libraries and universities struggle to afford subscription fees. Also, the dominance of English-language content in digital commons alienates non-English-speaking populations, reducing inclusivity and cultural diversity.

CDL & The Internet Archive

Controlled Digital Lending (CDL) is a library-based model that enables the digitization and circulation of physical books in a controlled manner, ensuring the number of simultaneously loaned copies, in any format, does not exceed the library's legally owned physical copies. This approach adheres to an "owned-to-loaned" ratio, meaning that if a library owns a specific number of copies of a title, it can loan a corresponding number of physical or digital versions combined (*Download the Whitepaper*, 2023b).

The Internet Archive is a nonprofit digital library, preserving and providing access to cultural artifacts of all kinds in electronic form under the model of Controlled Digital Lending. Its project "Open Library: Digital Lending Library" successfully integrated the CDL model, allowing people to check out digital copies of books for two weeks or less, and permitting patrons to check out as many copies as the Internet Archive and its partner libraries physically own. That means that if the Internet Archive and its partner libraries have only one copy of a book, then only one patron can borrow it at a time, just like other library lending. Through CDL, the Internet Archive aims to foster research and learning by helping patrons access books and by keeping books in circulation when their publishers have lost interest in them, aligning with the core ideals of digital commons (*About | Internet Archive Blogs*, n.d.).

IA's open library initiatives align with the core principles of Public Access, as they aim to break down systemic barriers to information, involve communities in meaningful ways, and foster a more democratic cyberspace. In a world dominated by high-cost e-books and paywalled academic journals, the initiatives to digitize books and establish a comprehensive public repository reflect Freire's ideals of collaborative creation and dissemination of knowledge with and for the public.

On June 1, 2020, four publishers including Hachette, HarperCollins, Wiley, and Penguin Random House filed a lawsuit against the Internet Archive over allegations of CDL violating their copyrights, claiming that the CDL poses a threat to their businesses, costing them millions of dollars. The case represents an important moment in the legal and ethical discourse surrounding Controlled Digital Lending (CDL) and the broader concept of digital commons. At its core, it revolved around whether CDL, as implemented by the Internet Archive, constituted fair use under U.S. copyright law (Alliance, 2024).

The first sale doctrine, codified in Section 109 of the U.S. Copyright Act, allows owners of legally acquired copies of a work to sell, lend, or dispose of them without further permission from the copyright holder. While this doctrine traditionally applies to physical copies, CDL extends its principles to digital lending by maintaining strict controls. Section 107 of the Act also justifies the legality of the CDL model through the ‘Fair use Doctrine’ that considers four factors:

- The purpose and character of the use (commercial or nonprofit - educational)
- Nature of the work
- The amount and substantiality of the portion used
- Effect on the Market¹⁶

Libraries engaging in CDL operate non-commercially and serve educational and research purposes, aligning closely with fair use principles. Academic and factual works, which often dominate library collections, are also more likely to favor fair use. While CDL involves the entire work, technical safeguards prevent reproduction or redistribution, minimizing market harm. It mirrors the market impact of traditional library lending and does not substitute for commercially available digital editions. CDL frameworks also emphasize using digital rights management (DRM)¹⁷ to prevent unauthorized copying; limiting loan durations to replicate the borrowing experience of physical copies and applying CDL only to works that are owned, not licensed, by the lending institution (*Download the Whitepaper*, 2023a).

¹⁶ Market Effect means the change in the structure or functioning of a market, or the behaviour of participants in a market.

¹⁷ Digital rights management (DRM) is the use of technology to control and manage access to copyrighted material. It aims to protect the copyright holder’s rights and prevents the unauthorised distribution and modification of content. *What is DRM? Digital Rights Management explained* | Fortinet. (n.d.). Fortinet.

The lawsuit by Hachette and other publishers against the Internet Archive contested the legality of CDL, arguing that it violated the reproduction and distribution rights granted to copyright holders under Section 106 and created unfair competition by circumventing licensing agreements required for digital lending. IA defended it by contending that the lending practices were protected under fair use, as they aligned with the nonprofit mission of libraries to provide equitable access to knowledge (Freeland, 2024).

The court ruled in favor of the publishers, stating that the Internet Archive's practices exceeded the bounds of fair use. The decision stressed on the commercial harm caused by offering free digital access to books that were still under copyright and available for sale in digital formats (Alliance, 2024).

The implications of this judgement extend beyond legal technicalities, touching upon issues of power and information access. The case highlighted the growing influence of corporate publishers in dictating access to knowledge. By asserting their rights upon over 500,000 books that had to be taken down from the IA Open Library, publishers reinforced the existing capitalist structures in favour of the commodification of knowledge, prioritizing profit over public access. In an increasingly digital world, E-Libraries serve as the primary repository of knowledge for students, educators, researchers, as well as underfunded institutions. Restricting CDL hampers their ability to provide equitable access to information and disproportionately affects low-income and rural communities. This case is the prime exemplification of how a few corporations assert their monopoly over educational resources, limiting competition and any or all alternative access models.

IA's CDL model also sought to bridge the digital divide for those who lack physical access to libraries due to geographic or economic reasons or who need digital formats for disabilities or other accessibility issues. But the court ruling fortifies the status quo, where access to digital resources depends largely on purchasing power. This disproportionately affects rural areas, developing regions, and communities with limited internet infrastructure, widening the gap between privileged and marginalized groups (Arunachalam, n.d.). The case represents a broader attack on open-access initiatives, which aim to make knowledge freely available to all. If libraries are prohibited from lending digital versions of their physical collections, other open-access movements could face similar challenges, reducing the availability of free and equitable information significantly.

Ethico-Legal Quandaries and Proposed Solutions

Because all the legal alternatives presented to the common man seem inaccessible and suffocating, he is compelled to resort to various illegitimate and/or legally questionable means to obtain what he needs. Examples of this would be unlawful distribution of content through P2P (peer-to-peer) applications,

disseminating covert malware to hijack information, discreetly tampering with proprietary source code¹⁸ to enhance user experience and functionality, among many others. These are not causes, they are symptoms of the systemic problem of digital commons. The masses, disillusioned because of the (mis)use of this term as a bait-and-switch have become adept at circumventing legal red tape, to — in simple terms — get what they want.

The use of the term digital commons is — and will remain — in bad faith as long as it tries to undermine the intelligence of and intimidate the Common Man by putting up walls of impenetrable and convoluted legal jargon between him and a (number of forms of) purported non-commodity that is digital commons. These walls often come in the form of mandatory email signups, ‘Terms and Conditions’ or other, similar forms of obligatory legal requirements that, in the guise of asking for consent are in actuality, an imperative step that has to be “ticked” off in order to proceed to the next step. By design, T&C deter consumers from even trying to read them because of the sheer length and legalese. These are all intentional efforts to deceive and exploit consumers while fortifying corporate entities. Left unchecked, society is much more vulnerable to fall into a vicious kind of late stage capitalism; a Technofeudalist¹⁹ fiefdom that will privilege the elite few and drown the last dregs of Digital Democracy (Varoufakis, 2023).

There is a twofold responsibility here, the first being that the common man must reclaim his power by relinquishing his perceived helplessness and dependence on everything that falsely masquerades as a digital common when it is actually part of the paternalist, proprietary structure that only exists to benefit the select few at his expense. Social media, e-libraries, academic journals and cloud corporations are all dependent on us, as consumers, and eventually, as statistics/data to propel themselves. It is incumbent upon the masses to make their desire for the rightful amendment of the legislature surrounding these digital commons unequivocally clear, and when that fails to be the case, to ruthlessly discard them and strive towards their own socialist digital commons; one that sees people as people and not as numbers. Compliance is the same as tacit consent to be exploited. Digital Commons derive their value and power from the people that use them, and only by depriving them of this power and reclaiming it, can there be tangible and constructive changes in its fabric. Once something is part of the public domain, no one can play arbiter on who gets to access it and who

¹⁸ Colloquially known as ‘jailbreaking’, which is “(a term) used to describe the process that lets you unlock the potential of (iOS) devices”.

¹⁹ In ‘Technofeudalism: What Killed Capitalism?’, Yanis Varoufakis contends that through the emergence of cloud technology signifies an epochal shift which points towards the death of traditional capitalism. We ‘serve’ tech overlords with our data in exchange for a place on their cloud.

does not. It is the birthright of every individual to be able to freely access all such information and resources, without having to compromise one's privacy and well-being.

As Fukuzawa Yukichi (1872) put it, *"Each individual man and each individual country, according to the principles of natural reason, is free from bondage."* Knowledge is — and ought to remain — an end in itself without being disingenuously employed as a means to another end. Moreover, the masses can no longer be content with being reduced to data analytics, and that involves an active rejection of these problematic systems.

Even more egregious is the gatekeeping of Academic knowledge behind private, paywalled journals that charge exorbitant amounts and pay little to no royalties to the original authors. Not only does this make information inaccessible to those who require it most, it also serves no one, barring the select few who wrongfully profit off of such policies. Academics have no choice but to publish their papers in one of these journals, and would prefer that their papers are easily accessible. A shining example in this regard is the website SciHub, which, despite legal hurdles and financial barriers, is an intrepid effort to make academic journals accessible to everyone, with no ulterior motives driven by avarice.

The second part of the responsibility entails, in good faith, reform and revision in the legislative framework pertaining to everything under the purview of digital commons in plain, concise and intelligible language. To claim that Terms of Services/Terms and Conditions require legalese is an admission that they exist only for the protection of the corporate entities from potential legal disputes at the expense of consumers rather than a document outlining what it claims to inform. A power balance can be reached only when transparency is mutually fulfilled. In the words of Ludwig Wittgenstein (1921), *"Everything that can be thought of all can also be thought clearly. Everything that can be said can be said clearly."*

Conclusion

Commons are social systems consisting of three interconnected elements: Firstly, a commonwealth, which is a set of commonly held and governed resources. Secondly, a community of commoners, that lastly, engage in the commoning praxis reproduce their lives and their commonwealth (Angelis, 2021). Capitals and commons lie on opposite ends of the spectrum. We can dialectically situate the digital commons between the two, which seems to have resulted in convergence or singularity. The increasing corporate involvement in the digital commons is a strategy to retain power and maintain the Status Quo. By privatising the commons, they cease to be 'commons' in the true sense of the word, and are now in service of the capital. Capitalism relies on such tools because the end goal, profit, justifies the means, which is exploitation. There is a clear juxtaposition between democratising information and upholding intellectual property rights. Knowledge is only accessible to a select few. As evidenced by the enclosure of social media platforms, the restrictive policies

of e-libraries like the Internet Archive, and the commodification of scholarly knowledge through paywalls, the digital commons is often a façade for proprietary control. This misalignment erodes the open source spirit and perpetuates systematic inequalities, particularly for marginalised communities. Moreover, legal frameworks — such as copyright laws — are frequently leveraged by powerful entities to establish monopolies over knowledge instead of protecting people’s rights. Laws must be made plain and intelligible rather than being blocks of misleading jargon. Failure to actively make these revisions puts us at risk of succumbing to a bureaucratic Technofeudalist fiefdom, which sells the myth of ownership without actually ever doing so. Digital commons have to actively be constructed and backed by laws that prioritise public interest over commercial ones. Moreover, digital infrastructures have been relegated to obscurity because of the linguistic homogeneity and overall anglo-centric dominance. There is a pressing need to actively transform the digital commons into a global, democratic common that is owned, controlled and governed by the people, bolstered on open source, transparent, free and propriety software rather than closed source, opaque, expensive and proprietary software. By actively constructing inclusive, transparent, non-proprietary digital commons, society can fulfill the promise of a knowledge economy that empowers all, rather than serving the interests of a privileged few.

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Innovation Choice In Governance: An Innovation-Driven Policy Approach For New Issues Vision Of Growth, Creativity, And Social Transformation

Gurwinder Kaur¹

Abstract: This study presents a comprehensive analysis of innovation-driven governance in India, emphasizing the transformative impact of policies such as Make in India, Startup India, and the Atal Innovation Mission (AIM). The research explores how these initiatives have contributed to economic growth, job creation, and social development by fostering an ecosystem of creativity, entrepreneurship, and technological advancement. Through a qualitative content analysis of policy documents, academic literature, and government reports, the paper illustrates how innovation frameworks have evolved post-liberalization, shifting from regulatory constraints to a participatory and entrepreneurial model of governance. It highlights the role of public-private partnerships, institutional collaboration, and educational reforms—particularly the deployment of Atal Tinkering Labs—in nurturing a culture of innovation. The study concludes that India's upward trajectory in global innovation rankings and startup ecosystem is a testament to the efficacy of its innovation governance model. However, challenges such as infrastructural deficits, skill gaps, and scalability of Industry 4.0 practices require continued policy coherence and investment.

Keywords: Innovation governance, Atal Innovation Mission, Make in India, Startup India, entrepreneurship, Industry 4.0

Introduction

Good governance is essential for the creation of wide effective innovation (Khandwalla, 2014). One of the most valuable human assets is creativity. Defined as an innovation that encompasses a new service, strategy, organisational framework, language, and client interaction. Innovation under networked governance gives policymakers a renewed sense of leadership in converting innovative ideas into new kinds of action. (Hartley, 2005). When it comes to the creation and use of technological innovation—the main factor behind contemporary global competition and a major source of social benefits for humanity—what 21st-century governance models have surfaced that contradict the precautionary principle? (Hemphill, 2006). The final factor involves rising competitive pressures from rapidly developing economies such as China, India, and Brazil, propelled by the ongoing globalization of international markets (Sorensen & Torfing, 2016). Certain opportunities for innovation can be successfully pursued through markets that operate with transparency,

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fairness, and strong governance (OECD, 2002). It has the potential to significantly improve living conditions and quality of life in comparatively impoverished, underdeveloped nations when properly utilised at the societal level (Khandwalla, 2014). In post-independence India, Nehruvian, Gandhian, and Leftist ideologies shaped political engagement with the scientific community, enabling constructive dialogue across divergent viewpoints. These debates extended to the selection and evaluation of technologies, the design of socio-technical systems, and the broader social implications of scientific progress. This environment fostered a form of innovation democracy, where deliberations also considered the integration of modern science with indigenous knowledge systems. Most scientific leaders of the time supported Nehruvian ideals of centralized planning and technological advancement. (Abrol, 2025).

New public innovation theories view governance networks as a key tool for fostering collaborative innovation (Sorensen & Torfing, 2016). A Third World nation like India must reform its administration, mainly through NPM, if its society is to experience the splendour of broad and constructive creativity and invention (Khandwalla, 2014). In an effort to more effectively address the dynamic aspirations of its citizens, the Government of India established the National Institution for Transforming India (NITI Aayog), replacing the erstwhile Planning Commission to promote a more flexible, participatory, and innovation-driven policy framework. One of the core objectives is to promote collaboration among key stakeholders and to strengthen linkages with both national and international think tanks, academic bodies, and policy research institutions (Government of India, n.d.). Additionally, it seeks to establish a supportive ecosystem for knowledge creation, innovation, and entrepreneurship by leveraging a diverse network of experts, practitioners, and institutional partners (Government of India, n.d.). Government initiatives such as Make in India, Atmanirbhar Bharat Abhiyan (aimed at fostering self-reliance), Startup India, and Skill India are strategically designed to transition the Indian economy from a managerial model to an entrepreneurial one (Shukla et al., 2022).

In economies like India, encouraging competition through regulatory reforms can improve market quality, boost innovation, and support investment and job growth (Yadav & Tiwari, 2022).

Objective of Study

This study explores the role of innovation-driven governance in shaping economic growth, enhancing creativity, and driving social transformation in India. In recent years, the Government of India has introduced key policy initiatives such as Startup India, Make in India, and the Atal Innovation Mission. These initiatives aim to create an enabling environment for innovation, entrepreneurship, and skill development. By fostering job creation, encouraging economic diversification, and empowering the youth, these programs are

contributing significantly to India's socio-economic progress and the emergence of a knowledge-based economy.

Thematic Literature Review

Innovation Mission Policy Approach

In the pre-liberalization era, Indian firms had limited innovation capacities and primarily focused on modifying imported technologies for domestic application. These technologies were often secured through licensing arrangements or direct acquisition and were generally not cutting-edge. The regulatory environment—commonly termed the “License Permit Raj”—imposed significant restrictions on industrial growth and innovation (Krishnan & Prashantham, 2019). In September 2014, the Government of India launched the Make in India campaign to stimulate growth in the manufacturing sector. With the ambitious goal of creating 100 million jobs by FY2021, the initiative aimed to position India as a global manufacturing hub and inject new momentum into the national economy through job creation and industrial expansion (Chenoy et al., 2019). A significant national endeavour, the Make in India campaign aims to safeguard intellectual property, foster innovation, improve skill development, facilitate investment, and build top-notch industrial infrastructure. More significantly, it represents a change in India's strategy towards investors, presenting the government as a true business partner rather than just a body that issues permit (Jha, 2015). Government efforts are now directed toward improving production capabilities and developing labour market-relevant skills. These reforms are designed to motivate investments from firms across diverse sectors such as agriculture, mining, manufacturing, and services (Rajan, 2015).

The flagship Startup India program, which began in 2016, intends to establish a healthy startup ecosystem that promotes long-term economic growth and generates extensive job possibilities (Korreck, 2019). Indians are spearheading innovation in some of the world's most influential tech, medical, and financial companies, including Google, Microsoft, IBM, and Adobe (Ramanan et al., 2020). Atal Innovation Mission (AIM), NITI Aayog is the Government of India's flagship initiative to promote a culture of innovation and entrepreneurship in the country and was set up in 2016 (NITI Aayog, 2023). Towards this end, AIM has taken a holistic approach to ensure the creation of a problem-solving innovative mindset in schools and creating an ecosystem of entrepreneurship in universities, research institutions, and private and MSME sectors. All the initiatives of AIM are currently monitored and managed systematically using real-time MIS systems and dynamic dashboards (NITI Aayog, 2023). So far, the Atal Innovation Mission (AIM) has partnered with 102 universities, institutions, and private sector organizations to establish world-class incubators. Each incubator is designed to support and nurture 40–50 high-potential startups over a four-year cycle. Of these, 68 incubators

are already functional, collectively supporting more than 1,250 active startups (Ramanan et al., 2020) (NITI Aayog, 2023).

Methodology/ Approach

The current research analyses the innovation framework in India through a content analysis method. Primary data was sourced from official government portals, including those of the Atal Innovation Mission (AIM) under NITI Aayog, Make in India, and Startup India. To support this, a comprehensive literature search was conducted using academic databases such as Scopus, Web of Science, and Emerald Insight, with the keywords Innovation, Atal Innovation Mission, Startups, and Make in India guiding the selection process. In addition to peer-reviewed articles, the study also considered credible secondary sources—such as government reports, conference proceedings, book chapters, working papers, and discussion documents—provided they were relevant to the research theme and contributed to understanding innovation-led initiatives in the Indian context.

Findings

Innovation is a fundamental part of modern theories of economic development and growth (Verspagen, 2005). Schumpeterian growth theory also emphasizes the need for “creative destruction,” in which recent breakthroughs disrupt existing technology and business models, thus promoting economic dynamism and long-term growth (Haldane, 2025). India has improved significantly in the Global Innovation Index rankings over more than ten years, moving from 81st place in 2015 to 39th place in 2024. This sustained growth is a result of the country's targeted strategy to promote innovation across multiple industries, supported by the government. This result reflects India's extensive leadership in innovation, especially given that the country ranks first among 10 Central and South Asian economies and first among lower-middle-income countries (Press Information Bureau, 2024). In the 2024 Global Innovation Index, Switzerland, Sweden, the United States, Singapore, and the United Kingdom are recognized as the world's most innovative economies. Meanwhile, India has been recognized as one of the fastest-growing economies in innovation over the past decade, along with China, Turkey, Vietnam, and the Philippines (World Intellectual Property Organization, 2024). In the last few years, India has emerged as a global innovation hub, and initiatives such as Make in India, Start-up India, Digital India, Smart Cities Mission, and Atal Innovation Mission (AIM) have played a significant role in creating a vibrant innovation ecosystem.

Make in India

The manufacturing sector is a vital pillar of any nation's sustainable economy. Some of the richest countries in the world such as England in the 19th century, the US, Germany, and Japan in the 20th century, and recent phenomena like China, South Korea, and Taiwan have generated enormous wealth by relying on the manufacturing sector as the backbone of the economy (Pulicherla et al., 2021). Make in India is a flagship initiative launched by the Government of India aimed at encouraging both multinational and domestic companies to manufacture their products within the country (Shukla et al., 2017). The Make in India first phase initiative aimed to position India as a global manufacturing hub by increasing the manufacturing sector's contribution to GDP to 25 percent. In 2018, a second phase was introduced, focusing on building robust domestic supply chains. The program received a strong response from industry stakeholders, with 71% of multinational companies expressing a positive outlook on expanding investments in India. Key reforms such as improved ease of doing business, simplified taxation, trade facilitation, and a liberalized FDI policy were widely appreciated for creating a more investor-friendly environment (Tripathy & Dastrala, 2023). Between 2014 and 2019, India made significant progress in improving its position in the World Bank's Ease of Doing Business rankings. In 2014, India was ranked 142nd, but by 2019, it had moved up to 63rd place — an improvement of 79 positions in five years. This progress shows that doing business in India became easier during this period. The government introduced several reforms such as simplifying the process of starting a business, making it easier to get building permits, paying taxes, and resolving insolvency issues. These efforts were part of larger initiatives like Make in India, which aimed to attract more investment and boost the country's economy (Press Information Bureau, 2022).

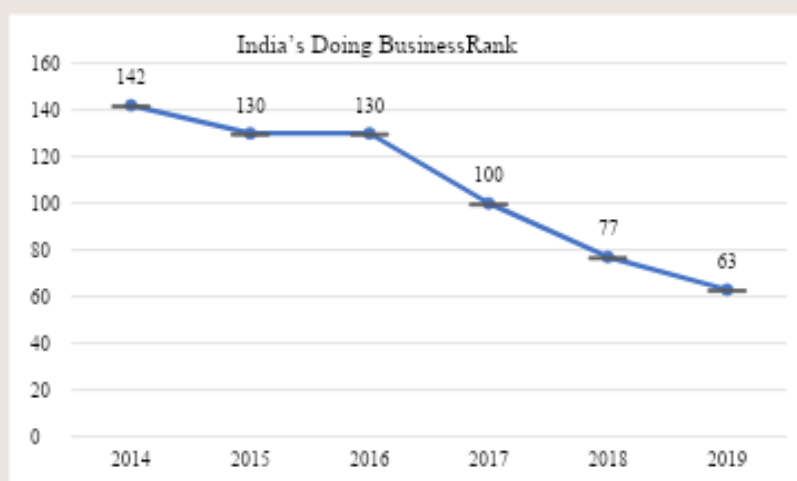


Figure 1: *India's Ease of Doing Business rank*

Source: Press Information Bureau. (2022, November).

<https://static.pib.gov.in/WriteReadData/specificdocs/documents/2022/nov/doc20221123133801.pdf>

India improved its global ranking by 79 positions in the Ease of Doing Business Index over five years from 2014 to 2019, reflecting significant progress in regulatory reforms, business facilitation, and investment climate enhancement (Press Information Bureau, 2024).

India has strengthened its global partnerships to boost innovation and growth in the manufacturing sector. One notable example is its collaboration with Japan in 2015 when both countries launched a \$12 billion special finance facility to promote Japanese investment in India. This fund, managed by the Japan Bank for International Cooperation (JBIC) and Nippon Export and Investment Insurance (NEXI), was designed to encourage Japanese firms to expand operations in India, support infrastructure development, and contribute to the objectives of the Make in India initiative. Between 2000 and June 2023, Japan's total investment in India reached approximately \$39.94 billion, placing it among the top five sources of foreign direct investment (FDI). These investments were primarily directed toward sectors such as automobiles, electronics, telecommunications, chemicals, finance, and pharmaceuticals (Invest India, 2024). Foreign Direct Investment (FDI) inflows into India have shown consistent growth over the past decade. Beginning at \$45.14 billion in 2014–15, FDI peaked at \$84.83 billion in 2021–22, marking a significant increase. Between April 2014 and March 2024, India attracted \$667.41 billion in FDI, which accounts for nearly 67% of the total FDI received in the past 24 years. In FY 2023–24, India recorded \$70.95 billion in total FDI inflows, with \$44.42 billion coming in as equity investments. These figures highlight India's increasing attractiveness as a preferred destination for global investors (Press Information Bureau, 2024). India has committed over \$1 billion to the Make in India initiative, launching projects across several states, including Andhra Pradesh, Gujarat, Himachal Pradesh, Rajasthan, and Tamil Nadu. In alignment with the vision of advancing modern manufacturing, many of these states have undertaken significant steps toward adopting Industry 4.0 practices. Notably, Andhra Pradesh became the first Indian state to approve a dedicated Internet of Things (IoT) policy, aiming to transform itself into an IoT hub by FY2020. This policy sought to capture approximately 10% of the country's smart manufacturing demand, positioning the state as a leader in emerging technology-driven industrial transformation (Chenoy et al., 2019).

Make in India initiative achievement

1. India's electronics sector has grown significantly, reaching USD 155 billion in FY23. Production nearly doubled from USD 48 billion in FY17 to USD 101 billion, largely due to mobile phones, which account for 43% of total output. India is now the second-largest mobile phone manufacturer globally and produces 99% of its smartphones domestically, reducing import dependence.
2. India's merchandise exports reached \$437.06 billion in FY 2023–24, highlighting the country's expanding presence in global trade.

3. Vande Bharat Express trains are India's first semi-high-speed trains made in the country. They are a great example of the success of the *Make in India* initiative. These trains have modern, comfortable coaches that give passengers a better travel experience. Right now, 102 Vande Bharat services (51 trains) are running across India. They connect many states through the broad-gauge electrified railway network and show India's progress in making advanced train technology on its own.

4. India produces nearly 400 million toys every year, averaging 10 new toys created every second.

5. The textile industry has generated an impressive 14.5 crore jobs nationwide, playing a vital role in India's employment sector.

The Government of India aims to promote the indigenization of manufacturing by encouraging domestic production and fostering research and technological development. Through this strategic shift, India seeks to boost its manufacturing output and enhance its position among the world's leading manufacturing economies. The Government of India has identified 25 emerging industrial sectors under this initiative, aiming to develop them to the level of traditional heavy industries. These sectors are envisioned as key future contributors to the nation's GDP. The initiative aspires to create 100 million manufacturing jobs by 2022, increase the manufacturing sector's share in GDP to 25% by 2025, and sustain an annual manufacturing growth rate of 12–14% (Pulicherla et al., 2021). Linking the Make in India initiative with Industry 4.0 principles is essential to drive the country's shift towards smart manufacturing. A significant milestone in this direction is the establishment of India's first smart factory at the Product Design and Manufacturing Centre of the Indian Institute of Science (IISc), Bangalore, developed with support from The Boeing Company. This initiative exemplifies the potential of public-private collaboration in promoting technological innovation and industrial modernization (Rana et al., 2025).

Startup Ecosystem and Innovation

The Department for Promotion of Industry and Internal Trade (DPIIT) has introduced several key financial instruments, including the Startup India Seed Fund Scheme, Fund of Funds for Startups, and Credit Guarantee Scheme, to de-risk early-stage investments and ensure long-term support for startups, especially in the hi-tech and manufacturing sectors (Chakraborty & Karandikar, 2025). Startup India is considered an effective and significant program aimed at promoting entrepreneurship. It greatly impacts job creation and promotes economic expansion and innovation (Mohanty et al., 2025). As of October 31, 2024, startups registered with the Department for Promotion of Industry and Internal Trade (DPIIT) had directly produced over 16.67 lakh jobs in over 55 industries. Startups in IT services created the most direct jobs (2.04 lakh),

followed by startups in healthcare and life sciences (1.47 lakh), professional and business services (94,060), education (90,414), construction (88,702), food and beverages (88,468), and human resources (87,983) (Krithika, 2024). The Indian start-up capitals are still Delhi, Bangalore, and Mumbai, but other cities like Hyderabad, Pune, and Chennai have also become hubs for a lot of recent start-up activity (Sheth et al., 2021). India's startup ecosystem remained robust in 2020, ranking among the top five globally. That year, 12 new companies achieved unicorn status, increasing the country's total to 37—trailing only the United States and China.

Table 1: *The top five startup ecosystems in the world*

	US	China	India	UK	Israel
Total number of unicorns	299	166	37	35	17
Total number of funded start-ups	65K	16K	10.2K	13K	2.7K
Total engineering graduates per year	0.26M	4.61M	1.5M	0.07M	0.01M
Total number of Internet users	297M	854M	560M	64M	7M
Total number of incubators and accelerators	1.5K	14K	450	400	100
Ease of doing business rank, World Bank 2020 (2019)	6 (8) (46)	31 (77)	63 (77)	8 (9) (49)	35 (49)

Source: India Venture Capital Report (2020; 2021).

https://www.bain.com/globalassets/noindex/2021/bain_report_india_venture_capital_2021.pdfBain+2

According to the data given in Table 1, India is one of the top three startup ecosystems in the world, surpassing the UK and Israel in terms of unicorns, business incubators, and accelerators. The startup ecosystem has benefited greatly from the incubation, industry support, and financial connectivity provided by several Indian academic institutions, including the Entrepreneurship Development Institute of India, IITs, and IIMs (Srikanth et al., 2020).

Startup ecosystems are currently the main drivers of economic growth. Startup ecosystems create enormous value by developing innovative business ideas and products (Startup Genome, 2024). The (figure 1) varying contributions of startup ecosystems to the GDPs of G20 nations reveal significant disparities in their economic impact. The United States and the United Kingdom lead the rankings, with their startup ecosystems contributing 14.1% and 13.8% of GDP respectively. These figures underscore the maturity, scale, and global competitiveness of their innovation-driven economies. India stands out as a high performer among developing countries, with startups accounting for 10.8% of GDP—well above the global average of 8%. Other notable contributors include South Korea (9.8%) and Canada (8.6%), both of which have cultivated dynamic and well-supported startup environments. In contrast, countries like Italy (0.8%), Saudi Arabia (1%), and Russia (1.2%) exhibit minimal startup-related GDP contribution, indicating either nascent ecosystems or barriers to entrepreneurial activity. Meanwhile, economies such as Brazil, France, and Australia hover just below the global mean, suggesting moderate but growing startup influence. Overall, the data highlights that countries with supportive policy frameworks, access to capital, strong digital infrastructure, and talent mobility tend to realize greater economic value from startups. For nations falling below the average, strategic investments in entrepreneurship and innovation ecosystems could unlock significant untapped economic potential.

The Economic Value of Startups

Startup Ecosystem Value Averages 8% of G20 GDP

Startup Ecosystem Value to Gross Domestic Product (EV/GDP)

Source: Startup Genome, 2024

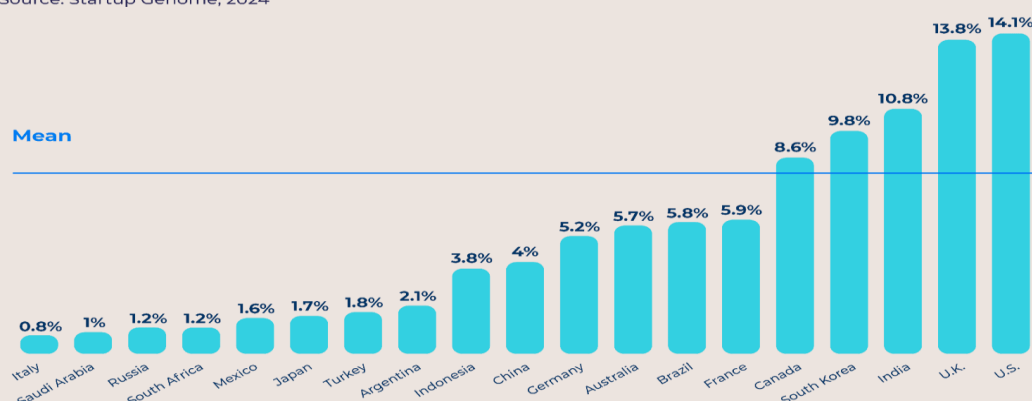


Figure 2: *The Economic Value of Startups*

Source: Startup Genome. (2024). *APEXE Nations Report – G20 Pilot*. Startup Genome.

<https://startupgenome.com/report/apexe2024>

Between 2016 and 2022, startups in India generated approximately 7.68 lakh (767,754) jobs, As depicted in Figure 3, Maharashtra tops the list with over 1.46 lakh jobs. Karnataka, home to Bengaluru, a major IT hub, follows at a significant distance with over 1.03 lakh jobs. Delhi stands at the third position, recording 87,643 jobs (Choudhury, 2022).

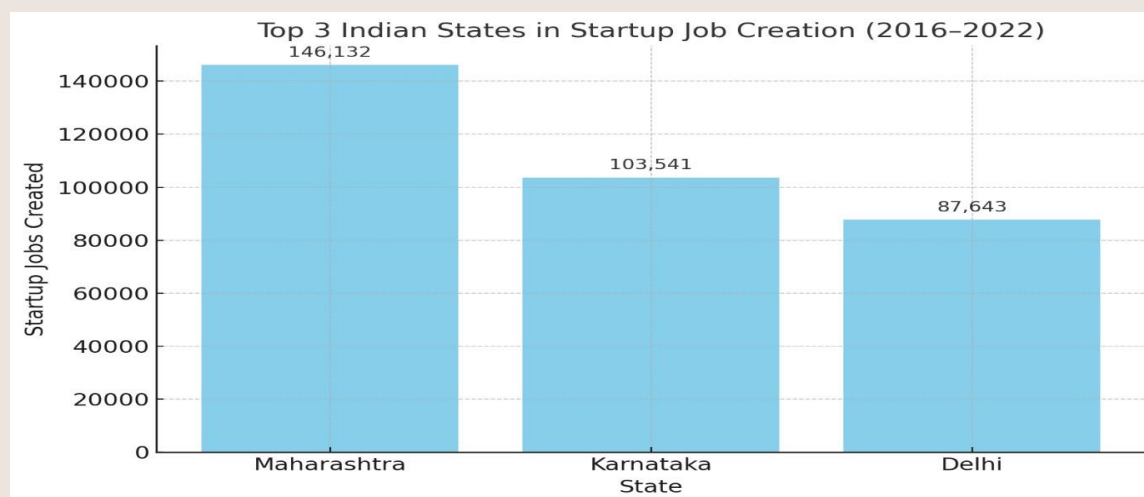


Figure 3: *Indian States in Startup job creation (2016-2022)*

Source: Choudhury, D. (2022)

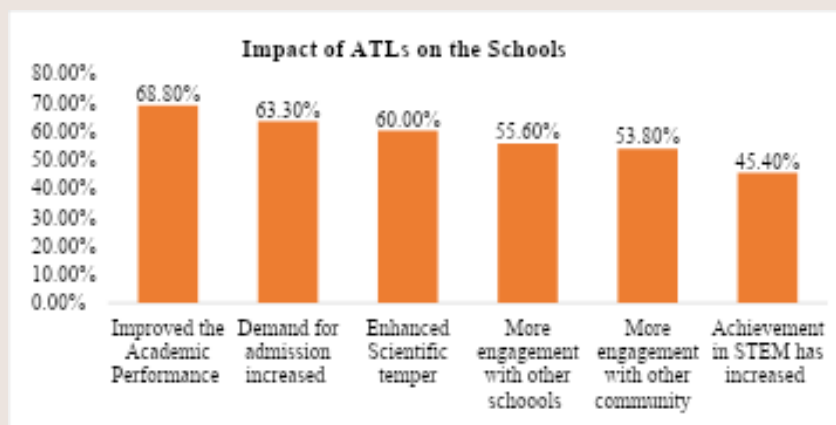
Within India, several states such as Meghalaya, Mizoram, Manipur, Tamil Nadu, and Karnataka have emerged as leaders in the representation of women in the Micro, Small, and Medium Enterprises (MSME) sector. These states demonstrate a relatively higher engagement of women in entrepreneurial activities, reflecting both social support systems and policy effectiveness in promoting gender-inclusive economic participation. A nationwide, coordinated initiative aimed at empowering and enabling women entrepreneurs to establish and scale their businesses holds significant potential. Projections suggest that such an effort could result in the creation of approximately 50 to 60 million direct jobs and an additional 100 to 110 million indirect and induced employment opportunities by 2030. This would not only strengthen the MSME sector but also contribute substantially to inclusive and sustainable economic development across the country (Bain & Company, & Google, 2019).

Atal Innovation Mission

Education is a key driver of socio-economic mobility. Over the past two decades, advancements in educational technology have transformed learning environments globally. The integration of emerging technologies like Artificial Intelligence (AI) and Virtual/Augmented Reality (VR/AR) has introduced new methods of teaching and learning, equipping both students and educators with modern skills and training

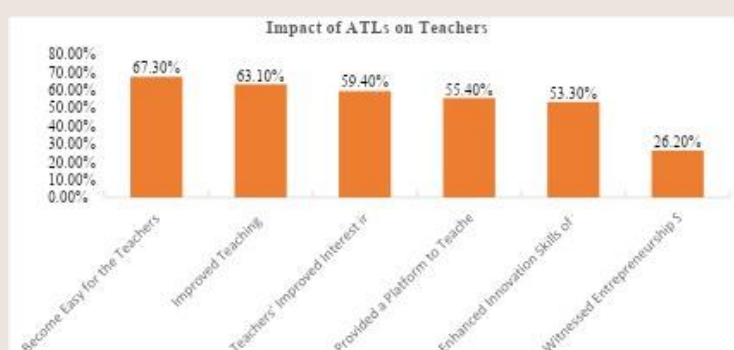
suited to the demands of a rapidly evolving world (Jain, 2024). The Atal Innovation Mission (AIM) identified the importance of turning innovation into a nationwide movement, encouraging citizens to take responsibility and actively contribute. Atal Tinkering Labs (ATL), AIM's flagship initiative, plays a key role in nurturing a spirit of innovation among high school students across India. This vital program is led by NITI Aayog to promote creativity and problem-solving from a young age (Jogi, 2023). AIM 2.0 represents a significant initiative toward building a Viksit Bharat, focused on enhancing, broadening, and fortifying India's dynamic landscape of innovation and entrepreneurship. While AIM 1.0 focuses on establishing foundational innovation infrastructure to support India's emerging ecosystem, AIM 2.0 is centred on launching targeted initiatives that address existing gaps and scaling proven models in collaboration with central and state governments, industry, academia, and communities. AIM 2.0 seeks to advance India's innovation and entrepreneurship ecosystem through a three-pronged approach: (a) expanding participation by attracting more innovators and entrepreneurs, (b) enhancing the success rate of start-ups, and, (c) improving the quality of outcomes by fostering the creation of high-quality jobs, innovative products, and impactful services (NITI Aayog, 2025). Atal Incubation Centres (AICs) have nurtured more than 3,500 startups, contributing to the creation of over 40,000 jobs in the innovation ecosystem. Impressively, nearly 30% of these ventures are founded or led by women. These centres provide support to startups across various sectors such as HealthTech, FinTech, EdTech, space and drone technologies, AR/VR, food processing, and tourism (NITI Aayog, 2025).

The Ministry of Education's Project Approval Board has sanctioned ₹3,910 lakh for setting up 391 Atal Tinkering Labs (ATLs) in Haryana, exceeding the state's original request for 119 labs. These labs will be established in higher secondary schools with over 300 students, with a special focus on astronomy and robotics. Operated under the Atal Innovation Mission, ATLs aim to foster creativity, scientific thinking, and innovation through hands-on learning using tools like robotics kits, sensors, 3D printers, and microcontrollers (Anand, 2024). Shell India, in collaboration with Atal Innovation Mission, NITI Aayog, completed the first phase of its NXplorers program in over 100 schools across India. Aimed at strengthening STEM education, the program builds teacher capacity and utilizes Atal Tinkering Labs to foster innovation and critical thinking among students. NXplorers, Shell's global STEM (science, technology, engineering, and math) initiative, is active in 19 countries, including Brazil, China, India, Kazakhstan, Malaysia, the Netherlands, Philippines, Qatar, Russia, and Vietnam, empowering youth to address global challenges related to food, water, and energy. Over the past five years, the NXplorers program has impacted more than 3 lakh students and 2,200 teachers across 1,800 schools in India. It has also trained 206 Atal Tinkering Lab coordinators from cities like Mumbai, Virudhunagar, Belgaum, and Udupi. These coordinators have held workshops that have benefited over 12,000 students (APN News, 2023). As of recent data, Maharashtra leads with 1,033 Atal Tinkering Labs (ATLs), followed by Tamil Nadu with 975 and Uttar Pradesh with 955, reflecting the widespread adoption of innovation infrastructure across states (Press Trust of India, 2022).

Figure 4: Impact of ATLs on the Schools

Source: Athena Infonomics India Pvt. Ltd. (2023)

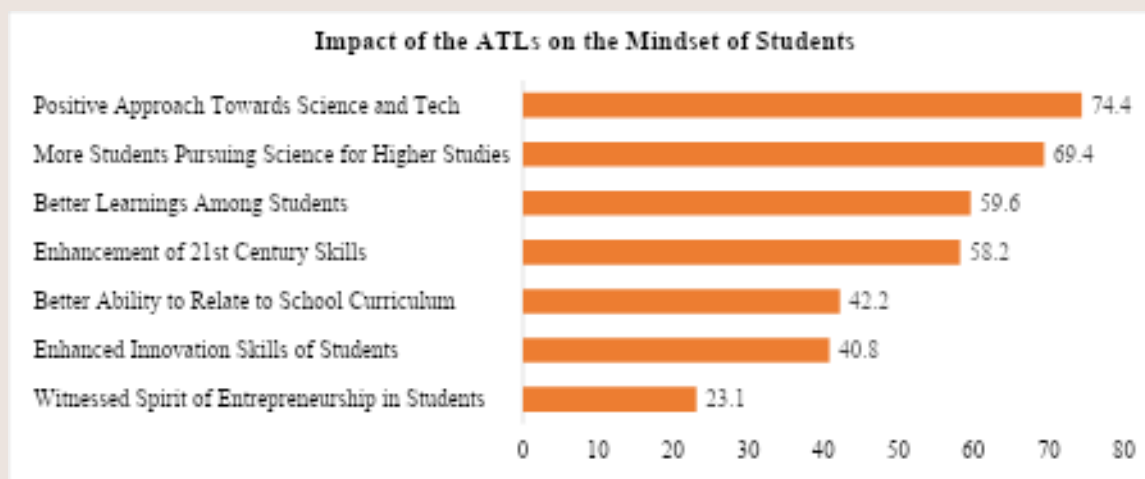
According to the figure 4, the introduction of Atal Tinkering Labs (ATLs) in schools has brought about substantial improvements across several domains. Notably, academic performance has seen marked progress, with many schools observing a stronger inclination among students toward scientific inquiry and STEM-related disciplines. These academic and attitudinal shifts have, in turn, contributed to a higher interest in admissions. Beyond academics, ATLs have also played a vital role in fostering meaningful interactions between schools, other educational institutions, and the local community—leading to enhanced visibility and institutional reputation. A nuanced analysis of ATL In-Charge (IC) responses reveals that approximately 69 percent of schools reported improved academic performance following the implementation of ATLs. 63 percent observed an increase in demand for admissions, while 60 percent reported a heightened scientific temper among students. In addition, over 50 percent of schools indicated increased collaboration and engagement with other educational institutions and community stakeholders. These findings underscore the multifaceted role of ATLs in transforming not only the academic outcomes but also the institutional ecosystem and community relations of schools (Athena Infonomics India Pvt. Ltd. , 2023).

Figure 5: Impact of ATLs on Teachers

Source: Athena Infonomics India Pvt. Ltd. (2023)

The data indicates that following the introduction of ATLs (Atal Tinkering Labs), 67% of schools found it easier for teachers to engage with students. Additionally, 63% reported an improvement in teaching quality, while 59% noted an increased interest among teachers in teaching. Furthermore, 55% stated that ATLs provided a platform for introducing practical applications of theoretical concepts, and 53% observed that ATLs played a key role in enhancing students' innovation skills.

Figure 6: *Impact of the ATLs on the Mindset of Students*



Source: Athena Infonomics India Pvt. Ltd. (2023)

The data reflects the significant impact of Atal Tinkering Labs (ATLs) on students' learning experiences, scientific temper, and skill development. A substantial 74.4% of students demonstrated a positive approach towards science and technology, indicating that ATLs have successfully fostered curiosity and interest in STEM fields. This is further supported by the finding that 69.4% of students are now more inclined to pursue science for higher studies. Additionally, 59.6% of the students reported improved learning outcomes, while 58.2% highlighted the enhancement of 21st-century skills such as critical thinking, problem-solving, and collaboration. About 42.2% of students found it easier to relate to the school curriculum, showing that the practical orientation of ATLs complements theoretical learning effectively. Moreover, 40.8% of students demonstrated improved innovation skills, and although a relatively lower percentage (23.1%) reported exhibiting an entrepreneurial spirit, it still signifies a positive trend toward developing entrepreneurial mindsets at an early age. Overall, the data underscores the role of ATLs in transforming traditional education by making it more application-based, future-oriented, and aligned with national goals for innovation and scientific advancement (Athena Infonomics India Pvt. Ltd. , 2023).

As of December FY2018, over 5,500 Atal Tinkering Labs (ATLs) had been set up across the country to encourage innovation and creativity among school students. These labs help young learners develop important skills such as design thinking, problem-solving, environmental awareness, and sustainability. They

also offer training in modern technologies like artificial intelligence, coding, and data analytics. The initiative aims to shape a generation of over one million “Neoteric Innovators” by 2022, equipping them with the tools and mindset needed for the future (Chenoy et al., 2019).

Discussion

In India, manufacturing has a great chance to evolve into a high-growth industry that provides many jobs and helps a sizable section of the populace transition to meaningful employment. The Indian government saw this and started the Make in India campaign to accelerate the expansion of manufacturing. By FY2025, a lofty objective has been set to increase the sector's GDP contribution to 25% (Chenoy et al., 2019). The availability of young people in the nation who are both talented and employable is crucial to the success of the Make in India initiative (Jha, 2015). About 0.65 million employments were created by India's 268 industrial facilities as of December 2018. Production totalled \$31 billion in FY2018, which included 65 million chargers exported (Chenoy et al., 2019). Foreign Direct Investment (FDI) has played a pivotal role in advancing the goals of the Make in India initiative (Press Information Bureau, 2024).

In the initial stage of the Make in India campaign, the primary focus was on three key tactics: reviving domestic investment, ensuring ease of doing business, and attracting foreign investors to foster the manufacturing sector (Sahoo, 2015). The manufacturing sector currently employs only 12.6% of India's labour force, yet it has a significantly greater potential to generate jobs per unit of output compared to the services sector. Rapid growth in manufacturing can create a large number of industrial jobs, thereby improving employment prospects for India's vast pool of low-skilled and unskilled workers (Kapoor, 2015). The industry is facing a complex landscape of multifaceted challenges and emerging opportunities (Wankhede & Vinodh, 2021). These include the growing demand for innovative and sustainable mobility solutions, as well as the imperative to enhance operational efficiency, product quality, and global competitiveness through the adoption of Industry 4.0 principles (Deloitte, 2020). Adopting Industry 4.0 is crucial for developing economies like India, as the country has a unique combination of economic infrastructure and technological capabilities. The coexistence of modern enterprises and legacy industries requires context-specific approaches that can effectively meet diverse regional needs. Key priorities include addressing resource constraints, promoting affordable technological innovation, and enhancing workforce skills to facilitate a broad-based and resilient industrial upgrade. A major barrier to adopting Industry 4.0 technologies is the large initial investment required, which presents a particular challenge for small and medium-sized enterprises (SMEs) that make up a large part of India's automotive sector. In addition, the limited availability of skilled labour presents a significant barrier, as there is a strong need to upskill the workforce in areas such as data analytics, robotics, and cybersecurity to harness the full potential of these advanced technologies (Chauhan et al., 2021; El Baz et al., 2022).

The industrial manufacturing sector plays a pivotal role in driving economic growth in India, encompassing the production of machinery, equipment, electrical devices, and metal products. The sector has witnessed rising levels of both domestic and foreign investment, bolstered by initiatives like the “Make in India” program, which aims to position India as a global manufacturing hub. However, operational inefficiencies persist: over 11% of enterprises fail to meet service level agreements (SLAs), nearly 56% struggle to promptly retrieve specific orders, and approximately 30% of orders contain human entry errors exceeding 1.5%. Notably, 49% of organizations attribute data inaccuracy primarily to human error (Barathi et al., 2025). Despite U.S. tariffs on Chinese goods encouraging companies to consider India as an alternative manufacturing hub, Make in India faces significant challenges and is not yet guaranteed success. Factors such as infrastructure gaps, productivity issues, and geopolitical uncertainties continue to limit India’s ability to fully replace China in global supply chains. (Rao, 2025).

India’s first significant phase of startup growth emerged from the evolution of the IT services sector, with the achievements of companies like Infosys in the 1990s acting as a major catalyst (Krishnan & Prashantham, 2019). The startup landscape has seen remarkable growth over the past five years, with the number of startups rising from around 3,000 in 2014 to an estimated 11,000 by 2020 (NASSCOM , 2015) (Singh et al., 2020). According to the Government of India's Make in India initiative, India has emerged as the world's second-largest startup hotspot, a reflection of its fast-expanding entrepreneurial ecosystem (Singh et al., 2020). It is noteworthy that prominent MNEs, like Google, IBM, Microsoft, and Amazon, are all official supporters of this project, illustrating another emerging trend of corporations looking to establish relationships with innovative new ventures (Prashantham & Yip, 2017). Bangalore is still at the forefront of India's startup scene and is largely regarded as the country's initial knowledge hub (Bhagavatula et al., 2019). Bangalore, sometimes referred to as the Silicon Valley of India, is a prominent hub for innovation in the country (Arora & Gambardella, 2005). However, other metropolitan regions have made considerable progress in fostering entrepreneurship. Hyderabad’s innovation landscape has expanded significantly, owing in part to the establishment of the state-supported T-Hub incubator. Meanwhile, the National Capital Region—which includes Delhi, Noida, and Gurgaon—ranks second in terms of startup activity (Bhagavatula et al., 2019). India has effectively integrated incubation and innovation centres into its academic institutions to serve a large student base while promoting entrepreneurial thinking (Sreenivasan & Suresh, 2015).

The triple helix++ paradigm promotes innovation-led deployment by facilitating collaboration between the government, industry, and academia to deliver innovation at scale (Gaba, 2023). Universities play a significant role in the innovation process and serve as a foundation for societal transformation (Sarpong et al., 2022). The Indian Institute of Entrepreneurship (IIE) is an autonomous organisation that reports to the Ministry of Skill Development and Entrepreneurship. IIE was founded in 1993 in Guwahati by the former Ministry of Industry (now the Ministry of Micro, Small, and Medium Enterprises) and its mission is to

promote small and micro enterprises (SMEs) through research, training, and consulting. The institution is particularly focused on encouraging the growth of entrepreneurship (Indian Institute of Entrepreneurship , n.d.). Institutions like BITS Pilani, IIT Hyderabad, and IIT Kharagpur are actively fostering entrepreneurship through structured incubation and support systems. BITS Pilani has generated over 900 startups, including notable unicorns such as Swiggy and Groww. IIT Hyderabad's iTIC offers tiered incubation and acceleration programs, while IIT Kharagpur supports ventures via its TIEDS initiative and annual Global Entrepreneurship Summit (Sharma, 2023). In line with the national education policy emphasis on vocational training, government and multilateral agencies have recommended integrating skill education through infrastructure-enhanced schools functioning as hubs, linked to smaller institutions via a hub-and-spoke model. Three of the universities—IIMB, IITM, and IITB—are more focused on research and have a robust entrepreneurial culture (Loganathan & Subrahmanya, 2023). These facilities are critical in developing new talent and instilling a spirit of creativity across the nation (Sreenivasan & Suresh, 2015).

Conclusion

India's innovation governance framework represents a strategic transformation from bureaucratic rigidity to adaptive, entrepreneurial policymaking. Innovation initiatives like Make in India and Startup India have significantly improved the ease of doing business, attracted foreign investment, and positioned the country as a global startup hub. The Atal Innovation Mission and its initiatives, such as Atal Tinkering Labs and Incubation Centres, have successfully embedded innovation culture in educational institutions and communities, fostering critical thinking and technological fluency from an early age. India's steady ascent in global innovation rankings and the expansion of its manufacturing and startup sectors underline the effectiveness of these innovation-centric governance models. However, the full realization of this potential will depend on continued policy coherence, investments in human capital, and infrastructure development. As India moves towards its Viksit Bharat 2047 vision, innovation must remain at the core of governance to ensure resilient, inclusive, and sustainable development.

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Navigating Through The Politics Of Recognition, Planetary And Multidisciplinary In The Great Derangement

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Abstract: Through a close-reading and a cultural-materialist discourse analysis of Amitav Ghosh's postcolonial realist text "The Great Derangement: Climate Change and the Unthinkable "(part1"Stories")(2016), this essay will analyse the unique form employed through motifs of harking back to the ancestral past, re-cognition and mathematics and what it suggests in terms of re-imagining the world. Looking at how Gayatri Spivak's idea of Planetary and Sylvia Wynter's idea of "bio-centric scholasticism" interacts with the globalised world in the text, I look at the text as a re-collection of personal memories, memories of the land of a specific locate (in the essay, rural Bengal), as well as its connection to the geological memory of the terrain of the world. Navigating through multi-disciplinarity intrinsic to the narratorial stylistics of the text, this essay looks at how this multi-disciplinarity is essentially opening up, a breaking away from the rigidity of structures, and can be seen as a move away from Euro-centric logocentrism, thus, opening up and under-scoring a new direction in Post-Colonial Studies. I also look at the question of what the term "derangement" signifies within this context in terms of describing the mood of the current world, and how this derangement is inter-connected with various other 'actors' as a part of an interconnected 'network', where the global and local intersects and seamlessly criss-crosses, forming and in-forming the glocal.

Keywords: planetary, postcolonial ecocriticism, multidisciplinary, cultural materialism, climate change, The Great Derangement, recognition politics, geological memory, bio-centric scholasticism, glocal intersections, geological memory, memory studies

Introduction

What is the jurisdiction of Global Commons? How is it determined? Is it spatial or temporal? Is it international or supranational? What influences legal frameworks, and what could possibly influence and open up new *imaginaries*? I keep these questions in mind as I engage with the current discourse of the derangement of the Global.

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Through a close reading and a cultural-materialist discourse analysis of Amitav Ghosh's postcolonial realist text *The Great Derangement: Climate Change and the Unthinkable* (Part 1: 'Stories') (2016), this essay will analyse the unique form employed through motifs of harking back to the ancestral past, re-cognition and mathematics and explore what it suggests for reimagining the world. Looking at how Gayatri Spivak's idea of Planetaryity and Sylvia Wynter's idea of 'biocentric scholasticism' interact with the globalized world, this essay considers the text as a recollection of personal and geographical memories—specifically, the land of rural Bengal—and its connection to the geological memory of the world. By navigating the inherent multidisciplinary of the text's narratorial stylistics, this essay examines how this approach breaks away from rigid structures and moves beyond Eurocentric logocentrism, thereby underscoring a new direction in postcolonial studies. This paper also looks at the question of what the term “derangement” signifies within this context in terms of describing the mood of the current world, and how this derangement is inter-connected with various other ‘actors’ as a part of an interconnected ‘network’, where the global and local intersects and seamlessly criss-crosses, forming and in-forming the glocal.

Narratorial Stylistics and Form

Ghosh uses mathematical concepts of probability and derangement, geological and geographical concepts like geological time, stratification, and combines these conceptual understandings with the real life twenty first century problems like the storm hitting New York in 2012 induced by global warming and climate change that require our urgent intervention. Through a navigation into ancient India's Sanskrit aesthetics of love-play and comparing that with the love-play in European romances and then, straddling through classic European Realist novels like *Madame Bovary* and Indian modern novels like Rajmohan's *Wife*, Ghosh engages in a comparative multidisciplinary analysis of what he sees as a global problem requiring urgent intervention, the reality instead of being mundane and usual is increasingly becoming unusual and unnerving. He uses a set of hybrid stylistics and materials starting from philosophical treatises and musings to newspaper reports and weaves them all together through his signature Ghosh narratorial stylistics which inform the “mammoth hybrid” and attaining a size unprecedented in scientific memory.” In this context, the mammoth hybrid is not only the ecological functioning or malfunctioning which stands out, but also the mammoth hybrid is the hybrid patchwork of diverse elements that Ghosh weaves in his project that is “*The Great Derangement*.” Through this “mammoth hybrid”, Ghosh is signalling to us a way out. This is through a co-dependency amongst diverse spaces and continents, through a sense of shared responsibility, through an emphasis on and an awareness of many different disciplines that we can start to think about rallying against climate change. Ghosh's narrative style, particularly in connection to his ancestors, relies on 'telling' rather than 'showing'. Therefore, he writes in the first person and narrates events directly to the reader instead of

actual dramatization. Instead of a replay of mimed reality, the narrator analyses his experience, forms an opinion and then conveys it to the reader.

Blumenberg in his fourth concept of reality in “The Concept of Reality and the Possibility of the Novel” says that there are some forms of reality that are incomprehensible. Stifter, in his “Preface” to *Motley Stones* is more interested in the everydayness of reality, the mundane small things rather than fantastic occurrences. Ghosh opines that reality should be represented in its entirety (both in its likeness and unlikeness) but the craft of novelistic representation of reality only allows certain realities or happenings to be published which are seen to be believable. For Ghosh, the unpredictability of global warming undermines earlier notions of stasis and continuity in nature, as the Earth’s state has been fundamentally altered by climate change. The realist truth claim in Ghosh’s project lies in the fantastical, as he recounts his experience of an unlikely tornado in Delhi and other improbable events occurring worldwide due to climate change. This uncanny reality that we are faced with reveals the absurdity of the present deranged times.

The Act of Seeing, Cognition and Recognition

The act of seeing/witnessing plays an important role in Ghosh’s narrative. The idea of '*nostos*' or the concept of returning home, is evident in Ghosh’s reflection on his ancestral past. Using discourse analysis, I have analysed some of the memorable lines where Ghosh ‘looks’ in this section:

I envisioned women and children racing through howling winds as the waters rose behind them. I thought of my ancestors sitting huddled in an outcrop, looking on as their dwellings were washed away (Ghosh,5). Here, Ghosh adopts a realist perspective, acknowledging that as a real entity, he descends from his real ancestors who likely endured something similar because of the real event of displacement experienced by them. The Bengali word মনশ্চক্ষু (*manaschakshu*) comes to my mind, which literally translates to "mind's eye". Ghosh through his মনশ্চক্ষু (*manaschakshu*) envisions a past reality, a historical reality. He replays that reality through language, by using the present continuous. There is a sense of flow and movement, rather than stagnation and stasis as he moves along the river on the boat and watches the riverbeds envisioning his ancestors. It is a rootedness that is harked upon, as he is a continuation of his ancestors, genetically rooted to them. The space of his ancestors, his ancestral homeland no longer exists. It is washed away by the riverine force of nature. If rootedness is tied to a specific place, then his is literally erased by the formidable force of the goddess Ganga. Therefore, his envisioning becomes a search for his home which was lost even before he was born. The ancestral land for him is non-existent. By articulating the intangible—what once was but no longer exists—through a stylistically realistic, believable and convincing narrative, Ghosh displays a yearning

for a homecoming towards an absent home. This vision then becomes his wish-fulfilment to see his ancestors being related to their “original” land.

“I remember the elemental force that untethered my ancestors from their homeland and launched them on the series of journeys that preceded, and made possible my own travels.”(Ghosh, 5) Here, Ghosh, envisioning through his মনঃচক্ষু (*manaschakshu* or ‘eyes of the mind’) becomes a defining moment for his ancestral lineage. What he received as inheritance was not his ancestral land but the state of being in constant motion, constantly journeying from one spatial locale to another, like his ancestors did. His sublime encounter with the vision of his ancestors on the banks of the holy river therefore, becomes a definitional moment for Ghosh identity formation, shaping his worldview.

“When I look into my past. The river seems to meet my eyes, staring back, as if to ask, Do you recognise me, wherever you are?” (Ghosh,5). The lineage that Ghosh comes from connects him to the river Padma (which is the name for Ganga in Bangladesh) via his ancestors. His ancestors shared an intimate relationship with Padma. Bengal is known to be a *nadimatrik desh*, which means the *nadi*/ river has been *Mata*/ mother for the people in Bengal. From the ancient Bengali scriptures of Charyapada to the medieval Mangal Kavyas—epics foundational to Bengali identity—such as Annadamangal, Chandimangal, and Manasamangal, the river has played a very important role in the Bengali imagination. And thereby, the river has greatly contributed towards the construction of the Bengali identity. In the famous fairy tale of *Saat Bhai Champa* of In (the epic) *Annadamangala*, goddess Annapurna turns the *shewti*, or the gunwale of the boat into gold of a poor boatman/woman Ishwari Patni. In (the epic) *Manasamangal*, Behula makes a voyage to heaven on a *bhela* (boatlike structure) with her husband’s corpse who had been bitten by a snake. Gangur river becomes her pathway to heaven. The river was a source of nourishment to the fish-eating Bengali population, an important source of trade and commerce in medieval and early modern Bengal, as well a space for spiritual rejuvenation, apart from being a means of communication. Ghosh communicates with his ancestors through the river Padma, while simultaneously communicating with Padma via his ancestors(the presence of his ancestors on her riverbanks in a historical time which is past.) Padma asking Ghosh whether he recognises her is a projection of Ghosh’s yearning to go back to that past. Ghosh wants Padma to recognise him and ask him that question and therefore, he feels as if the river has recognised him(given the historical importance of rivers constructing identity in Bengal).(*see appendix)

Through the act of Ghosh harking back to an ancestral past and seeing a vision of his riverine ancestors, reality is realised at many levels. It reveals the post-colonial reality of climate refugees, the reality of partition displacing people which leads to a projection of home to the ancestral land (here, a place in Bangladesh), as well as the ecological reality of floods affecting human beings and changing their everyday realities. There is

another layer of reality which is portrayed through a narrative which has a truth claim as it is a first-hand narrator narrating it to us about his own experiences. This reflection on his ancestral past also tells us about the “real” cognitive abilities of the Padma river felt in the experience of the author when the Padma recognised him as the descendent of one of those who once lived on her banks.

Cognition is also evident in the author’s account of a tornado, which appears to possess an almost intentional trajectory—as if the tornado had cognitive capacities—moving in a straight line and sparing him. There is a sense of beholding in this episode as he saw everything including vehicles flying, which is again an unreal real vision experienced by him. Recounting what he wrote in 2002, Ghosh says that “the land is demonstrably alive” (ghosh,7) because in the Sundarbans, “overnight, a stretch of riverbank will disappear”(7). This is at one level a play of appearance and disappearance between humans and nature, but this play is seen by the eyes. A recognition of this reality of the Sundarban delta takes place through the eyes. The act of writing down this memorable episode is another act of recognising this reality. In reading the folk epic of the Sundarbans, *Bon Bibir Johuranama (The Miracles of Bon Bibi)*, which is a cultural production out of that locale and plays a definitional role in the formation of the everyday culture of Sundarbans, Ghosh points out Dokkhin Rai locking eyes with Dukhey and frightening him and comments: “Many stories of encounters with tigers hinge upon a moment of mutual recognition like this one.”(Ghosh,39) This idea of recognition decenters the human from the primary subjecthood of logos. It points out that it is not only the human who, with his ‘advanced brain’ has the capacity of seeing and recognising the other entity. It reveals the fact that the non-human plays an equal role during the act of recognition, that the recognition is mutual. It is not a coincidence that this knowledge is found in a folk cultural production. Ghosh is demonstrating that we need to move away from Eurocentric logocentrism and ‘biocentric Scholasticism’ (Sylvia Wynters) and look at cultures that deal with the natural at every level like the one in the Sundarban delta.

On the other hand, for the human who is party to this recognition, this gives way to the avenue of planetarity. As per Spivak, planetarity is ‘contained under another, prior concept of the object’. (Spivak, 2003, p. 290, Box 4, WELT) This containment as a ‘prior concept of the object’ is conceptualised by the moment of this recognition (*recognition thus lies in its first syllable, which harks back to something prior, an already existing awareness that makes possible the passage from ignorance to knowledge*) (Ghosh,6). By recognising the ‘natural other,’ one acknowledges their shared existence on Earth, recognising both the self and the other as co-inhabitants of the same planet. This is the planetary consciousness in Ghosh’s *The Great Derangement*.

Planetary, the Anthropocene vis-à-vis the Great Derangement

Through the explication of 'the extraordinary, the inexplicable, and the confounding' within a realist framework, Ghosh signals a new direction in Postcolonial Studies through the use of realist aesthetics. Ghosh portrays that in the post colony, what is reality is the apparent and supposedly unreal and the uncanny. The 'unnaturalness' of the ecological reality of the post colony as the focal point, demonstrates the end of the Holocene and the beginning of the Anthropocene. In 'Planetary,' Gayatri Spivak (Dictionary of Untranslatable, ed. Cassin, Barbara, and Emily Apter) distinguishes between globalization and planetary. She argues that globalization, a product of colonialism, manifests through digital screens and virtual experiences. Globalization leads to multiculturalism in western liberal societies but this is again reinstating the boundaries of the nation and the country. Planetary appeals to something that is much more basic and fundamental to human existence. It fosters *haq*, a dual sense of responsibility and entitlement—both the 'right to' and the 'right of.' It asks all people of the world to imagine themselves as living beings of this planet and not different cultures and country-men, country-women. Spivak asks the reader to imagine "yourself and them as relievers and givers" as opposed to a master-slave dialectic, and advocates for a "dialogic accountability". This, I think, gives us a new perspective towards the planet and a way to re-imagine ourselves and re-negotiate our positionality vis-a-vis the planet.

Ghosh exhibits a planetary consciousness, which Spivak describes as being 'contained under another, prior concept of the object'—the planet itself (Spivak, 290, 'Planetary,' Box 4, WELT). Ghosh harks back to his ancestors of Bangladesh and connects to the river Padma almost at an instinctual level, where he imagines that the river Padma has been able to recognise him. For this recognition to happen, a pre-recognition that we (human and non-human) are all parts of the same planet is a prerequisite. Ghosh's connection with his ancestral riverbed defies geopolitical boundaries of nationhood as he is an Indian but can identify with a place in Bangladesh. Ghosh's planetary consciousness is a pluralising and an inter-related imagination of identity as being inhabitants of the same planet being a major identity. The stakeholders of this consciousness are not only the human, but also "the non-human, the organic and the inorganic in all of their richness" (Elias and Moraru, 23). At the same time, it does not homogenise or totalise different entities and groups.

Gayatri Chakravorty Spivak, in "Planetary" of *Death of a Discipline* says:

We must remember the older U.S. marginalities: Hispanic, African; and the heritage of older empires: Russian, Ottoman, Habsburg. I will remain caught in the scandal of Comparative Literature, unable to access First Nation orality. I mention my shortcoming in hope. Postcolonialism remained caught in mere nationalism over against colonialism. Today it is

planetarity that we are called to imagine—to displace this historical alibi, again and again. (Spivak, p. 81)

Following her analysis of the planetary uncanny in Conrad's *Heart of Darkness* and Mahasweta Devi's 'Pterodactyl: Puran Sahay and Pirtha,' Spivak asserts that 'Postcolonialism remained caught in mere nationalism over against colonialism.' She articulates what she sees as a folly in Postcolonial studies which as per her has become more "individual national " rather than expressing its politics vis-a-vis the colonial, the agents of colonialism and neo-colonialism. The globe as an instrument, therefore, which once helped map the colony becomes a politically unreliable category as it can be used to look at these national literatures now. Therefore, imagining a planet, which is different from the globe, can be an alternative. The planetary imagination can be a counter or an antidote to the nationalist imagination which carries with it exclusionary parameters of citizenship, like what can be seen in the Hindu and the Adivasi distinction in Mahasweta Devi's "Pterodactyl: Puran Sahay and Pirtha". Through his planetary imagination and engagement with the Anthropocene, Amitav Ghosh moves beyond the confines of nationalist politics. By imagining the world as a whole with a decentring of the human in that shared earth, Amitav Ghosh's in this context becomes vehemently postcolonial. Aamir Mufti in the "Prologue" of *Forget English!: Orientalism and World Literatures* says:

Each was produced in a different language- German, English, Bangla, Spanish, Arabic, and Turkish, respectively-is distinct and different from the others, and emerges from and speaks to a very different historical context. But together they belong to the history of the emergence of a world of peoples, an understanding of the world as an ensemble of nations and civilizations, each in possession of its own distinct textual and expressive traditions (Mufti).

Mufti talks about the differential factors due to which literatures from different parts of the world acquire their distinct flavours. German, English, Bangla, Spanish, Arabic, and Turkish are different languages with different registers of meanings. They create symbolic orders that are not identical and have their own focuses and peculiarities. They emerge from distinct geographical, cultural, and historical contexts. In that regard, grouping them together becomes a symbolic act of imagining a globe. Even though each literature emerges from a different culture, a different semiotic order and different symbolic realities, the coming together of those gives an impression of the world as a cohesive whole with its distinctive parts. This idea is echoed in Ghosh's narrative structure. Through his choice of literary allusions and intertextuality, a crossing of cultures, contexts, histories across temporal and spatial planes takes place. Ghosh says that the 'Imposition of these boundaries in time and space, that the world of a novel is created' but he is also undoing these impositions. He is breaking these boundaries of space by traversing from America to Bengal with an incessant

simultaneity, he is traversing different worlds through the temporal by travelling through different periods in history- starting from the glorified epical antiquity of *Odyssey/ Ramayana* to Mallabarman's rural unnoticed Bengal of 1956. The 'emplacement' and the 'sense of place' that he aims is actually constructing a space for a category of *World Literatures* in his narrative.

Ghosh references Flaubert while discussing Bankimchandra and mentions Charles Dickens, Henry James, and Rabindranath Tagore in the same breath (42). He juxtaposes Timothy Morton and George Marshall with *Bon Bibir Johuranama*, therefore highlighting a deliberate intertextual dialogue. Intentionality can be subjectively perceived and debated, but Ghosh creates an archive of World Literatures which is customised for ideas of Planetarity and Anthropocene with realist stylistics. In other words, through the selections of his texts discussed in part one of *The Great Derangement*, Ghosh creates an archive that responds to the troubled times. Then, the realism in his narrative becomes a 'troubled testimony' (Meenakshi Bharat, *Troubled Testimonies*) of the great derangement.

By merging World Literatures and the Anthropocene within a planetary framework, Ghosh redefines postcolonial inquiry. Through realist aesthetics, he underscores the urgency of the present crisis—the Great Derangement.

Hybridity, Multidisciplinary and Interdisciplinary

Ghosh provides a new direction to postcolonial studies due to his use of the language and concepts of mathematics. He invokes the mathematical concept of probability and says:

Improbable is not the opposite of probable, but rather an inflexion of it, gradient in a continuum of probability. But what does probability—a mathematical idea—have to do with fiction?

The answer is: Everything. For, as Ian Hacking, a prominent historian of the concept, puts it, probability is a 'manner of conceiving the world constituted without our being aware of it'. (Ghosh, 21)

He then develops this idea by discussing the fantastic Arabian Nights, particularly its emphasis on the 'unlikely.' He contrasts this with the realist novel's 'mimetic ambition,' which seeks to depict reality more faithfully. He delves into geological theories of gradualism and catastrophism to point out how historically nature has been reacting in 'improbable ways' in the form of asteroids killing the dinosaurs. Then, he uses the concept of probability in the context of Bankim's critique of ancient Indian classical aesthetics of Madana

with his flower tipped arrows inducing love with a unity of time, place and action. The love act had to take place during the Spring in a fully blossomed bower with tendrils, fragrance and bees. This is reminiscent of Geeta Govinda's famous ashtapadi, called Kuru yadunandana, where Krishna who himself is a form of Madana engages in passionate love-play with Radha by painting shapes of leaves on her musk-scented breasts with cold sandalwood paste. Ghosh points out that these associations might evoke 'incredulity' in some but that is because there was the "relative climatic stability"(Ghosh, 28) of the Holocene when these texts were produced. We must remember that every text is a cultural production. Texts like Geeta Govinda (12th-century) by Jayadeva symbolise the prosperity of what is now present-day eastern state of Odisha in the 12th century Indian subcontinent. Economic surplus, stability, and security are prerequisites for a culture to produce such a text. Only with such a surplus can one have the time to invest in artful aesthetic preoccupations. The point is- the clock is ticking and climate change is taking place at a rapid pace. The nature of our times determine and define our sense of reality. If we live in precarious times (which we are), we would believe in more precarity being constitutive of reality as opposed to the universe of Gita Govinda when the advent of Spring takes place at an expected estimated time, and Madana knows exactly when to shoot his arrows. In this investigation into the nature of reality, Ghosh takes us through multiple disciplines, multiple literary and conceptual forms that emerge from different parts of the world.

Derangement is a very popular concept in Combinatorial Mathematics which is defined as a permutational arrangement with no fixed points. It is the permutation of the elements of a certain set in a way that no element of that set appears in their original positions. In a derangement permutation, none of the objects appear in their 'natural' (i.e., ordered) place (Weisstein, Hassani, Gordon, Gary & McMahon). Ghosh takes this concept from combinatorial mathematics and puts it in his very title. Like the derangement permutation, in the present day reality, many of the 'objects' or here, natural occurrences are not in their 'natural' places. Natural occurrences are no longer 'natural' in the sense that they no longer follow their natural or predictable course. Unpredictability and precarity is the new normal or natural, very much like a permutational arrangement with no fixed points in the mathematical derangement. This absurd arrangement makes the apparently fantastical more believable which in turn, reveals the 'absurdity' of the present deranged times (of ecological crisis). Through the usage of the specific word derangement, Ghosh is making a statement and holding a position vis-à-vis questions about multidisciplinary and interdisciplinarity. This choice is in line with the choice of hybridity that he makes in his narrative. From geology to continental philosophy to evolutionary biology, Ghosh's narrative embodies diverse disciplinary perspectives.

Ghosh also uses the mathematical concept of permutations and combinations. One can see this in his usage of different permutations and combinations of texts, and then that of texts and photographs, and also of newspaper clippings, critical theory, fiction as well as harking back to his own memory. Different

permutations and combinations of these primary and secondary sources give him different readings of the nature of the uncanny reality that is facing the earth today.

Through his distinctive narratorial style, he effortlessly drifts from science fiction to modernist Emile Zola, to Herman Melville's Early American novel to photographs of Salgado to children's fiction like Alice in wonderland, to William Blake and Wordsworth's verses. In a surface reading of the tapestry that Ghosh weaves, Frankenstein hides in Byron's "Darkness" while the Vampyre fantasizes in isolation.(90-91) In the act of creating a mosaic of pluriversality, the allusions to as well as the usage of multiple narratives which signify multiple worldviews and belief systems at multiple points in time and multiple spaces, Ghosh brings out the value of the multidisciplinary and the multivocal. At the same time, by his narratorial brilliance, Ghosh avoids cacophony, reinforcing his argument that crafting a seamless, believable reality is a laborious task for a realist novelist.

Multiple cities are also called and talked about simultaneously. Mumbai is hit by a cyclone while Chennai experiences a "traumatic deluge", Kolkata is at risk from climate change as per the World Bank. "Mumbai, New York, Boston and Kolkata" are spoken about in the same line as they are connected through 'globalisation', they are all part of a cohesive whole of the "global village".(71,76-77,83) International organisations like the World Bank are symbols of Globalisation which 'hold together' the world and act as regulatory bodies especially controlling economies of the 'Third World' by the means of interests on loans given for 'development'. The glocal becomes a focal point in a bourgeoisie neo-liberal economy where one can straddle between New York and Kolkata seamlessly, to and fro because the world being a global village for that bourgeois subject. The problem arises when due to unthinking and non-sustainable development that took place in the hands of the colonial cities, the ecological balance is disturbed and the problems of tsunami and cyclones that are better suited to the Third World, start to take place in the First World. This is a similar kind of shock to what is considered to be usual (and 'natural').

The notion of the world as a 'global village' assumes that globalization allows the free flow of capital, labour, and ideas with minimal resistance or government regulation—benefiting multinational corporations in the Global North. At the same time, issues like global terrorism and climate crises are often relegated to the Global South as if they naturally belong there. This assumption is shattered when a hurricane devastates New York, revealing the interconnectedness of global environmental crises. Ghosh is portraying the reality of the damage that has been caused due to irresponsible human activities due to which one now has no choice but to think of the planet as a whole even if they do not like it. This leads to the realisation that an act of grave ecological harm in the 'Global South' can cause a tsunami in the Global North. The destinies of New York and Kolkata, then, are irrevocably intertwined with one another.

The construction of the colonial metropolis being a simultaneous historical fact with the emergence of the novel form, the novel's readership demographic was mostly urban in the earliest periods of the history of the novel. Therefore, when Ghosh talks about city planning, urban history of Bengal and Colonial Calcutta, it becomes a mirror for the planning that is required to write a realist novel. Parallels can be drawn between the planning, construction of the city infrastructure and the laborious planning and homework required to write a realist novel. Fieldwork is common in both the tasks. Also, the construction of the colonial cities ran parallel to the emergence, distribution and popularity of the European novel. The history of the novel form and the history of colonial cities are enmeshed with each other. Sylvia Wynter, in 'Unparalleled catastrophe for our species? Or, to give humanness a different future: Conversations' says:

the biocentric Scholasticism or the bio- Scholasticism, of our present episteme. This is an episteme that functions, with respect to the knowledge of our contemporary world and its systemic reality, according to the same cognitively closed descriptive statement and its sociogenically encoded truth of solidarity as that of the Theo- Scholastic knowledge system of the medieval order of Latin- Christian Europe. So, this is what gives me the urgency, do you see what I mean? For we cannot allow ourselves to continue thinking in this way. This way of thinking is linked to the same ethno- class mode of behaviour- regulatory and cognitively closed order of knowledge that has led to our now major collectively human predicament: the ongoing process of global warming, climate instability, and ecosystemic catastrophe. (Wynter, Sylvia, and Katherine McKittrick, 19)

The 'biocentric Scholasticism' that Wynter refers to is exactly what Ghosh urges us to move away from. By focusing on the non-human actors of the planet and by pointing to us the 'alarming-ness' of the great derangement, he makes a case for moving away from a human centric logos to being a part of the planetary consciousness and respond to 'the ongoing process of global warming, climate instability, and economic catastrophe'. His multidisciplinary approach of taking concepts from Mathematics, Geology as well as Folklore in order to understand and theorise about the planet, he part-takes in the decolonisation of what Wynters calls the 'Theo-Scholastic knowledge system'. Through his multidisciplinary project, Ghosh practically demonstrates the need for all relevant disciplines to be read together without disciplinary hierarchisation. In this way, Ghosh makes an intervention in reconceptualising not only the framing of realism or what reality looks like, but also what Humanities scholarship can look like. If 'The Great Derangement' is critical theory, it undoes (the premises of) the categorisation of critical theory itself because of its peculiar framework and multidisciplinary nature, thereby, simultaneously decolonising itself from the Euro-centric logocentrism.

Conclusion

Ghosh's text brings out the reality of deranged times, when we are witnessing a breakdown in the continuity in nature, which brings out the absurd normalcy of the present. Ghosh also tends to show us a new direction towards better understanding the situation we are faced with through his multidisciplinary and interdisciplinary approach for analysing today's realities. Ghosh's idea of *recognition* which is present in every act of seeing in his anecdotal evidence directly speaks to Spivak's conception of 'Planetarity'. Sylvia Wynter's call for moving away from "biocentric Scholasticism" finds resonances with multidisciplinary and interdisciplinarity that Ghosh very artfully exhibits. In his claim to realism, Ghosh differs from both Blumenberg and Stifter and demonstrates through his words, conceptual choices, narratorial stylistics as well as interdisciplinary and multidisciplinary references to postulate that it is the conventions of crafting realist fiction that become an impediment in portraying the unlikely realities in the realist novel, and without the portrayal of this aspect of reality, the portrayal of reality will be incomplete. Through closely analysing the case of Bengal and its peculiar and intrinsic relationship with its rivers, this essay brings out how the non-living aspects of the planet like the river and riverbeds occupy a huge place in myth, culture and the Symbolic order of a geographical space, of a people, thus, pointing out the interactions and "recognition" between human and non-human entities leading to an imagination of Planetarity.

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Appendix

The importance of rivers within the context of Bengal can also be read vis-a-vis Ghosh's illustration of Adwaita Mallabharman's *Titas Ekti Nodin Naam* which have been close read below:

There was never a time.. When the forces of weather and geology did not have a bearing on our lives-but neither has there ever been a time when they have pressed themselves on us with such relentless directness."

As he started with writing about Bengal and the river-dependent communities affected by flooding, it was not unexpected or surprising that he would bring up the classic *Titas Ekti Nadir Naam* by Adwaita Mallabharman. Being a pathbreaking novel, *Titas Ekti Nadir Naam* personalises Titas, as it is seen as a family member, a kinfolk of the Malla community. The influence of caste pollution is contested by the support of Titas and the community's banking on Titas for their lives and livelihoods as they resided on the banks of Titas. Ghosh testifies the above discussed idea of Bengal's identity being heavily dependent on its rivers by quoting Ghosh quotes Advaita Mallabharman: "*The bosom of Bengal is draped with rivers and their tributaries, twisted and intertwined like tangled locks, streaked with the white of foamy waves.*" The mythic, upanishadic and the puranic interacts with the secular non-spiritual mundane real topographical identities of Bengals rivers. Ghosh comments: "*The setting becomes, in a sense, self-contained ecosystem, with the river as the sustainer both of life and of the narrative.*" This is also true vis-a-vis other accounts of rivers previously

discussed in the essay where the rivers provide sustenance, employment, nourishment while simultaneously becoming the subject matter of rural folklore, local myths, forming an intimate bond with the riverine people, becoming an integral part of their indigenous cultures. The expression of these indigenous cultures happens through the means of their folklores, oral traditions and their secular and spiritual myths. The rivers of Bengal, sometimes as Goddesses, sometimes as reliable helpers play an important role in the construction of the symbolic world of the place, how the place is known in language. The river therefore plays a definitional role in the creation of the symbolic order of the riverine locale, how the place is identified in language, this locale can be extended to the entire space undivided Bengal which is criss-crossed by numerous small and big rivers and streams playing a crucial role when the place is narrativized in language. The river being the “sustainer..of..narrative” becomes true not only in the limited sense of the narrative in the novel form, but also in terms of the narrativization of the place in language in the actual everyday world.

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Gender Mainstreaming in Governance- A Comparative Study of Best Practices in India, Nordic Nations and European Union

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Abstract: An important aspect of gender equality is attaining equality in governance. The fact that half of the world's population is comprised of women reinforces this claim. The proportion of women leaders varies greatly between countries and this may have nothing to do with the popularity of a democracy for nations less known for their democratic values have exhibited a startling majority of women leaders. While on the other hand, India- known to be the largest democracy in the world has a discouraging number of women representatives. An exception to this proposition are the Nordic countries that not only display high-quality democratic governance but also consist of an enviable number of women in their legislative bodies. While reservation in governance goes a long way to cure the malady of unequal representation, it not the only solution for a country like India where patriarchy, caste division and lack of experience pose serious challenges for women leaders. The present paper explores the impact of women leaders on gender equality roles by elaborating on some best practices taken up by European Union and Nordic nations that are not only fore-runners of women leadership but have also made conscious efforts to attain gender equality. The research methodology adopted is exploratory and comparative using primary and secondary tools of research.

Keywords: Reservation, Women-led Governance, Patriarchy, Gender Equality, Democracy

Introduction

When men and women equally participate in political leadership, governance becomes more accountable and credible. Governance and gender equality form a mutually reinforcing relationship and this leads to balanced outcomes. The link between women representation and governance is manifested by the fact that women comprise half the population of most countries. Consequently, if this majority does not have equitable political rights, a nation may fall short of being referred to as representative in the true sense of the word. Sadly, this inevitable connection between gender parity and political leadership has been invisible for most part of the history for it was only in the 20th century that women received the right to vote. Even after being admitted to the electorate, women were extensively excluded from political leadership roles until recent

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when their presence still remains disparate in parliaments and cabinets world over². The proportion of women leaders varies greatly between countries and this may have nothing to do with the popularity of a democracy. For instance, many countries that are less known for their democratic regime exhibit a startling majority of women representatives such as Mozambique, Cuba, Tanzania, Rwanda with between 30-50% of women leaders. On the other hand, countries better known for their democratic values such as India, Canada, Japan, France and Switzerland have even less than 25% of women legislators. An exception to this proposition are the Nordic countries that not only display high-quality democratic governance but also consist of an enviable number of women in their legislative bodies³. These countries have been uncontested pioneers of gender equality and have increasingly mobilized their past to brand themselves as front runners of women's rights. Celebrations of centenary of women's rights in Nordic countries have been running parallel to gender linked nation branding activities and have obtained gender equality goals in key sectors including governance with maximum number of women leaders.

Similarly, effectively developing Gender Action Plans and implementing them to obtain goals of gender mainstreaming have been beneficial for European Union in several aspects. GAP II launched in 2016 specifically focussed on the importance of women's participation in governance and electoral processes. It is believed that continued marginalization of women in politics weakens the legitimacy and effectiveness of democracies while presence of women in governance ensures that women rights are protected and political decisions including policies respond to their needs.

In India, all though the Constitution categorically allows to make provisions for the advancement of women, not many effective legislations or policies have been drafted to attain gender equality⁴. To encourage women participation in governance 33 percent reservation for women in panchayats and municipalities was introduced in 1992 and the 106th Constitutional Amendment in 2023 provided a similar provision in the Parliament and State Assemblies. Although the amendment made in 2023 has not yet been implemented, the experience of the previous reservations has been both sweet and bitter. Reservation has ensured the presence of women leaders who have brought some positive changes like sanitation, making wells and schools in villages but the flipside has also seen violence against women in power and women leaders acting as puppets to their husbands with the real decision making power lying with the latter. The present paper explores the impact of women leaders on gender equality roles by elaborating on some best practices taken up by European

² Inglehart Ronald, Norris Pippa, Christian Welzel, "Gender Equality and Democracy" in *Human Values and Social Change*, (Brill 2003) 92,93.

³ Manon Tremblay, "Democracy, Representation, and Women: A Comparative Analysis" *Democratization*, 14,4 Taylor & Francis Online 2007 <https://doi.org/10.1080/13510340701398261>

⁴ Article 15, Constitution of India, 1950.

Union and Nordic nations that are not only fore-runners of women leadership but have also made conscious efforts to attain gender equality.

Factors Impacting Women Representation in Leadership Roles in Politics

The normative theories of democracy have found a link between political equality and democracy as they argue that there would be a ‘democratic deficit’ if women do not equally participate in public decision making process. In similar vein, the empirical theorists assert that presence of freedom of expression, to join organizations, right to vote etc. are crucial for a democracy. In fact, empirical democracy takes into consideration multiple factors such as the cultural, socio-economic and political factors to understand the concept of democracy in a particular context. In other words, it is the socio, economic and political factors which hinder or foster the presence of women in the parliament. These factors are herewith dealt in the Indian context explaining to a certain extent the abysmal presence of Indian women in governance.

Cultural Factors

Culture refers to the system of beliefs and values that underpin a society and influence the mindset of the people that belong to it. The Indian culture is rich and varied but what is common to different cultures is the position of women. Under the classical Hindu laws women were treated as equivalents to men and were exposed to all sorts of learning that their male counterparts were given including knowledge of Vedas⁵. But gradually the position of women was relegated to fulfilment of marital obligations and household chores. Manu, the antiquated law supplier professed that, “A women should never be independent.” Thus, the ultimate goal for a woman was restricted to being a dedicated wife, mother, sister and daughter in law. The practice of Sati, child marriage and societal restraints on widow remarriage further prevented any woman-oriented development. The irony in Hindu culture pertaining to women is heightened by the fact that while on one hand women deities like Laxmi, Durga and Saraswati are worshipped, women in the house are exposed to various forms of exploitations and humiliations. The Bhakti movement associated with sheer sense of individuality and attainment of female power through spirituality raised women voices but the impact was not long enough to carve a niche for women. This movement is often referred to as the ‘beginning of feminism in India’ as through devotion by medium of hymns and poems, women tried to bring forth the truths pertaining to society, polity, religion and relations yet it was unable to change cultural dimensions for a woman⁶.

⁵ P. Abhishek & Gayathri J., “A Critical Analysis of Status of Women in India”, *International Journal of Pure and Applied Mathematics*, 120, 5, (2018).

⁶ Oza Preeti, “Roots of Feminist Fervour-Women in Bhakti Movement”, 2021 ResearchGate DOI:[10.13140/RG.2.2.18187.41763](https://doi.org/10.13140/RG.2.2.18187.41763)

Socio-Economic Factors

Indian society from the very beginning is known to be a patriarchy. Barring a few regions where matriarchy is the norm, women have been relegated to a position that is sub-ordinate to men. Manu, often referred to as the 'harbinger of patriarchy' in India, believed that there existed profound difference in the structural attributes of male and female and hence each was suitable for different types of work. He laid the basis for a form of society that differentiated in a biased manner between a male and female. With the ushering in of the Muslim rule in India, women entered a 'dark age' wherein the purdah system put women behind a veil and this had an inevitable impact on their presence in the society. Their freedom to move around freely was curtailed and they were forbidden from having a public life. With the fall of Mughal Empire and establishment of the British reign in India, there was a slight change as a strong initiative was taken against the existing social evils of Sati, Devadasi system, prohibition on widow marriage etc. Social reformists such as Raja Ram Mohan Roy, Ishwar Chand Vidya Sagar, Swami Vivekananda made a stupendous effort in this regard. What was magnificent about this phase of social reformers was the participation by women reformers such as Bikaji Cama, Annie Besant, Vijayalakshmi Pandit, Aruna Asaf Ali etc.

who vehemently fought against the social status of women and also played a prominent part in the struggle for independence. The regressive social milieu also set stage for the economic dependency of women as stepping out of the house to earn a living was never considered to be a prerogative for women. It is this economic dependence of women on their male counterparts which restrained them from having any say in domestic matters, leave alone the public domain.

Political Factors

It is not the case in India, that women have been completely precluded from the politics. There have been women warriors like Rani Laxmi Bai and Razia Sultan who have single-handedly fought for their kingdoms. Yet, this process of women oriented politics has never been a continuous one and we can either pick some stray examples of women leadership or find women mostly at the back foot where politics is concerned. The first attempt of an organized and visible form of women participation was during the freedom struggle when women displayed immense courage against the British regime.

Formation of Indian National Congress and Women Participation- The formation of the Indian National Congress in 1885 for the first time provided an unprecedented opportunity to women to participate in a pan-India political movement. Various women associations were formed such as the Rashtriya Stree Sangha, Bharat Stree Mahamandal and Desh Seviakas, members of which had to be members of district

congress as a mandate and this created a strong feminine base at the micro level of politics⁷. It also encouraged women belonging to diverse religions, regions and backgrounds to come out of their domestic spaces and discuss feminine problems. During the Partition of Bengal in 1905, lakhs of women led by the wife and sister of freedom fighter C. R. Das, joined hartals and picketed shops selling foreign goods thereby setting an example of commitment towards nation and inspiring more women to tread the same path.

Support from Eminent Women Leaders- At a special congress session in 1918, Sarojini Naidu voiced greater participation of women in politics by serving in municipal bodies and other similar local bodies as also the requirement of being granted the right to vote. This was further taken up as a matter of concern by Princess Sophie Duleep Singh (grand-daughter of Raja Ranjit Singh), Mrs. Shah Nawaz and the Margaret Cousins by consistently organizing protests and writing letters to authorities. Consequently, provincial legislatures granted women, subject to certain educational qualifications and ownership of property, the right to vote. This was followed by reservation of seats for women in provincial legislatures under the Government of India Act, 1935⁸. Interestingly, by the first provincial election in 1937 about 4 million women had acquired the right to vote and had also exercised it.

An entirely new era of women oriented politics started when Gandhiji skilfully assessed the potential of women to fight for a common national cause. Drawing inspiration from Indian mythology and scriptures, Gandhiji venerated women as Shakti, Laxmi and Janani who were powerful figures and idols of strength and valour. He further used this veneration to build a unified movement against the British by including even the weakest, poorest illiterate women to participate with firm resistance in the Gandhian movements of non-cooperation, salt satyagraha and quit India. It put forth an understanding that a woman's potential can be beneficially consumed for purposes that are beyond the domestic realms as well. One of the leading woman in the non-cooperation movement was Kasturba Gandhi, wife of Mahatma Gandhi, who spun the charkha, wore khadi and demonstrated feminine self-reliance.

In Bihar, Sarla Devi, mobilized women who went door-to-door and spread awareness about the boycott of foreign goods. Bi Amman, who was the mother of Khilafat Brothers, helped to mobilize the Muslim women into the nationalist movement. At the "All India Women's Conference" which was held in Ahmedabad, Bi encouraged thousands of women to boycott foreign goods and raise funds for the Khilafat non-cooperation movement⁹. Many women gave up on their ornaments in order to contribute to the fund. Another form of

⁷ Forbes Gerald, "Women in Colonial India: Essays on Politics, Medicine and Historiography" (D C Publishers, New Delhi) 2004 p.44.

⁸ Bandyopadhyay S., *From Plassey to Partition and After* (Orient Black swan, New Delhi 2015) pp 394.

⁹ Mainault G., *Purdah Politics: The Role of Muslim Women in Indian Nationalism 1911-1914*, (1982, Chanakya Publications, New Delhi) pp. 245-61.

contribution by women was when they welcomed freedom fighters at their home, cooked food and ran errands for them. They also narrated stories with patriotic fervour to their young ones thereby instilling a feeling of love for motherland from very early years.

Women Contribution in Key National Movements- The Salt Satyagraha was Gandhiji's master stroke to encourage pan-India women support as salt is an essential cooking ingredient therefore the movement could well be women-oriented. It initially commenced with about seventy women but with Sarojini Naidu's vehement insistence, at almost every stop of the Dandi March thousands of women came forward to participate making this movement a stark example of mass feminine participation. Undeterred by patriarchal constraints, women of all ages marched towards different water bodies to manufacture and sell salt in the markets thereby breaking the salt laws fearlessly¹⁰.

When Gandhiji, launched the Quit India Movement in 1942, the British, in order to contain the movement arrested many apex freedom fighters. This opportunity was taken by the women freedom fighters to keep the movement alive by consistently participating in hartals, marches and demonstrations. Aruna Asaf Ali, the editor of "*Inquilab*" a Congress journal, unfurled the national flag in Bombay to keep up the patriotic fervour. Many other women displayed immense amount of courage by helping to hide weapons and impersonating as wives of revolutionaries in order to hoodwink the authorities.

Hence, as can be seen, the fight for freedom was gender neutral and democratic as it saw participation by men and women alike, even though women at most times remained unsung heroes. Yet, it brought women out of the domestic domain to not only participate in politics but also assume important roles of leaders. Their leadership added a democratic fervour to the freedom movement and instilled a sense of confidence in women centric leadership approach. In other words, it brought forth the understanding that women leadership and participation is crucial for a nation's growth and development.

Brief History of Indian Women's Political Participation

After the freedom struggle and the outstanding role played by women, a sense of trust was reposed on women and their leadership skills. Even though the participation by women was sparse in comparison to men yet their presence in itself was historic. Women such as Sucheta Kripalani, Sarojini Naidu, Vijayalakshmi Pandit, Begum Aizaz Rasul, Renuka Ray and Hansa Mehta raised some significant women oriented issues in the governance of the country. One of the many important issues so discussed, was with regard to reservation of seats for women in the Parliament as a continuance to reservation in provincial legislatures under the

¹⁰ V. Agnew, *Elite Women in Indian Politics* (1979, Vikas Publishing House, New Delhi), p 48.

Government of India Act, 1935. In this regard there was an unanimity amongst the female members who staunchly refused for any reservation. Renuka Ray, a member, stated that, “just like no reservation was required to induce the men in power to appoint Vijaylakshmi Pandit as the ambassador from India likewise women with capabilities will automatically make their way to the Parliament.” She was optimistically of the opinion that in times to come it would not only be the women with exceptional abilities that will be called upon to occupy positions of responsibility rather all women who are equally capable as men would be considered, irrespective of their sex. Further she was of the opinion that in case of reservation of seats for women, the psychological factor would act as a barrier to consider women for general seats irrespective of their competence.¹¹

Women Reservation in Panchayats and Municipalities

Although reservation in the Parliament and State Assemblies was refuted, the 73rd and 74th Amendment to the Indian Constitution in 1992, brought 33% reservation of seats for women in panchayats and municipalities. Even before the constitutional amendment in 1992, few states such as Karnataka and Andhra Pradesh had already reserved seats up to 25%, for women in panchayats. Presently, although the mandate of 33% reservation of seats still prevails, many states such as Andhra Pradesh, Gujarat, Himachal Pradesh, Jharkhand, Kerala, Karnataka, Tripura etc. have raised this percentage to 50% and 46% of members in panchayats are women¹². While the patriarchal mindsets have posed many a hurdles for women leaders, yet at the same time there have been many success stories as well. In Haryana, for instance, Sushma Bhadu has successfully worked towards no open defecation and zero dropout rates in village schools. Likewise, Arati Devi, a former investment banker and now head of village Dhunkapara, Odisha has ensured that the panchayat is accountable for each penny that has come for the development of the village.¹³

These examples have elicited profoundly that when women assume leadership roles there is a sense of empowerment that they attain. They do not only find it easy to fight patriarchy and constraints of society that have curbed their progress but also pose as role-models for those women who have given up hope of their emancipation. It induces a sense of confidence and passion to provide for their society what they are efficiently doing behind the walls of their homes.

¹¹ Selected Speeches of Women Members of the Constituent Assembly, Rajya Sabha Secretariat, New Delhi, 2012.

¹² Status of Reservation for Women in PRI's, Ministry of Panchayati Raj. Available at: <https://panchayat.gov.in/status-of-reservation-for-women-in-pri/>

¹³ Dabad Maninder, “8 Women Sarpanch who are Leading by Examples and Turning the Fortunes of Indian Villages.”, *Indiatimes*, Aug. 22, 2023. Available at: <https://www.indiatimes.com/news/india/meet-these-eight-women-sanpanches-who-defied-patriarchy-and-are-doing-great-work-for-their-villages-344199.html>

Challenges Faced by Women as Leaders in India

One of the biggest challenge before women is that of patriarchy and caste-based subjugation. While there are instances of women acting as mere nominal heads as the real authority is exercised by their male family members; male co-workers refuse to work in unison and often show their insensitivity towards these women. In addition, domestic violence, purdah system and burden of household responsibilities hampers the ability of women candidates to work with full vigour. Caste hierarchies further repress any effort to act in a democratic manner as women belonging to schedule caste or tribe are constantly bullied by those belonging to the upper caste.¹⁴

Lack of education is another challenge for the women representatives. In villages where the quotas are reserved, women seldom have had any first-hand experience in governance or exposure to education. Rather, for most of them it is the first ever experience of public dealing and so lack enough skills to handle affairs of the panchayat. Moreover, training programmes that are introduced by government are unable to cover all elected representatives at a time and women are unable to enrol for any residential programmes or even travel long distances for the same due to familial constraints. Lastly, the policy of reservation is on rotational basis which prevents consolidation of leadership qualities as by the time these women master the skill of good administration and adept governance, their term over.

These challenges bring forth the idea, that although reservation is an important step forward to make representation more democratic in terms of gender yet it 'alone' would not make a difference. The socio-cultural factors have to be taken into consideration when policies for gender equality in governance is sought.

Reservation for Women Leaders in Parliament and State Assemblies- Step Closer to Equality

Women reservation in panchayat and municipalities did narrate some success stories. Additionally, it has been found over the years that representation of women in Parliaments and State assemblies is abysmally low with the maximum being 14%. Both these factors have provided impetus to pass the 106th Constitutional Amendment Act, popularly known as the "Nari Shakti Vandhan Adhiniyam" in September 2023. It has reserved 33% seats for women in Lok Sabha, State Legislative Assemblies and Legislative Assembly of NCT of Delhi.

The importance of this reservation is best explained with the help of a recent example where every initiative to bring women in the political forefront was annihilated due to lack of a mandate. In the Assembly

¹⁴ Pattanaik S.K, Rural Women Panchayati Raj and Development, 2010 (Arise Publishers and Distributors, New Delhi) pp130-131.

Elections of 2022 held in Uttar Pradesh, Congress made a deliberate decision to give 40% of party ticket to women candidates under the campaign led by Priyanka Gandhi Vadra with the slogan, “Ladki Hoon, Lad Sakti Hoon.”¹⁵ The initiative however came to a naught as only one woman candidate out of the 159 women contesting election won, thereby leaving the indelible impression that it was unmindful to give as many party tickets to women candidates. What is disappointing is the fact that this is the situation of a state like Uttar Pradesh that has given the country its “first female Prime Minister, Indira Gandhi, its first women Chief Minister, Sucheta Kriplani and the only Dalit Chief Minister, Mayawati.”

Although the present legislation has to await a national census and delimitation of constituencies, yet, one can speculate a time in near future when more women representatives will make their way in the governance of the country. The reservation forecasts a mandatory position for the women of India in policy and law making. It has taken 27 long years for the bill to take shape of a law since it was first introduced as the 81st Constitution Amendment Act in 1996 and might take few more years to become effective with its full strength and vigour nevertheless, it marks the beginning to an empowering era for the women of India.

Nordics as Pioneers of Gender Equality

The Nordic countries of Finland, Denmark, Norway, Iceland and Sweden are often considered as leaders in gender quality. Each of these countries have adopted some distinct policies that have helped them attain gender neutrality. For instance, Iceland, while being the world’s most gender-equal society boasts of many strong female role models by including childcare policies that do not force women to choose between work and raising a child.

Norway, has highest number of women in power due to highly subsidized childcare provisions and gender quotas that ensure at least 40% women in the parliament. In recent years, the number of female legislators in Sweden has increased considerably and it attained an absolute gender equality in ministerial positions in 2016. A similar trend is seen in Finland, which was the first country to award full political rights to women in 1906 and consequently today women comprise 42% of Finland’s parliament.¹⁶

The experience of these nations reaffirms that robust legislations play a pivotal role in achieving greater gender equality that may otherwise be downgraded due to a change in government. In spite of being pioneers in gender equality these countries have never taken their position for granted and refer to their efforts

¹⁵ Naqvi Saba, “Women’s Reservation-A Law on Paper but a Reality Far Away” October 3, 2023 *The Hindu*, available at: <https://frontline.thehindu.com/politics/womens-reservation-a-law-on-paper-but-a-reality-far-away-saba-naqvi-nari-shakti-vandan-adhinyam-women-in-parliament-state-assembly/article67345156.ece>

¹⁶ Johnny Wood, These Four Nordic Countries Hold the Secret to Gender Equality, World Economic Forum, December 18, 2018. <https://www.weforum.org/stories/2018/12/nordic-countries-women-equality-gender-pay-gap-2018/#:~:text=Gender%20quotas%20legislate%20for%20a,in%20the%20index%20for%20this.>

as a ‘work in progress’ which does not have a ‘quick fix’. For instance, Sweden even though has a long history of almost 40 years working on gender equality yet the rise of right wing in 2018 along with wider popularity of conservationist views threatened its gender equality goals.¹⁷ Gender mainstreaming is another way of working towards parity adopted by these nations. For this, a dual-strategy is maintained that not only focusses on gender equality while drafting new policies but also designs specific policies that are goal oriented. What is also worth consideration is the understanding amongst its people that ‘norms of masculinity’ are problematic for men and women alike.

Gender budgeting which is defined as including a gender perspective in budgeting to promote policies that are gender responsive, has helped to attain an overall gender equality. In the Nordic nations for instance, the Ministry for Gender Equality is found to be working closely with the Ministry of Finance¹⁸. Gender budgeting also helps to make resource allocation decisions that encourage gender neutral policies and thereby activate gender mainstreaming. In pursuit of this goal, each Nordic nation has implemented some or the other tool of gender budgeting.

Another pertinent area of success for Nordics is their success in governance. The parliaments of these countries and the presence of women leaders there has set an example for the world to follow. However, gender equality in these countries is lower at the local level of governance. For instance, the percentage of women councillors ranges between 32-44 percent in Denmark and Sweden respectively. In municipalities the number is even lower with the lowest being in Denmark at 14%¹⁹. Some conscious efforts taken by these countries for attaining gender equality in politics are quotas in municipal committees and quotas in political parties as political parties play an important role in nominating a candidate who can be voted by the public. Positive changes are also seen in the less explored area of ‘diplomacy’. The percentage of female ambassadors has visibly increased in Finland, Norway and Sweden. Deliberate strategies along with distinct quantitative goals have been successful in bringing about this change. Women are encouraged to apply for diplomatic positions and where they possess the required qualifications at least one is called for an interview.²⁰

Gender Equality an Important Facet of Nordic History

It is commonly presumed that Nordic equality is primarily a consequence of its welfare policies. However, a broader speculation elicits that egalitarian gender values predate the modern welfare state and its

¹⁷ Emma Taylor-Collins and Suzanna Nesom, “Gender Equality: Learning from Nordic Nations” Wales Centre for Public Policy, Cardiff University (2019)

¹⁸ O’Hagan, A., Tackling Inequalities Through Gender Budgeting: Evidence and Models. Wales Centre for Public Policy. (2019)

¹⁹ Einar H. Dyvik, Women in Politics in the Nordic Countries-Statistics and Facts (Published on Jul 10, 2024) available at: <https://www.statista.com/topics/6092/women-in-politics-in-nordic-countries/#topicOverview>

²⁰ Kirsti Niskanen, *Gender and Power in Nordic Countries: A Comparative Perspective* (NIKK Publications 2011).

policies. The Viking ancestors of Nordic nations promoted women rights to a very large extent. Even if patriarchal, women in these countries were able to exert more influence in the society than their contemporary counterparts. For example, their folklore includes shieldmaidens-women warriors. Women are also known to have participated in armies way back in the 10th century. Right to inherit property and opt for a divorce are some of the other rights that women enjoyed historically. All these rights seem less impressive today, but historically they were unusual in times when in other parts of the world women faced subjugation. Another striking feature of Nordic history is the participation of women in labour markets way back in the 18th century. The marriage legislations are also built around the idea that men and women are equally responsible for family provision.²¹

All these factors point to the fact that although welfare measures such as the quota system have come a long way to attain political equality goals, one cannot overlook the role played by history of the nations in providing the necessary impetus to women in assuming leadership roles. This is in contrast to the position of women in India in the past where their participation in public affairs was frowned at and their roles were predominantly domestic in nature. A past so regressive impedes the ability of even present welfare policies including reservation to be implemented with full vigour.

European Union and its Quest for Gender Equality

Gender equality has always been of value to the European Union and the interest has only grown over a period of time. Equal pay for males and females in 1957 was one of the first step taken in this direction. Drafting policies that provided equal opportunities was initiated in the 1970s and this included policies in realm of education, professional promotion, working conditions as well as social security²². There are several benefits of gender mainstreaming which include placing men and women at the heart of policies which in turn leads to better governance and increases the visibility of gender equality issues in mainstream society.

In 2005, EU launched its first Gender Action Plan with the aim to bridge gap between policies and development practices. In its three-pronged approach under the plan, member states are required to include gender equality in their political dialogues with countries, mainstream gender equality in their policies and initiate specific actions to remove inequality between men and women. GAP II which was launched in 2016 further drew attention towards women's participation, physical and psychological integrity as also their socioeconomic empowerment²³. It specifically focussed on the importance of women's participation in

²¹ Nima Sanandaji, The Nordic Glass Ceiling, Policy Analysis, CATO Institute (March 2018, Number 835).

²² Sara Preti, Gender Equality as EU Strategy in Measuring Gender Equality, Bella, Fachelli et.al (Springer 2023), pp 89-117

²³ Helen O'Connell, "The European Union's New Gender Action Plan 2016-2020," European Development Cooperation Strengthening Programme, October 26, 2015,

governance and electoral processes. It is believed that continued marginalization of women in politics weakens the legitimacy and effectiveness of democracies. Presence of women in governance ensures that women rights are protected and political decisions including policies respond to their needs. The emphasis under GAP II has been on capacity building in women politicians while lesser attention is paid on issues like creating a suitable political environment for women.

To attain gender parity, EU has extended supported in three forms: support to state institutions including ministries that focus on gender parity, support to international and local non-governmental organization and lastly to local women's organization. EU support for national gender-equality institutions frequently incorporates women's involvement and leadership as a fundamental objective. Nonetheless, the practical implications of this mainstreaming approach can sometimes be unclear. For example, in Morocco, the EU has offered budgetary assistance for the government's national plan on gender equality. Likewise, in Bosnia and Herzegovina, the EU has created a Gender Equality Facility that aids state institutions in implementing the EU's gender-equality legislation. Although project documentation indicates that women's political participation was integrated into these initiatives, the EU has provided limited information regarding the activities undertaken or the outcomes achieved in both countries. Additionally, EU and member states have provided funds to international organizations and local NGOs to conduct capacity building, training and awareness programs. The underlying ideology of such programs is that gender inequities lead to lesser resources and role models for women to engage in politics therefore their confidence has to be bolstered in order to encourage them to exert their influence on political institutions. These initiatives have to run parallel with other institutional barriers that prevent women participation such as lack of finances, gender-based political violence and including a selection process that is undemocratic, else, it would leave the exclusionary systems intact while only bringing about a change in women²⁴. GAP II initiatives have addressed some of these barriers for instance several programs have encourages coalitions between women in local and national politics. In another instance training programs for women candidates have been clubbed with public debates and engagement of media for promotion of women as political leaders. The "Get Involved" project funded by EU provided training for men and women on best practices for making gender-sensitive manifestos²⁵. Some gaps that still exist consist of no support for marginalized women, lack of efforts targeting a male leader or religious authorities to contest patriarchy and neglecting political violence and harassment against women in politics all of which are major impediments to equality in governance.

²⁴ Jennifer M. Piscopo, "The Limits of Leaning in: ambition, recruitment and candidate training in comparative perspective." *7 Politics, Groups and Identities* (Taylor & Francis) 2019.

²⁵ European Union, "How to Empower Female Politicians: The Case of Morocco," October 28, 2020

Conclusion

The welfare system of Nordic countries is different and their governments have powers and funds to facilitate gender equality. For example, gender roles are less clearly defined in the Nordic nations and both men and women are equally encouraged to share childcare duties. Additionally, gender budgeting reinforces gender policies that have specific goals to attain women empowerment. This is in contrast to the patriarchal mindset engrained in the Indian society which has clearly defined roles for men and women. Men are still to a large extent viewed as breadwinners and apt for leadership roles while women are expected to play passive roles mostly confined to household chores and education sector. Similarly, EU's gender streaming policies and Gender Action Plans have played a tremendous role in bringing women forward in leadership roles. Also, what is peculiar about these nations are their constant efforts to index their success and failures and maintain data of the same. This allows an evaluation of various initiatives and scope for improvement in future policies- an aspect largely missing in India.

Although, reservation aims to attain women representation in governance but it is doubted if it would also ensure efficiency. Equality in governance is not merely about representation, it is also about equality in education, experience and decision making power. Therefore, to attain equality in governance in the true sense of the term, it is important to fight stereotypes in society and patriarchal mindsets that prevent a woman from fulfilling her responsibilities as a leader.

It is asserted that there is no 'gender equality blueprint' for every nation to follow. The socio-cultural and political factors including the stage of development of each nation needs to be taken into consideration. Drafting policies that are gender neutral is different from their effective implementation. For instance, gender mainstreaming, is the main strategy in Sweden while in Iceland in spite of gender mainstreaming being formally adopted, it has not been implemented effectively. In India, particularly there is a huge gap between policies and their implementation. Including women in all levels of governance will definitely bring to fore gender neutral policies including those that are specifically goal-oriented. Gender equality is therefore 'an "open" political concept that "travels" between different policy areas, organisations, and even countries'.²⁶

²⁶ Anne-Charlotte Callerstig, "Can Public Procurement be an Instrument for learning in Gender mainstreaming?" 18(4) *Scandinavian Journal of Public Administration* 56 (2014).

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Conformity Gradations at Management with Intersectionalities of Age, Gender, and Organisational Support

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Abstract: This research delves into the intricate phenomenon of employees, from India and the United Kingdom, conforming within organizational settings, prompting a contemplation on the blurred boundaries between one's authentic self and the organizational values. Drawing inspiration from Patricia Faison Hewlin's work on "Wearing the Cloak: Antecedents and Consequences of Creating Facades of Conformity" (2009a), this study investigates how the act of conforming to managerial expectations can lead to an identity crisis among staff members.

As individuals navigate the delicate balance between organizational expectations and personal authenticity, the quest for acceptance often compels them to adopt personas that deviate from their true selves, resulting in psychological strain. Prolonged engagement in such self-presentation endeavours has been associated with diminished organizational performance, potentially jeopardizing job security—an ironic outcome given that individuals initially embraced organizational values to secure their professional standing.

This research expands its scope by investigating the influence of generational and gender-based values on the prevalence of conformity facades. Additionally, it explores the impact of organizational support on conformity. The exploration of this phenomenon is intriguing because at some point of time, everyone hides their real selves in order to be liked by the cohort. It raises an essential question: Is it necessary to compromise personal values for organizational acceptance, and does this assimilation eventually lead to internalization of such values?

Ultimately, this research strives to shed light on the intricate interplay between individual authenticity, conformity, organizational expectations, and the resulting psychological consequences in the work cultures of two nations, India and the United Kingdom. The insights garnered from this study may pave the way for a deeper understanding of the multifaceted dynamics within corporate environments and offer avenues for fostering more authentic and harmonious professional identities.

Introduction

The post-pandemic era has brought about significant destabilisation in the global economy, characterised by various challenges such as rising inflation, a lack of job creation, and the rapid integration of

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AI technology. These intertwined issues have created a complex landscape that is reshaping the employment structure and posing substantial challenges to individuals, industries, and corporations worldwide. In a society where job layoffs are common and artificial intelligence has taken over the world, conformity has become of utmost importance, ensuring that individuals remain aligned with the changing dynamics of the workforce.

By conforming to new work methodologies and embracing technological advancements, individuals enhance their employability and contribute to the collective efficiency demanded by these transformative times. This balance between adapting to change and maintaining consistency underscores conformity's crucial role in navigating today's dynamic professional environment. In organisations, conformity might arise as a result of bounded rationality. Managers and employees, when faced with complex decisions, may opt for the path of least resistance by conforming to established norms or practices. They might not fully analyse alternative options due to cognitive limitations, and thus, they satisfice by choosing the most readily available or socially accepted solution, following the behavioural theory of the firm.

Employees often form facades of conformity to feel inclusive and create a positive impression for their superiors. "Facades of conformity" refers to the outward appearances or behaviours that individuals adopt to satisfy the societal or group norms, even if they do not truly align with their genuine thoughts, feelings, or values. It involves presenting oneself in a way deemed acceptable or expected by others, often at the expense of authenticity or personal expression (Hewlin, 2009a).

Additionally, a tremendous amount of emotional labour is attached to maintaining a balance between authenticity and conformity. This exertion can exact a toll on mental well-being, fragmenting the identities of employees. Therefore, this research talks about the intricate interplay of conformity, delving into its adverse effects on mental health and, eventually, identity crisis.

Research Question and Objectives

This paper delineates how individuals create facades of conformity and develop a new identity in a corporate setting. As per the previous literature, forming facades leads to emotional exhaustion. This interplay of masks to hide their values, along with facing emotional labour, could harm their mental health. In this context, this paper makes a valuable contribution by delving into the process through which conformity gradually alters their perceptions, behaviours, and emotional experiences. It talks about how participants cope with the latter. By exploring the phenomenon of conformity in-depth, this study sheds light on the nuanced progression from authenticity to conformity, offering insights into the underlying mechanisms that drive this transformation through the internalisation of conformity.

This journey of conformity is divided into three sections: Authenticity, Internalisation, and Acceptance of Conformity. It will further delve into how factors like age, gender, and organisational support intersect with

conformity. It is hypothesised in this study that demographic factors like age and situational factors like organisational support have a direct impact on conformity. This research aims to demonstrate that the act of conforming and consistently constructing facades, even if initially divergent from an individual's authentic self, can gradually merge with their intrinsic personality. This amalgamation could lead to the development of a distorted identity over time.

Literature Review

Erving Goffman's *Presentation of Self in Everyday Life* (1956) primarily focuses on individuals presenting a singular identity in different social contexts. The work examines how an individual puts in their ego into role identification in an establishment. It delves into how individuals strategically present themselves to others, often adopting different roles, behaviours, and masks to shape the impressions they want to convey. They do so through self-presentation, including props, gestures, and verbal cues, as well as managing personal information and social cues to create desired impressions. Overall, Goffman suggests that identities are not static but constructed and performed in social interactions. His framework does not adequately consider how gender identity and power dynamics related to age intersect with self-presentation and impression management.

The *Social Psychology of Gender* (2008) by Laurie A. Rudman and Peter Glick is a significant work in the field of gender studies in the corporate sector. It elaborates on how, when women overcome several barriers and demonstrate their ability, gender biases in success attribution damage their careers. Furthermore, because of their traditional position as caregivers, women are regarded as having superior "people skills." This was also recently discussed in research done by Dr Rajiv Jhangiani and Dr Hammond Tarry (2022), according to which, men are more likely to hold their ground, act independently, and refuse to conform in public situations. In contrast, women are more likely to conform to the opinions of others to prevent social disagreement (Jhangiani et al., 2022). The book emphasises how stereotypes become an unattached part of one's being.

Stereotypes are treated as simple rubrics or rules of thumb that guide their expectations about others rather than nuanced beliefs that acknowledge the high degree of variability in individual behaviour and traits within each gender category (Cimpian et al., 2010, as cited by Rudman et al., 2008). For example, people tend to think "women are nice" and "men are not nice," rather than "on average, women are a bit nicer than men, but niceness varies a great deal among individual women and men." Such broad assumptions have been labelled "generic beliefs," which contrast with more realistic and accurate "statistical beliefs" that account for individual variability (Bian & Cimpian, 2017, as cited by Rudman, L.A. et al., 2008). This phenomenon

carries profound implications across personal relationships and professional spheres. As a result, women often resort to conformity as a strategy to navigate these challenges.

The article, “To Thine own Self be True? Facades of Conformity, Values Incongruence, and the Moderating Impact of Leader Integrity” (2017) by Patricia Faison Hewlin et al., talks about how a leader's integrity and authenticity can affect ‘values congruence’, especially in façade creation and conformity. It delineates theoretical perspectives and motivations for creating facades. Impression management, along with surface acting, helps to curate illusions. They do so to be a part of in-groups to enhance their esteem and reduce uncertainty (Hogg & Mullin, 1999, as cited by Hewlin et al., 2017).

The article explores the moderating role of a leader's integrity. The presence of a leader with high integrity may create a supportive environment that encourages employees to be true to themselves and express their genuine values. On the other hand, when individuals perceive their leader as low in integrity, the impact of ‘values congruence’ on facades of conformity may be weakened. It also examines how creating masks at management correlates to value incongruences, leading to decreased work engagement.

The conception of identity crisis and the factors that aid in its formulation are analysed in *Determinants of Existential Crisis among Young Adults* (2022) by Sama Neupane. According to her research, the determinants either fall under the psychological, emotional, and socio-cultural determinants or the natural causes that lead to an existential crisis. Under psychological factors, she talks about how individuals who constantly dwell on the future, plagued by worries and stress about what lies ahead, cannot fully embrace the present moment. While identity crisis has been studied in various contexts, there may be a gap in the literature explicitly examining identity crisis within the management arena.

Hochschild (1979) introduces the concept of "feeling rules" as a central theme of her research. Hochschild argues that feeling rules are often embedded within organisational structures and are used to regulate the emotional displays of workers. The act of masking or pretension can be exhausting and can cause burnout amongst the employees. Therefore, this thesis fills in the research gap of finding out the prolonged effects of emotional labour on employees and their coping mechanisms when dealing with high pressure situations.

Methodology

The research pertains to qualitative analysis. Qualitative analysis can be defined as "any type of research that produces findings not arrived at by statistical procedures or other means of quantification" (Strauss and Corbin, 1998, 11). These interpretations bring depth and richness to our understanding, allowing us to connect with a subject on a personal and emotional level. Another advantage of this analysis is that it offers a wide nuance on description of participants' feelings, opinions, and experiences (Rahman, 2020).

Semi-structured interviews were conducted of employees from two different nations, India and the United Kingdom, with seven open-ended questions with three sub-parts for employees to talk freely about their identities at the organisation and, more importantly, their mental health. Semi-structured questions provided flexibility, enabling natural conversations between the interviewer and interviewees without overly restricting participants. Two different interview methods were employed: critical informant and narrative. In-depth interviewing, as described by Kahn and Cannell (1957, 57), involved purposeful conversations.

The questionnaire was created to lead the path towards gaining final insights related to the objective of this research was a funnel-type questionnaire wherein general questions were initially asked, narrowed down to specific, clear-cut ones (Kahn & Cannell, 1957). This initial phase served a crucial purpose as it created a welcoming and non-threatening environment, enabling the participants to feel at ease right from the onset. The broad nature of the initial questions encouraged the respondents to delve into their own experiences and reflect on their identities within the organisational dynamics. As the questionnaire progressed, it gradually became more targeted and clear-cut questions were posed to the interviewees. This methodical narrowing of focus was strategically designed to extract detailed and precise information from the participants. All the ethical considerations were taken care of.

First-hand data was collected by conducting personal interviews. Additionally, due to time constraints and geographic restrictions, interviews were conducted virtually via Zoom and subsequently transcribed. After transcriptions were ready, they were analysed using thematic analytical techniques. The themes and patterns that emerged from the interviews were directly relevant to my research questions. The analysis involved carefully reading and re-reading of the transcripts to identify recurring patterns, commonalities, and significant insights from the participants' responses. Themes began to crystallise, representing the underlying threads and recurring ideas throughout the interviews. The interview data made it easier to interpret the survey questionnaire results and gain deeper insights.

A sample of around fifteen people working in diverse sectors in corporate, like Consultancy, IT, Judiciary, Education and Retail-based organisations, were interviewed. The participants who were interviewed were from the United Kingdom and India, so as to get a holistic and diverse understanding of conformity in post-pandemic organisational setup. Both males and females with a vast age bracket ranging from twenty-six to fifty-eight, with the median being thirty-five, were interviewed. A small yet diverse sample size was chosen with participants from India and the United Kingdom. Detailed and in-depth analysis of the data collected from each participant was undertaken. It allowed for a richer exploration of the research topic. To preserve the anonymity of the interviewees, they were labelled as Participants One to Fifteen. A consent form was also signed, agreeing to voluntarily participate in the interviewing process.

The inclusion criteria of the chosen participants focuses on people working in corporate sectors, other than entrepreneurs. The research specifically focuses on individuals working in corporate sectors, examining

their relationships with their immediate superiors or managers. The research does not cover entrepreneurs, as they do not have traditional bosses in the same way as employees in corporate settings do. A similar proportion of men and women were interviewed to reduce gender bias in the final results (eight females, seven men). The participants identified themselves from either of the two cisgender heteronormative categories of men and women. A vast age gap is also considered to explore the effects of conformity over different age groups along with their positioning in an organisation.

Findings

The results align with the hypothesis of the research. Upon analysing the data, the themes and corresponding sub-themes that emerged are interpreted as follows:

1. Authentic Selves

Certain participants agreed to stay true to themselves and not give in to conformity. Their thoughts were aligned throughout the interviewing process. For these participants, no extra time was spent creating an amicable image in front of the superiors. They all believed that their work spoke for itself. Participant 2 from the United Kingdom reiterated this idea by quoting, “ I don't particularly try to maintain a good image about myself because in the company I'm working with, it's just the work that speaks for itself and it is mostly that what matters.”

1.1 . Intersectionality of Authenticity with Ageing

The participants in this category were early in their careers, which might explain their strong emphasis on authenticity and their resistance to conforming to societal or organisational expectations. These participants were majorly from the United Kingdom. Early-career individuals often have a greater sense of idealism and a desire to express their authentic selves as they still establish their professional identities and values. Young employees tend to be more engaged in employment (Hafeez et al., 2018, as cited by Hamzah, 2020). They all were extremely passionate about their vocation, and the majority of them expressed that the thought of making an appearance never crossed their mind.

1.2 . Intersectionality of Authenticity with Gender

Furthermore, the employees who did not believe in conformity were all men from both the countries, hinting at men's privilege in a patriarchal world. Unlike women, men can afford to be their authentic selves and not get entangled in societal norms. A system of male privilege means that men set the standard to which women must conform. An analysis of privilege that goes beyond stereotyping is necessary to examine the gender power system and how decisions based on it in the workplace harm women (Wildman et al., 1995).

A female participant from India (Participant 3) claimed that “[her] colleague is a male. [She believes]... he has to do less of these appearances than [her]. He can be casual with his subordinates or his other colleagues or even his boss. He can go on these excursions with his boss or other people that [she] cannot.”

1.3 . Intersectionality of Authenticity with Organisational Support

The organisational support was high in almost all the interviews. It was because in India, there are more holiday celebrations that help strengthen the community at the workplace whilst in the United Kingdom, employees are given more holidays during Christmas time to spend more time with family. The organisations provided their employees numerous benefits like bonuses, appraisals, and monetary cash flows. Additionally, they conducted counselling sessions for employees to help them declutter any of the negative thoughts that might occur due to the increased workload. A supportive environment that promotes mental health and well-being makes it easier to focus on the tasks at hand and allows one to make better decisions and be more productive while being their truer selves.

2 . Internalisation of Conformity

Upon a comprehensive review of participants' responses, a notable revelation emerged, highlighting that a significant majority of respondents had indeed internalised conformity to a pronounced degree. This observation resonates with the insights shared by Pierre Bourdieu in his seminal work "Outline of a Theory of Practice" (1977), wherein he introduces a framework elucidating the perpetuation of cultural dynamics in the realm of production and its consequential impact on individuals within distinct social groups or classes, encapsulated in the concept of "habitus."

Echoing Bourdieu's theory, the participants' responses in this study strongly hinted at a prevalent tendency among them to mask their true selves at the managerial echelons, meticulously crafting an appearance or behaving in a manner deemed "appropriate" within the confines of a formal code of conduct, often unconsciously. When asked if they emulate their boss's behaviour and demeanour, most of them in this category said yes and narrated how they always try for the same. However, when asked whether they engage in conformity or are their authentic selves at the organisation, a significant proportion of people proudly said they do not need to put on a facade.

Everyone stated that good relations are mandatory to not be excluded from promotions, contrasting it with believing that one's quality of work should be enough to foster positive relationships and promotions within the organisation. Moreover, to maintain good relations with the boss was emotionally taxing for all of the participants in this category. Hence, the contradiction was evident in their stances.

They developed into people with unbalanced paradoxical personalities. Differentiated into two units, one being authentic and the other being conformed selves, this difference sheds light on the idea that individuals in the workplace often have multifaceted and complex identities.

Following this idea, Participant 8 from India claimed that:

“[he spends] most of the time being true, [he tries]... to be [himself] whether at...work or whenever [he’s] interacting with anyone on the personal front. [One has]... to maintain the decorum of the institution...Most of the people in [the] organization, they rather act in a way, and try to project themselves, which actually they are not. But [he] personally feels that [he is] more practical.”

According to Althusser's concept of ideology in “Representation of the Imaginary Relationship of Individuals to their Real Conditions of Existence” (1970), ideology functions as a system of ideas and beliefs that individuals adopt to understand and make sense of their social reality. It is not a direct reflection of the objective conditions of existence but rather a constructed representation that mediates individuals' perception of reality. This aligns with the observation that the participants in the study have a contradictory perspective on creating facades. The participants in the study might ideologically believe that being honest and authentic is essential and that creating facades is problematic or condescending, however, in practice, they engage in the behaviour they ideologically oppose. This inconsistency leads to a blurry sense of reality where their ideology does not align with their conduct.

2.1 . Intersectionality of Internalisation of Conformity with Ageing

Participants within the age range of twenty-nine years to forty-five years exhibited contrasting viewpoints regarding masking behaviours. This variance in perspectives can be attributed to the developmental trajectory of their professional identities. These participants were from India. As a developing country, participants from India were overburdened and tried to conform due to high competition. In contrast, the United Kingdom, being a developed country, faced less pressure to conform, especially as they grew older and financially stable.

Within this group, certain participants shared anecdotes on how their lack of a marital status became a leverage point for organisations to extract heightened work commitments. For instance, Participant 6 quoted “It's very difficult, like you would be expected to work late because you don't have a family to go to because you know, you're just unmarried and especially for people who are not living with their parents. So there is definitely ageism in corporate settings”. This manipulation inadvertently nudges them towards conformity as,

in the process to meet the escalating expectations of organisation, they overburden themselves and lose their sense of self.

2.2 . Intersectionality of Internalisation of Conformity with Gender

Additionally, the majority of participants who depicted internalised conformity were women from India followed by women from the United Kingdom and men from India. As noted earlier, women are often subjected to conflicting expectations and societal norms that demand them to exhibit diverse traits and behaviours. They are expected to be competitive yet nurturing, compliant yet assertive, and to exude control while concealing any signs of vulnerability. They are also likely to embrace traditionally feminine traits, such as emotionality. This conflicting set of prescriptions for women creates tension and internal conflict.

According to Pleck's theory (1981), sex role strain arises from internalising societal gender role stereotypes and contradictory norms. To be taken seriously in a corporate setting and not be perceived by someone as fragile and docile, women tend to unconsciously create a stern appearance. This creates a sense of tension and conflict as women are expected to fulfil two roles at once: to be taken seriously in a corporate setting while also appearing delicate and vulnerable. As a result, there is a notion that for women to achieve equality, they must "transform" themselves to be more like men. This transformation is expected in their behaviour, language, and knowledge.

2.3 . Intersectionality of Internalisation of Conformity with Organisational Support

Contrary to the previous category, it can be observed that the organisational support was not adequate as per the responses from the participants who had internalised conformity as they gave divergent statements. For them, the organisation does nothing to contribute to their job satisfaction and well-being. In an unsupportive environment, individuals may feel they have no choice but to adhere to organisational norms to protect themselves from potential repercussions. Secondly, when employees perceive a lack of support from the organisation, they may feel disconnected or disengaged. In such cases, they might internalise the belief that their values and perspectives are not valued or necessary at the workplace. As a result, they might suppress their authentic selves and adopt the behaviours and attitudes expected by the organisation.

Moreover, the internalisation of conformity can be a coping mechanism for individuals seeking a sense of belonging or acceptance within the organisation. Over time, this internalisation of conformity can significantly impact employee's well-being and job satisfaction. Employees may experience frustration, dissonance, or emotional exhaustion as they navigate between their true selves and the roles they feel compelled to portray at work, ultimately leading to existential crisis.

3. Intersectionality of Internalisation of Conformity

Analysing the transcriptions revealed that the majority of participants wanted to act like their bosses. They believed this would bring them more authority and acceptance in the organisation. For instance, Participant 4 from India, narrated how she took the organisation's rules and values as her constitution to be followed religiously. For these participants, masking at management was like a tool for survival. It shaped their personality at the workplace. Seeking validation and being in the good books of their superiors improved their quality of living.

3.1 . Intersectionality of Acceptance of Conformity with Ageing

The participants falling within this category were in the older age bracket, spanning from forty-five to fifty-eight years of age and were majorly from India. From this observation, it can be inferred that with increasing age, employees often gravitate towards a more pragmatic outlook, acknowledging the intricacies of their professional environment and safeguarding themselves from unrealistic expectations. In the present context, individuals occupying higher positions within the organisational hierarchy demonstrate a heightened awareness of recognising and embracing their surroundings. Such candidness reflects an evolved perspective that comes with experience and tenure, indicating a progression towards a more assertive stance in response to their professional circumstance.

3.2 . Intersectionality of Acceptance of Conformity with Gender

The majority of participants were females, yet again, who outrightly accepted conformity as their resort to not being taken for granted in the organisation. They described it as something they do for acceptance and that if they do not conform, it might lead to the termination of their employment contract. For example, Participant 9 from India, quoted:

Job always demands a lot of maturity from you and a lot of balanced behaviour. So yeah, when “I'm working, when I'm with people, I am mature, I have a balanced personality, but you can't show your true side. You know, every person has a child inside him or her, I guess, but you cannot show that child to even your close friends while you are working or in that work scenario because you never know who takes it otherwise. So it's always a put-on, that we have to do while we are working.” (Interview of Participant 9)

3.3 . Intersectionality of Acceptance of Conformity with Organisational Support

The participants reported a substantial level of support from the organisation. It becomes evident that when organisational support is more pronounced, individuals are inclined to be more willing to align themselves with the prevailing organisational norms and expectations. The participants within this context acknowledge the influence of their bosses' integrity and the expectation to mirror such attributes. In light of this, these individuals openly embrace and adopt behaviours that align with the organisational ethos, driven by a determination not to disappoint their superiors or fall short of their expectations. Thus, the interplay

between organisational support, individual integrity, and the desire to emulate leadership qualities elucidates the intricate dynamics that guide participants' behaviours within the organisational framework.

4 . Emotional Exhaustion, Mental Health, and Identity Crisis

The interviewed participants worked in a corporate setting with at least two years of experience and worked really hard throughout. Some internalised conformity leading to distorted thoughts, while others welcomed conformity with open hands. In both scenarios, extra emotional labour was attached to not only creating relations with everyone but also keeping those relations intact. To be included in promotions and appraisals, time was spent appropriating identity, which, in reality, was non-existent. Creating facades divided individuals' identities into multiple facets which was draining for them.

Masking at management significantly affected mental health, tainting their perspectives altogether. Those who accepted to conform openly or showed signs of conformity in their responses saw everyone do the same. For instance, when asked about their peers' behaviours, participants 3, 5, 8, 10, 14, and 15 from both India and the United Kingdom, uniformly indicated that most individuals create appearances in some form. It can be deduced that in a developing country like India, where there are inept resources amongst a humongous population, they are more prone to having high mental health issues. Likewise, though the United Kingdom is a developed nation, and the government supported them financially during the pandemic, there are still cases of emotional trauma that exist.

Emotional exhaustion has set in and is visible in the way people talked of being on edge or overburdened or finding it difficult to work from office now after the pandemic. This perception of a conforming environment might lead to feelings of social pressure and reinforce the belief that conformity is the norm. Over time, this could contribute to increased stress, anxiety, and a sense of disconnection as individuals might begin to question the authenticity of others, which could dismantle their belief system and take a toll on their health. The dissonance between their true selves and the personas they create can create internal conflicts that erode their psychological resilience. Therefore, enhanced amounts of façade creation led to emotional exhaustion, poor mental health, and ultimately, an identity crisis.

5 . Coping Strategies:

The participants practised various strategies to cope with the emotional labour attached with creating appearances. To begin with, Participants 1, 10, and 13 mentioned using techniques like switching off from work mentally after logging off to maintain their sanity.

Some participants meditated, while others talked to their loved ones when things did not go their way. Another technique that was advised to manage emotional labour was prioritising work over socialising and limiting constant interactions.

Furthermore, participants engaged in positive reframing, prioritised self-care, and channelled their energies into creative outlets. By developing skills in emotional intelligence and conflict resolution, and dedicating time to personal reflection, individuals sought to effectively manage the emotional toll of conforming. These multifaceted coping strategies reflect participants' relentless efforts to navigate the intricate landscape of emotional labour while striving to align with organisational expectations.

Discussion

The research findings have illuminated various valuable insights through a comprehensive analysis of the participants' experiences within a corporate environment. Exploring authenticity, conformity, and the emotional labour associated with these concepts has unveiled the intricate dynamics shaping their professional lives. To begin with, participants from India conformed more than participants from the United Kingdom. India follows a community-based culture where conformity sprouts out while the United Kingdom has a more individualistic way of dealing with things and hence, practices a higher percentage of authenticity.

The study identified a distinct pattern among younger employees who, buoyed by robust organisational support, exhibited a strong work ethic and a drive to excel. These individuals resisted conformity and remained committed to their genuine selves. Notably, all these participants were males, suggesting that they navigated their career paths with less pressure from patriarchal norms. This allowed them to align their personal values with their organisational roles while maintaining authenticity.

Conversely, the mid-career employees exhibited a shift towards internalised conformity, resulting in distorted perceptions. A decline in organisational support accompanied this transformation. The choice to remain authentic in their early careers seemed to diminish as they grappled with the pressure of being viewed as excessively accommodating. This eventually led to unintentional conformity, impacting their sense of self and the assistance offered by the organisation. Notably, most female participants in this category conformed to be taken seriously, reflecting the challenges faced by women in seeking acceptance in a professional sphere.

Furthermore, for the older employees, conformity became a survival strategy in the corporate landscape. This approach secured their positions and garnered increased organisational support by adhering to preferred behaviours. The insight shared by several female participants was that adopting facades served as a means to secure promotions and gain access to inner circles. For instance, when asked to what extent she feels creating facades is necessary for her survival in the organization, Participant 13 from India claimed that:

It is extremely important as it affects [her]... bond with [her] boss. [She is]...afraid of being out-grouped, that is why masking is important. And if [she] don't put appearances, it really makes [her] feel insecure about the promotions because [her] organization has a competency model, which assesses a person not only based on how they're performing at their work, but it also assesses them based on how they have been behaving. So, it is mandatory. (Interview of Participant 13).

Ultimately, conformity presents its advantages and disadvantages. While it facilitates success at the workplace, it takes a toll on participants' mental health. The effort required for facade creation and maintenance strains their well-being, leading to exhaustion. This is contrasted with authentic employees who find their mental health less compromised while experiencing less workplace advantage. The research demonstrates that the interplay between authenticity and conformity is complex and multifaceted. It shows that the alignment between personal values and organisational expectations can differ significantly based on age, gender, and one's position in the company. It also highlights the direct relationship between organisational support and individuals' choices in expressing their true selves or conforming.

Way Forward

The longitudinal methodology can be used in future research to capture participants' developmental trajectories and gather insights into the origins of their authenticity-conformity dynamics. Additionally, researchers can explore the effects of conformity on different cultures, apart from the United Kingdom and India, as culture plays a significant role in shaping individuals' values, norms, and behaviours, which could influence how authenticity is perceived and the extent to which conformity is practised. By conducting cross-cultural studies, especially in countries like the USA, Japan, China, and Hong Kong, researchers can examine whether the patterns observed in this study hold in different cultural settings or if there are variations based on cultural factors.

While the study sheds light on the interplay between authenticity and conformity within specific age groups, it cannot definitively ascertain whether these patterns are consistent or how they may have evolved over the participants' lifetimes. Without information on their earlier experiences, influences, and challenges, it becomes quite challenging to establish a direct causal link between their past, present, and future behaviours. There was an inclination from most of the interviewees to present themselves in a favourable light. They provided morally correct answers to not be perceived as unethical. It also caused them to filter or modify their answers, thereby introducing a bias into the results. The prevalence of such bias could provide an idealised view of participants' attitudes and behaviours within the corporate setting.

While these are some of the research gaps in this thesis, there are practical implications for the same. "Nearly 48% of corporate employees are struggling with mental health issues, with women being more prone to high mental health risk at 56% v/s men at 41%" in India (Basu, 2023). Mental health is a topic of growing concern and importance, especially post pandemic. While progress has been made in recent years to raise awareness and reduce the stigma surrounding mental health issues, significant challenges still need to be addressed. Therefore, this study contributes to understanding the reasons behind the poor mental health of

employees and enquires about the coping mechanisms that the participants used to remain stable. Organisations should recognise the impact of internalised conformity on employees' well-being. Fostering a supportive environment that values the diversity of identities and encourages open dialogue can promote better mental health among employees. Resources such as counselling, stress management programs, and work-life balance initiatives can contribute to a healthier, more authentic workforce.

As the research also brings to the fore latent issues around gender discrimination, it helps provide answers to high stress amongst working women professionals, their unconscious need to be amicable, and the internalised conformity that might cause identity fractures. It is beneficial to read organisational setup through gendered lens to understand how organisations can support their women employees and how male employees can create safe, non-discriminatory, and inclusive work and post-work environment for holistic growth of the organisation and its employees.

Lastly, this study helps in self-reflection and gives people time to think about who they are. An article by Harvard Business Review found that most participants claimed to be self-aware, though after studying the results, only 15% of the people were aware (Eurich, 2018). Hence, this study serves as a powerful catalyst for self-reflection and offers individuals a valuable opportunity to contemplate their true essence as individuals. It embarks on a transformative

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Beyond Binaries: A Relational Big Picture Model for Environmental Peacebuilding

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Abstract: This essay critically examines the shortcomings of current environmental peacebuilding models and advocates an evolved version of John Paul Lederach's Big Picture Model (BPM) as a more participatory relational conflict resolution approach to the environment. It starts by deconstructing the history and politics of environmental degradation, particularly in postcolonial regions, and contends the necessity to deprioritize time and spatial limits that usually condition global environmental discourse on international agreements. Using the case study of West Asia and North Africa (WANA/MENA) water scarcity, this paper demonstrates that environmental conflicts are not typically simply binary, have clear actors, or possess linear timelines. Contrary to mainstream liberal or technocratic peacebuilding frameworks, the BPM, especially with the addition of a relational ontology, can seize individual, cultural, structural, and historical aspects of environmental conflict. With the facilitation of dynamic reflection, embeddedness, and interconnectedness between actors, and between systems, across time, the model offers a more participatory and transformative peace process. The contention is that relationally founded BPM has great promise for reforming environmental conflict resolution in an ecologically crisis-affected world.

Introduction

Nature often receives the short end of human development. While indigenous communities around the world have long strived to function in tandem with their environment, the modern state system focused purely on economic development for far too long. It was as late as 1972 when the Stockholm Declaration first explicitly mentioned the need to protect the environment at a global level (United Nations, 1973). However, much like all human activities, environmental protection too is riddled with political dynamics of haves - have nots, Global North - South and so on. Ironically, the human race aims to preserve a borderless environment by assigning responsibility within borders. International treaties and global regimes indulge in such *cagification* of nature by placing the onus of its preservation on specific states and actors. However, it is not merely the existence of political boundaries per se that requires a deeper look, rather how they originated and their selective application. Most borders in present Global South regions are a result of colonial oppression. They divide land, either arbitrarily or in support of the colonial powers and consequently cut across shared cultures and natural resources.

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As a result, in times of conflict and war, such divisions come to the forefront, together as its cause, consequence and instrument. The weaponization of the Indus Water Treaty during the recent India - Pakistan conflict as well as Israel's attacks on water and sanitation infrastructure in Gaza stand as testimony. Here, the term 'boundaries' goes beyond man - made political mapping but also includes the limits of temporal analysis and accountability often accorded to environmental studies. Environment protection regimes analyze the present situation to establish actionable outputs and accountability for the future, without recognizing the impact that the past has on the issue. The closest any major solution has reached is Principle 7 of the Rio Declaration, 1992 that establishes the *common but differentiated principle* (United Nations General Assembly, 1992). It recognizes that developed countries have a higher responsibility towards sustainable development due to the advantages they faced while undergoing industrialization before others. However, acknowledging the timeline of development does equate to holding them responsible for their past actions, such as colonial exploitation. Countries in the West, especially those which succeeded global empires, not only progressed further through the growth of their own industries and economies, but also by hampering the organic process of development in their colonies. Colonizers damaged traditional markets, rampantly cut across forest lines to build infrastructures like railways and alienated traditional knowledge systems - systems that had long existed peacefully with the environment around them - without facing consequences. On the contrary, their colonies continue to live in a post - colonial world and were forced to build on an exploited territory. This paper argues that environmental protection theorization needs to move beyond time - and - space limitations by recognizing the temporal fluidity of the environment and look for sustainable solutions through a holistic lens.

In order to achieve the same, this paper proposes an adapted version of John Paul Lederach's ***Big Picture Model (BPM)*** to be used for environmental peacebuilding (Lederach, 2015). Like most conflict transformation models, the original BPM focuses primarily on human conflicts. Even while transforming structural conflicts, it generally assumes the involved parties to be identifiable, often in direct opposition, and works to bring their respective antagonistic stance closer to the others.

However, environmental conflicts often don't fall into neat categorizations of victim/offender or party one/two. They are dynamic in nature and build on the actions of the past, supplementing it with current lifestyle consequences. An ethnic conflict may continue over time if the parties wish to hold on to previous actions, events or comments made. However, such longevity is not much of a choice in the case of environmental conflicts. It is inevitable that a forest being grazed for urbanization will have an impact on air and water that its future residents consume. Even if alternate sustainable living choices are made, and these solutions may offset some of the climatic impact of such decisions- it is highly unlikely that the same will completely

prevent any environmental consequences or bring back the original conditions. In such scenarios, neither do conflicts exhibit clear state - and - end timelines, nor do they host clearly identifiable parties as those having lived generations ago may be just culpable as their posterity. Further, having transboundary characteristics, even multiple contemporary actors across the globe could be responsible for consequences being faced in other parts at the same time. Due to such ambiguities, often lack of resources in an area is also not even considered a ‘conflict’.

However, the author believes that the model holds potential for going beyond and working under environmental conflicts that may not have clear binaries present. This paper presents a relational perspective to the BPM and extends its use to environmental conflicts by establishing the embeddedness of the individual in nature as well as the importance of critical reflection at stage. Before proceeding further into understanding the model at large, it is first imperative to grasp what other environmental peacebuilding models exist and why the BPM must be favored for use.

Environmental Peacebuilding

Environmental peacebuilding keeps the environment at the Centre of the peacebuilding process and shifts the paradigm from resource - based conflict to resource - based cooperation. Ide et al., (2021) define it as “*comprising the multiple approaches and pathways by which the management of environmental issues is integrated in and can support conflict prevention, mitigation, resolution and recovery*”. They highlight the three dimensions of environmental peacebuilding as security, livelihoods and economy, and politics and social relations. The discipline emerged in the post - Cold War era as multiple conflicts emerged around the world, more often than not in developing and newly independent countries.

However, despite its growing relevance, environmental peacebuilding still lacks extensive frameworks (Dresse et al., 2018). One of the most prominent ways forward is to establish international treaties, institutions, regimes and norms. Such solutions fall within the larger bracket of liberal politics and may tend to emphasize more on top - down agreements rather than local level decision. Such an approach may preserve the status - quo by focusing on merely cooperation rather than transformation. A similar approach has been to adopt the above perspective in post-conflict situations by giving the lead to international organizations like United Nations, INGOs, donor agencies and so on that carry projects in such societies (Conca & D. Dabelko, 2002). However, despite their achieved results, the neo - liberal political underpinnings behind such agencies stands as a glaring shortcoming.

In contrast, another approach to meeting the needs of post-conflict societies is by highlighting their own traditional practices and indigenous knowledge systems (Le Billon & Duffy, 2018). While more inclusive than others, such an approach remains extremely contextual in its application to particular societies and their conflicts. Further, it assumes that traditional practices were just and empowering, romanticizing them without critical reflection. E.g., A major form of waste management in ancient Indian societies was through manual scavenging by the disadvantaged castes. Such a system benefits only a few and is not fit to be reintegrated back into society.

These are just a few of the prevalent approaches towards environmental peacebuilding. While each of the above has their benefits, neither present a holistic framework that keeps all factors into consideration. Further, they are all ‘problem - solving’ by nature and do not engage in critical questioning about who is at fault and how. Such a line of thought is extremely important given that environmental conflicts do not consist of conventional binaries, as explained earlier.

In such conditions, the need is to have a broad model that provides an orientation to follow while analyzing any environmental conflict, rather than any particular scenario. The author believes that it is here that the BPM becomes useful. The model is vague - enough that it can be applied to any scenario but also *not-too-vague* that it still equips the research tools to decide where to start looking. The following section provides an extended version of BPM, adapted to meet the needs of environmental peacebuilding.

The following section shows the applicability of the BPM through a case study on water scarcity in the West Asia and North Africa region.

Rationale

This study uses the BPM model to study the water crises in West Asia. As a result, it begets three important questions regarding each of its focus points i.e. the model, the region and resource crises in question. Linking all three stands the overarching question about the need for the study at large.

The first question i.e. the choice of the model has been explained in detail in the section above. Summarily, the BPM keeps a healthy consideration of spatial and temporal factors in its analyses and thus presents a comprehensive analysis.

Secondly, West Asia is one of the most water - scarce regions of the world (Mahmoud, 2024). However, its water scarcity, as explained below, is not just an outcome of its geographical condition but rather a consequence of human actions meant to advance development unsustainably. Moreover, West Asia has also been a victim of colonial expansion policies in the past and extensive resource - extraction (especially regarding their oil reserves) in the present. This allows the region to be a fitting case for understanding how resource - based crises may lack a definitive timeline, clearly identifiable parties or clear causality and yet be a major conflict. Lastly, water has been chosen as a resource to analyze as it is one of the most fundamental to human life, universally.

Through these considerations, the author would like to express that the rationale for the study is to highlight the need for a comprehensive - multi factorial analysis for a crisis that itself has various causes and effects and variables mixed within it. The analysis does not present a specific actionable output for policymakers to use. Rather it is meant to serve a guide to orient policymaking and perspective about the water crises in West Asia.

Methodology

This study adopts a qualitative-situational analysis to study the water crises in West Asia. It goes beyond mere geographical determinism and situates water scarcity in the broader cultural, political and structural environment.

The study does so across two stages - in the first, it uses secondary material (such as reports, newspapers, journal articles, etc.) to highlight the major causes for water scarcity in the region. Following this, in the second stage, it applied the BPM, a comprehensive conflict-resolution model, to interpret how personal, relational, cultural, and contextual dimensions contribute to the conflict. The research also extends the model by introducing the environment as an active stakeholder, thereby moving the analysis towards eco- centrism and away from anthropocentrism.

This dual-layered methodology supports the argument for a transformative, justice - orientated approach to environmental conflicts.

Case Study

Near the Mediterranean Sea and the Persian Gulf, a small area of land engulfed by the Tigris and the Euphrates rivers forms a crescent that is often known as the ‘cradle of civilization’, or the ‘Fertile Crescent’. It is here, between the mountains in the north and the deserts in the south, that civilizations like Mesopotamia,

Sumer, Akkad, Assyria, and Babylonia made their home. And thus, many archaeologists have believed that the fertile crescent is one of the primary loci of origin for modern-day civilizations (Lee, 2022). The geography in and around the Fertile Crescent created favorable conditions for the growth of human settlement, especially the abundance of water resources from the Tigris and the Euphrates rivers for agriculture, lending it the name 'Fertile' Crescent.

Today, more than 10,000 years later, the Fertile Crescent is the most water-scarce region of the world (Mahmoud, 2024). It comes under the West Asia² (conventionally known as the Middle East) and the North Africa (also known as MENA) region, and is formed by Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, the West Bank and Gaza, and Yemen.

Indeed, the West Asia and North African region is geographically more prone to being arid and dry as opposed to the rest of the world, with 83% of the population exposed to extremely high water stress (Kuzma, Saccoccia, & Chertock, 2023). Other than the regions originally supplied by the Tigris and the Euphrates rivers, it is predominantly covered in deserts. However, geographical determinism as the sole cause for water scarcity would erroneously overshoot the mark.

The Emergence of a Water Crisis

The cities in North African countries (Algeria, Egypt, Libya, Morocco, Sudan, Tunisia, and Western Sahara) came up on the edge of the Sahara and on the banks of the Nile River. A few others took part in maritime trade through the Mediterranean and links with Sub-Saharan Africa. As a result, only a few locations in the region provided adequate water and biological capacity along with a moderate climate to support a flourishing human settlement (Abdullah & Elgendy, 2022). As a result, populations living in the outskirts or rural areas often flocked to the cities for better access to resources and quality of life. Urbanization in Northern Africa took place in two phases - up till the 1960s (in the early 20th century), the urban population in North Africa was estimated to be 34% of the total regional population. Then, most North African countries gained independence in the third phase of decolonization. Thus, from the 1960s to 2019, urban population had grown by almost two thirds to 56%. By the 1960s, the urban population in North Africa was estimated to be 34% of the total regional population, according to World Bank data. By 2019, it had grown by almost two thirds to 56%, approximately the same level of urbanization as the global average. Indeed, not all North African

² The term "Middle East" is primarily a geo-political label, coined during the colonial era and reflecting the region's strategic importance. Therefore, in this paper I use the term 'West Asia' to refer to areas traditionally known as the 'Middle East'.

countries experienced similar levels of urbanization - while Morocco, Alegria, and Tunisia experienced a steady increase in urbanization levels between 1960 and 2019, Libya went through rapid urbanization until 1984 and Egypt's urbanization journey has stalled since the 1970s (Department of Economic and Social Affairs, United Nations, 2018). It is here that a conflict centering on the environmental and natural resources seeks to bring out the lack of futility of man - made political borders. Despite countries experiencing different levels of population growth, the environment is shared by all and actions of each impact the other. This is especially true for conflict - based inter - state migration. Regional conflicts since the 1960s have also prompted inter migration to capital cities, leading to an increase in population beyond natural demographic change rates (Elgendy & Abaza, 2020).

Nonetheless, a mere increase in population is insufficient to answer for water scarcity. It is important to study how water demand has increased as well as planned management of resources in the cities to meet their increased requirements. Domestic water uses amounts for a small portion of water demand. However, in the region, countries are heavily dependent on agriculture - a water consuming sector. With increasing population, agriculture production increased leading to more water demand (Roudi-Fahimi, Creel, & De Souza, 2000).

West Asian countries followed a different trajectory of economic growth and urbanization. Similar to Northern Africa, the geographical conditions were unsuitable for a large human settlement. Whatever cities came up, they did so on backing on limited potable groundwater and the local pearling industry. However, the discovery of oil and gas changed fortunes in the region and its economic uplift began. Cities began to flourish and more people flocked to them for better economic benefits and populations increased (World Bank). As a result, countries in West Asia, mainly in the Gulf Area, began to import resources like water to meet the needs of the growing population. As a result, like such countries gained massive economic growth, they barely sustained themselves from an environmental deficit as importing resources for the population remains an expensive and unsustainable source to depend on (Elgendy, 2024).

Planning and Management - Once again, an increase in population and water demand can both be efficiently tackled with proper resource management and planning. However, it is here that both the West Asian and Northern African regions fell short by a long measure. Saad Eddin Ibrahim used the phrase '**Urbanization without Urbanism**' to comment on the lack of planning in cities for facilitating an efficient urban living for its citizens (Ibrahim, 1975). Urban cities are generally an advantage for countries as they lead to better economic growth and development for the country on the whole. However, studies about both Northern Africa and West Asia show that the same must be accompanied by facilities and conditions that ensure sustained life in the city. The two regions in question - North Africa and West Asia - both remained on

opposite ends of the spectrum. In Northern Africa, a lack of public transport due to bad planning and low funds led to inefficient transport systems in the cities and forced individuals to cluster into certain areas rather than spread across the available land. Moreover, individuals also had to use private transport, reduced walking and cycling - all of which are environmentally unsustainable practices. Bad transport systems and urban planning are also the cause of low economic growth of North African cities (Abdullah & Elgendy, 2022). On the other hand, since cities in the Gulf Region and West Asia instantly spurred growth once resources were discovered there, they are often known as ‘born urban’, i.e., instead of naturally growing from rural to urban, they were constructed to be urban centers of living from the start. The consequence of this sudden jump to urbanization is a lack of reflexivity in city structures. Usually, when cities grow in size, they reimagine themselves to accommodate gradual increases in population and resource demands incrementally. As a result, facilities like public transport, decentralized municipal governance, and so on build, adapt, and grow with the city as well. However, in getting a jump start on urbanization, West Asian cities also overlooked this period of reflexivity and did not have adequate public infrastructure to accommodate a financially flourishing large population. As a result, the people resorted to private transport systems, among other private infrastructure, leading to an increased strain on resources (Elgendy, 2024).

Lederach’s Big Picture Model (Bpm) -

The **Big Picture Model** in conflict transformation by John Paul Lederach offers a holistic approach to resolving conflicts by examining underlying issues and the broader social context. Unlike models that focus only on either immediate issues or short-term solutions/ long term solutions, the Big Picture Model takes into account historical, cultural, economic, and political factors that contribute to the conflict’s root causes.

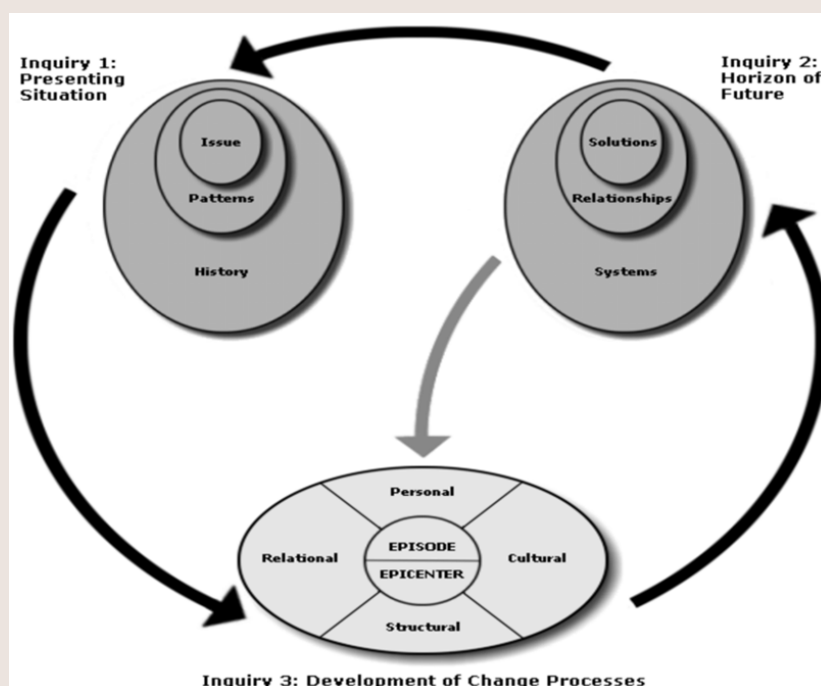


Diagram 1 : An Edited Version of Lederach's Big Picture Model of Conflict Transformation
 Source: Lederach, John. Little Book of Conflict Transformation: Clear Articulation Of The Guiding Principles By A Pioneer In The Field. Simon and Schuster, 2015. (Original Diagram)
 (Dotted Line Edits made by the Author)

As Diagram 1 shows, the Big Picture Model begs three inquiries -

Inquiry 1 : Presenting Situation (Issue, Patterns, History) - The historical context of the water crisis in the West Asia and North Africa region can be drawn back to the growth trajectories in the region as, as exemplified previously. At the same time, it is pertinent to note that repeated and constant colonization by various powers such as the Ottoman Empire, British, French and Italian Empires, led to exploitation of natural resources and unstable political institutions in several of these countries. Along with this, the unilinear model of development (choosing economic gain and urbanization over environmental sustainability).

Inquiry 2 : Horizon of the Future (Solutions , relationships, Systems) - Indeed, the future envisions shared responsibility of resources and sustainable development.

Since the turn of the century, there have been several solutions implemented in the region for a better future. For e.g. - The African Union's (AU) long-term strategic vision for the continent, Agenda 2063, seeks to ensure basic facilities for all its citizens. Similarly, other international organizations like the EU have begun to focus on sustainability in the Mediterranean Basic and empowered cities to not be centers of intervention but actors in themselves (Abdullah & Elgendy, 2022). Multiple agreements, conventions, and organizations have been set up for trans-boundary water sharing such as Transboundary Water Cooperation Coalition. Bilateral cooperation directly between states in the region such as the Nile Waters Agreement (1959), The Agreement on the Orontes River (1994) have also taken shape in recent times. In these solutions, the horizon of the future shares certain common characteristics - its multilateral, cooperative and inclusive.

Moving beyond trans-boundary cooperation, a sustainable future also looks forward to reducing structural inequalities within states as well. The growth of urban slums and unequal water distribution between different groups in societies have formed crucial structures in the conflict (Abdullah & Elgendy, 2022). A better would entail creating democratic systems that are accountable and transparent and transforming the relationship between the haves and have nots of society to be more inclusive.

Inquiry 3: Development of Change Process (Personal, Relational, Cultural, Structural) - It is here that Lederach's model suits the water crisis most. Among all the existing solutions, either the focus is laid on state intervention and institutional change, or only on increasing an individual's civic sense through awareness programs. Lederach's model looks at the bigger picture and reaches out to interventions in all four aspects of human life simultaneously - Personal, Relational, Cultural, and Structural.

3.1) Personal and Cultural changes must build on inter-relationality and build civic sense among the people. Personal behaviors reusing water, increasing public transport usage, etc., will ensure that water sustainability becomes a part of societal culture. Here, the importance of personal and cultural changes is not simply to focus on sustainable practices at the individual level. Rather, once the importance of water sustainability and management is ingrained in the society and the civic sense of the people, they will also measure their government's achievements through these standards and demand action from the same. Thus, it will lead to an active civic culture in the countries.

3.2) Structural changes do exist in many forms in the current scenario. It would be unfair to claim that governments are not taking action for better water management. Qanats and Rainwater Harvesting are used in Iran to preserve water, desalination is a common practice in economically resourceful Gulf nations, and trading and importing water through transnational cooperation form the outline of the water crisis in the 21st century. However, the need of the hour is to base structural changes on relational ontologies as well. Different actors (states, individuals, communities, and the environment) must be looked upon in relation to each other for framing the solution.

3.3) Relational changes, here, refer to not just relationships in particular but also developing a *relational* lens to view the conflict. The individual is not an atomistic entity but enmeshed in his/her surroundings. A philosophical shift from individualistic ontology to relational interdependence involves transforming relationships at all levels - states and citizens, developed and developing nations, and humans and the environment. The need of the hour is not just to make these relationships better but to build the foundation that all actors are interrelated to each other and cannot survive without cooperation with all. Accordingly, such attempts must be taken up at all levels, from institutional and top-down (e.g. The Red Sea - Dead Sea Water Conveyance project that highlights interdependent water needs of Jordan, Israel, and Palestine) and decentralized bottom - up levels (e.g. NGOs that promote inter - community dialogue).

It is through the focus on relational ontology and building interdependent relationships that Lederach's BPM presents its suitability for environmental conflicts. As established earlier, environmental conflicts are unique as they connect actors to consequences across conventional boundaries, as if possessing hyper-relationality. As a result, when analyzing such conflicts, one needs to also use a lens that allows various elements to interconnect and impact each other. Moreover, it is also important to note that not only are the three *inquiries* related to each other, but also the four components (personal, relational, cultural and structural) of the change process are interrelated and must move forward together. Thus, connections between cultures, peoples and different levels of actors through multi-track diplomacy will enhance cooperation and sustainability in the region. Relational ontology must form the bedrock of the conflict transformation process.

Further, as explained earlier, relationality exists not just between contemporary actors but also between timelines. The BPM model does include historical analyses as a part of Inquiry 1; an element that other peacebuilding models lack. However, given the continued impact of historical events, it is important that they are constantly questioned throughout the transformation process and not just while the beginning. For the same reason, the author has adapted the BPM by connecting Inquiry 3 back to Inquiry 1 (as opposed to only a unidirectional connection from Inquiry 1 to Inquiry 3 originally). This means that even during the change process, at each step, it is necessary to question what the biases and events are that led to the present, as well as the change that is being implemented. The changes implemented must not be accepted as they are. Rather, each decision must be questioned again and again, and its historical patterns must be identified. This would result in a continuous back and forth between Inquiry 1 and Inquiry 3 till the time the change process itself is critical and sustainable.

Thus, through these adaptations and by making a relational ontology the bedrock of the conflict transformation process, the BPM can be utilized for transforming environmental conflicts.

Limitations

One of the foremost limitations of the model, as well as the case study presented above, is that it falls short of providing direct, actionable outputs for policymakers to follow. Due to its comprehensive nature, it serves more as a guiding model and requires further deliberation on how each of the inquiries above can be worked upon suitably.

Further, the attempt to introduce the environment as an active stakeholder is, at best, a theoretical experiment. Its implementability is yet to be tested. The relational focus of the model is also a task to fulfill. Given the complex nature of modern societies, analyzing each and every interaction and causation is a

formidable task and largely dependent on interpretation. This opens scope for human biases and prejudices to factor in.

Conclusion

Environmental conflicts are dynamic and ambiguous that makes assigning direct accountability difficult. Consequently, they demand solutions that are equally complex and comprehensive in their approach. However, most existing environmental peacebuilding approaches limit their scope to specific actors such as international organisations or treaties, or romanticize alternate proposals. Moreover, they remain too narrowly applicable to specific cases, and the discipline as a whole lacks broad frameworks that help provide overarching perspective and orientation to leaders.

This paper extends Lederach's Big Picture Model to meet these conditions and also move beyond its anthropocentric focus to environmental conflicts. It does so by establishing a relational base for the model, one that recognizes that each element is inter-linked and connected. This relationality is present not only between humans and their environment but also between the temporal dimensions, the past and the present. Furthermore, the proposed extensions, i.e. linking the model's third inquiry (change process) back to its first (presenting situation), ensure a continuing critical reflection throughout the process.

Through case studies like water scarcity in West Asia and North Africa, this paper advocates for a peacebuilding approach that is not only contextual but also holistic. The adapted BPM provides a flexible but grounded framework for transformation that is inclusive and sustainable.

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Natural Resources and Post-Conflict Peacebuilding: Challenges and Prospects

Jyoti Singh¹

Abstract: This paper attempts to explore the ever growing episodes of corporatization of natural resources in post-conflict situations in a country. The paper will delve deeper into the process of control of public and common resources, by the multinational corporations and private investors during the period of political and economic alteration. Drawing on the recent International Court of Justice (ICJ) judgment of the post-conflict scenario of the Democratic Republic of Congo (DRC), I will provide an outline as to how the national wealth is being transferred into the private hands through structural reforms, legal manoeuvrings, and assistance of foreign funds. The paper will also analyse the ethical, economic, and political repercussions of this trend and highlight the alternative approaches that prioritize community rights, transparency, and long-term peacebuilding.

Keywords: Peacebuilding, Natural Resources, Post-Conflict Peacebuilding, Democratic Republic of Congo

Introduction:

Armed conflicts, whether in the form of war between states or involving internal factions, generally have a devastating impact not only on human life but also on the environment². The nature of the conflict and its location determine the diversity of casualties, environmental damage, and the structures that support it.³ Pertinently, when a conflict concludes or diminishes in intensity, development generally is slower, and moreover, development itself has various meanings, and one can assess whether it is adequate for the circumstances at hand, depending on these meanings. In this context, it may be noted that development is generally viewed through economic terms and growth rather than other forms of development⁴. Conversely, the environmental aspect is generally overlooked, resulting in significant losses to the country and its people.

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² Mrema, E., Bruch, C., & Diamond, J. (2009). *Protecting the environment during armed conflict: An inventory and analysis of international law* (pp. 8–10). United Nations Environment Programme.

³ Fortunato, P., & Kozul-Wright, R. (Eds.). (2011). *Securing peace: State-building and economic development in post- conflict countries*. Bloomsbury Academic.

⁴ Mac Ginty, R., & Williams, A. (2016). *Conflict and development* (2nd ed.). Routledge.

The issue of negligence of natural resources has been debated for over half a century and has been a significant concern among scholars, especially in the last decade, regarding their management⁵. This concern has also been linked to the destruction and overuse of these natural resources due to human behaviour. Given that nature provides us with the resources we can benefit from, there has been controversy regarding the impact of human consumption patterns on the environment⁶. Natural resources, such as water, hold various levels of importance as they are essential for every living species on the planet. The ecosystem and all its forms of life are highly dependent on it⁷.

Moreover, natural resources like oil, minerals, timber, and arable land are often viewed as assets that are capable of bringing financial gains. Ironically, because of the very value, in many post-conflict scenarios, these resources are not managed by the state for public advantage but instead are transferred to both domestic and foreign private corporations.⁸ Against this backdrop, this paper attempts to assess the dynamics of corporatization in post-conflict environments vis-à-vis the exploitation of natural resources and its impact on long-term peace in the nation. The case of DRC will also be analysed as a study, which is a real-world example of the exploitation of the natural resources by the warring states and their private entities.

I-A. Methodology:

This paper uses a qualitative research methodology combining doctrinal legal analysis, case study examination, and a review of the available secondary literature. The primary legal sources that have been used include decisions of the ICJ in *Armed Activities on the Territory of the Congo (DRC v. Uganda)* (Armed Activities Case),⁹ United Nations Charter, and regional human rights instruments such as the African Charter on Human and Peoples' Rights (also known as the Banjul Charter). The research also analyses policy papers of the UNDP and the World Bank to get an exhaustive understanding of the post-conflict rebuilding and resource domination.

Further, relying on the case of DRC offers an in-depth illustration of both the management and exploitation of the post-conflict resources. The paper also builds up its structure from other post-conflict situations like Angola, Sierra Leone, and Colombia, where relevant.

⁵Goodbody, I., & Thomas-Hope, E. M. (2002). *Natural resource management for sustainable development in the Caribbean*. Canoe Press.

⁶Jain, S. K., & Singh, V. P. (2003). *Water resources systems planning and management*. Elsevier.

⁷(Goodbody & Thomas-Hope, 2002, p. 94)

⁸United Nations Development Programme. (2008). *Post-conflict economic recovery: Enabling local ingenuity* [Crisis prevention and recovery report]. https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.undp.org/sites/g/files/zskgke326/files/migration/tr/Post_Conflict_Economic_Recovery_Report.pdf

⁹Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgment, Merits, ICJ GL No. 116, [2005] ICJ Rep. 168.

II. Corporatization of Natural Resources in Post-Conflict Scenarios:

Due to the rapid globalization, economic privatization, and the decline of state-led development, private sector entities have started playing a significant role in maintaining peace, security, and prosperity of developing nations as compared to previous decades.¹⁰ For multinational corporations, gaining access to the international financial and commodity markets (generally through foreign direct investments) is necessary for the economic advancement of the country¹¹. In post-conflict scenarios, the recovery from emergency re-establishment to a sustainable economy increasingly depends on such access. However, the global financial and commodity markets, which are unregulated, may enable a variety of transactions that, while not necessarily illegal, can compromise security, finance future conflicts, and hamper the development of the nation¹². These transactions involve a diverse range of participants, including private sector entities, governments, warlords, and war profiteers. Interestingly, the association between private sector activities and armed conflict has recently attracted the attention of policymakers, primarily due to the efforts of international NGOs, as well as the United Nations' initiatives on conflict resolution and peacebuilding in regions such as Angola, Colombia, Afghanistan, and beyond¹³. Crucially, private sector entities frequently find themselves as victims of armed conflict—both directly, through the destruction of infrastructure or loss of personnel, and indirectly, through the disruption of markets or supply chains. Nevertheless, their operations may also inadvertently contribute to violence—most often without intent or awareness, though at times more directly. While there is a pressing need for further, systematic research into this relationship, there is a growing recognition among policymakers and business leaders that certain forms of private sector conduct may negatively influence the occurrence, severity, and duration of violent conflict.

The term "private sector" refers to a diverse array of entities and activities. For practitioners in conflict prevention and resolution, the connection between armed conflict and the activities of multinational resource extraction companies has long been a matter of critical concern. The UN Expert Panels on Sierra Leone, Liberia, Angola, and the DRC have unequivocally demonstrated that the unlawful extraction of natural resources, especially oil, timber, alluvial diamonds, and various minerals, by combatants has perpetuated conflict in these nations¹⁴.

¹⁰ International Peace Institute. (2022). Options for promoting corporate responsibility in conflict zones: Perspectives from the private sector. https://www.ipinst.org/wp-content/uploads/publications/corporate_responsibility.pdf

¹¹ (International Peace Institute, 2022)

¹² (International Peace Institute, 2022)

¹³ (International Peace Institute, 2022, p. 4)

¹⁴ United Nations. (2002). *Plundering of DR Congo natural resources: Final report of the Panel of Experts (S/2002/1146)*. <https://reliefweb.int/report/burundi/plundering-dr-congo-natural-resources-final-report-panel-experts-s20021146>

Often, these resources find their way into international markets through deals which involve global networks of companies, which operate legally. Unfortunately, the income generated, including concession payments and royalties that companies remit to host governments, may serve as a catalyst for corruption, instigate broader macroeconomic distortions, or be utilized to fund armed conflict or repression, frequently undermining social service and national development¹⁵.

In instances where companies face extortion and kidnapping by rebel factions, as seen in Colombia, corporate payments—often supported by insurance—have not only bolstered the financial and military strength of these groups but have also created additional incentives for extortion and kidnapping¹⁶. The extraction of natural resources can also lead to or intensify grievances among host communities regarding the unfair distribution of revenues and benefits, insufficient compensation for land loss, abusive security practices, biased recruitment methods, and a variety of other concerns.

In response, the companies are becoming more vigilant in making political and security associations with other countries and at the same time they also focus on preserving their reputation and market presence domestically. They have implemented numerous voluntary initiatives to date, which includes the establishment of an internal code of conduct¹⁷. Additionally, some measures necessitate entering into legally binding commitments, which can include statutory and contractual agreements, as well as direct government regulations.

III. The Economic Recovery under Post-Conflict Peacebuilding:

Generally, while writing about the post-conflict situations, the first question that grills the scholars is the significance of economic recovery post war? From the point of view of an economy, it may refer to getting back to the growth and employment levels that existed prior to the conflict¹⁸. Indeed, this view considers revival as a return to the peak gross domestic product (GDP) per capita achieved during the five years leading up to the conflict. However, it might have also been possible that the economy in itself was in a shrinking mode preceding the outbreak of violence. In such cases, it may not be beneficial for the country to go back to the same path of economic growth it had before the conflict. Notably, the global community engages with different concepts of recovery. For instance, the concept of post-conflict reconstruction is supported by the World Bank, which it describes as "the restoration of the socio-economic framework of society"

¹⁵ (International Peace Institute, 2022)

¹⁶ Rettberg, A. (2007). The private sector and peace in El Salvador, Guatemala, and Colombia. *Journal of Latin American Studies*, 39(3), 463–494. <https://doi.org/10.1017/S0022216X07002802>

¹⁷ Bray, J. (2022). International companies and post-conflict reconstruction: Cross-sectoral comparisons. World Bank. <https://documents1.worldbank.org/curated/en/994031468752728929/pdf/31819.pdf>

¹⁸ (International Peace Institute, 2022)

and "the reestablishment of the conditions which are necessary for the functioning of a peacetime society, by explicitly including governance and rule of law"¹⁹.

Stressing on the importance of capacity building, the United Nations Development Programme (UNDP), on the other hand, views recovery as moving from instability and conflict towards a 'normal' development path, where a nation regains the capacity to formulate and execute economic policies as part of a broader, self-sustaining framework of economic governance.²⁰ At the very least, economic recovery necessitates basic security, a strong rule of law, a coherent macroeconomic framework, and an effective system to monitor accountability²¹. A post-conflict nation can be regarded as progressing toward sustainable recovery when it has successfully reestablished the foundations for mobilizing domestic revenue and restored its fractured social and human capital systems.

When does the process of economic recovery commence? Potential indicators of a post-conflict stage might include the signing of a peace agreement or a definitive military victory. Nevertheless, these events do not always indicate a genuine cessation of violence; often due to the presence of multiple warring groups still remain in action. Another potential indicator could be the reduction of battle-related fatalities below a specific threshold; however, such numerical benchmarks do not inherently guarantee the onset of a lasting peace.²² Towards the end, beginning of economic reorientation is largely dependent on an ensemble of political stability, safety, and rebuilding institutions.

IV. Why Economic Recovery Post-Conflict is Imperative:

Significant episodes of violent conflict result in immense suffering for individuals and lead to substantial economic damage. Therefore, the primary reason for the importance of post-conflict economic recovery is to mitigate some of this devastation, generate income, and enhance social services for the long-suffering populations. In the short to medium term, some difficulties can be alleviated through aid; however, ultimately, nations must create their own resources to fulfill the majority of their population's needs.²³ This necessitates economic recovery and growth. The second reason for the significance of post-conflict economic recovery is its potential to diminish the risk of conflict recurrence. Naturally, if conflict re-emerges, it jeopardizes the economic recovery itself. Major risk factors include low per capita incomes, sluggish economic growth, the presence of severe socio-economic inequalities, a lack of employment opportunities, particularly for young men, and the existence of abundant high-value natural resources.²⁴

¹⁹ (Bray, 2022)

²⁰ (United Nations Development Programme, 2008)

²¹ International Labour Organization.(2010). *Local economic recovery in post-conflict: Guidelines*.
https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_emp/documents/instructionalmaterial/wcms_141270.pdf

²² Sisk, T. D. (2001). *Peacemaking in civil wars: Obstacles, options, and opportunities*.
<https://ciaotest.cc.columbia.edu/wps/sit02/>

²³ (United Nations Development Programme, 2008, p. 8)

²⁴ (United Nations Development Programme, 2008, p. 8)

these risk factors requires a so-called 'conflict-sensitive' approach. This approach indicates that policies for economic recovery should aim to rapidly expand employment, alleviate severe horizontal inequalities, establish a sustainable fiscal foundation for the state, and minimize the rent-seeking behaviour often linked to the presence of valuable natural resources.

Fostering an environment conducive to investment and trade—especially exports—is a vital component for recovery of the economy. FDI plays a very noteworthy role in the revival of several economies. In the immediate aftermath of conflict, businesses tend to hesitate in making investments due to ongoing security, political, and business risks. Prolonged physical insecurity, rampant corruption, inefficient or cumbersome legal and regulatory frameworks, damaged infrastructure, and a lack of skilled human capital all contribute to an unfavourable investment climate. Low or unpredictable financial returns discourage private sector engagement. However, for the majority of countries, the primary source of financial inflow in the immediate post-conflict period is foreign aid and substantial private investment typically materializes only several years after the conflict has concluded. Encouraging private enterprises to enter post-conflict markets remains an ongoing challenge that necessitates innovative approaches to enhance the financial incentives for companies to invest in critical sectors. Ironically, the foreign companies generally expect the legal changes that ensure the protection of investments, access to land, tax benefits, and security, requirements that lack the strength to be opposed by the post-conflict Governments.²⁵

V. Responsibilities of the Corporate and the State in Conflict-Affected Areas:

Community rights over natural resources calls for substantial obligations and responsibilities on states towards their citizens. For example, the African Commission emphasizes that state parties to the African Charter have general responsibilities to acknowledge the rights outlined in the Charter and to take the appropriate legislative or other measures to realize them.²⁶ This requires specific duties to assimilate the Charter-based rights into domestic laws so that effective and sufficiently funded institutions are established to oversee and enforce the relevant standards, and to create administrative and judicial mechanisms for obtaining redress. Additionally, states are required to enact favourable legislation governing all facets of revenue generation from the extractive sectors, which includes ensuring transparency in all systems managing concessions and implementing measures to avert illicit financial flows.²⁷

²⁵ (United Nations Development Programme, 2008, p. 8)

²⁶ Wenar, L., & Gilbert, J. (2021). *Fighting the resource curse: The rights of citizens over natural resources*. Northwestern Journal of International Human Rights. <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1236&context=njihr>

²⁷ (Wenar & Gilbert, 2021)

States, however, may sometimes fail to fulfill their responsibilities towards their citizens through either omission or commission of an act, and such failures frequently arise from inadequate regulatory frameworks governing the extractive sector. It was observed by the African Commission in 2017 that insufficient regulation can lead to "human rights violations including a lack of transparency regarding and severe exploitation by national entities of the revenues generated from the extractive industries."²⁸ The Commission has emphasized for the importance of giving way legal assurance to the people of the country for their active involvement in the exploration and development of the main extractive resources, stating that all communities within a state have the right to benefit from the development or sale of natural resources. Nevertheless, a significant concern of this legal framework is its impact on corporations and other private entities that make use of these resources. Pertinently, the responsibility of corporations to respect individuals' rights over their natural resources is still a developing legal regime and has a long way to go. The Committee on Economic, Social and Cultural Rights (CESCR) has confirmed the duty of states to execute the measures that prevent human rights violations by corporations, which operate within their jurisdiction, a sentiment that has been reiterated in an Advisory Opinion from the ICJ.²⁹

The most articulated and comprehensive document on state responsibilities in relation to business and human rights is the *UN Guiding Principles on Business and Human Rights*, which were endorsed by the Human Rights Council in 2011.³⁰ These are Guiding Principles which offer extensive information regarding upholding of human rights by corporate duties. They encourage companies to do human rights impact assessments of their acts and to exercise due diligence in order to prevent its violations.³¹ Although the Guiding Principles are not legally enforceable in themselves, the Human Rights Council (HRC) has established a working group that has been tasked with drafting of a corresponding binding treaty.³²

²⁸ African Commission on Human and Peoples' Rights. (2017). *[Title of the report]*. <https://achpr.au.int/en>

²⁹ Committee on Economic, Social and Cultural Rights. (2011). *Statement on the obligations of state parties regarding the corporate sector and economic, social, and cultural rights* (U.N. Doc. E/C.12/2011/1). <https://digitallibrary.un.org/record/715883?ln=en>

³⁰ United Nations Human Rights Council. (2011). *Human rights and transnational corporations and other business enterprises* (A/HRC/RES/17/4). https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

³¹ (United Nations Human Rights Council, 2011)

³² Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with respect to Human Rights. (2014). *Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with respect to Human Rights*. <https://www.ohchr.org/en/hr-bodies/hrc/wg-trans-corp/igwg-on-tnc>

This group has been increasingly drafting a detailed version of this treaty.³³ If adopted, a binding treaty would considerably shape up the responsibilities of states toward its citizens vis-à-vis natural resources of the nation. The proposed binding treaty would also strengthen the obligations of companies operating in the extractive industries. Appositely, these UN Principles are to be respected by the corporate as well.

In this context, as a welcome step, some corporations and investors have shown their interest in incorporating human rights considerations into their businesses.³⁴ Nonetheless, they also seek to ensure that regulations are applied uniformly to their competitors as well, particularly in the extractive industries, where projects often span over many years or even decades. Clarity and predictability with regard to the application of laws and regulations are very much needed in such long term ventures.

Acknowledging the rights of resource rights of citizens necessitates that companies assess more comprehensively whether a prospective project would take advantage of the territory's resources without any potential answerability to the populace. As previously mentioned, the procedural rights of citizens encompass the rights to transparency and participation concerning the management of the territory's natural resources. For a corporation to extract resources from the territory based on a non-transparent agreement with an unaccountable state or non-state entity would infringe upon these procedural rights. Therefore, honouring the human right to self-determination obliges firms to refrain from entering into resource agreements with authoritarian governments or armed factions.

Therefore, both the state and the corporate need to develop a regime for the protection of the community rights over natural resources, alike. While on one hand the State must develop a robust legal and institutional mechanism to ensure precision, responsibility, and citizen participation, while on the other hand, the corporate sector is expected to uphold human rights through due diligence and conscientious practices.³⁵

³³ (Open-ended Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with respect to Human Rights, 2014)

³⁴ (Wenar & Gilbert, 2021)

³⁵ (Wenar & Gilbert, 2021, p.45)

VI. Towards an International Regulatory Framework for Corporate Behaviour:

The global community now acknowledges that the private sector must play a crucial role in the international community's interventions, and its involvement should extend beyond mere participation in humanitarian efforts.³⁶ Once violence ceases, it is imperative that the processes of peacebuilding and reconstruction commence immediately; otherwise, hostilities may easily resume. The nation must undertake the demobilization and reintegration of former combatants, resettle refugees and internally displaced individuals, clear landmines to facilitate agricultural activities, rehabilitate damaged infrastructure such as roads, railways, telecommunications, and energy supplies, rebuild governmental institutions like courts, and foster the development of institutions that promote economic growth. Consequently, reconstruction is a complex and multifaceted endeavour.³⁷ To prevent a resurgence of conflict, it is essential to establish social and political stability. This stability can only be achieved through continuous economic growth. The private sector serves as the primary engine for growth and development, which is vital for revitalizing the economy on a solid foundation, creating employment opportunities, and ensuring sustained economic growth.

Economic infrastructure, including transport and communications systems, experiences a decline in government expenditure on power sources, which disrupts infrastructure. Social infrastructure, such as schools, hospitals, and clinics, suffers damage, while human capital is affected by death, migration of skills, and worsened nutrition, resulting in a decline in public services, particularly in health and education. Organizational capital, including government institutions, banks, and science and technology, is destroyed, leading to a lack of resources in the formal sector, while new informal organizations, such as NGOs, emerge. Social capital is eroded due to the destruction of trust, work ethics, and respect for property rights, although new forms of social capital may develop through connections formed during wartime. Therefore, any reconstruction work must try to address the issues related to the infrastructure, human and social resources.³⁸

The International Community, affected countries, and humanitarian agencies, believe that the involvement of the private sector is a fundamental component of the International Community's initiatives in post-conflict reconstruction. This involvement should extend beyond mere participation in humanitarian efforts. It ought to concentrate on the unique strengths of businesses, which is conducting business effectively. By revitalizing business activities and fostering entrepreneurship, normal economic operations can recommence. This, in turn, stimulates both domestic and foreign investments, leading to wealth generation. The beneficial results of this process include job creation, tax revenue for local authorities, and, naturally, enhanced public services.

³⁶ Muia, F. M. (2002). The private sector in conflict prevention and post-conflict reconstruction. [https://www.ioe-emp.org/fileadmin/ioe_documents/publications/Policy%20Areas/csr/EN/\(2002-09\)%20Private%20Sector%20role%20in%20Conflict%20Prevention%20and%20PC%20Reconstruction.pdf](https://www.ioe-emp.org/fileadmin/ioe_documents/publications/Policy%20Areas/csr/EN/(2002-09)%20Private%20Sector%20role%20in%20Conflict%20Prevention%20and%20PC%20Reconstruction.pdf)

³⁷ (Muia, 2002)

³⁸ (Muia, 2002)

By investing in a war-affected nation, businesses contribute to a greater level of stability. As Ambassador Maresca articulates, "without prosperity, or at least hope, individuals may become desperate and are more susceptible to being led by political demagogues into unproductive conflicts."³⁹ Ultimately, this enables the nation to transition from despair and poverty. To be advantageous, business investment choices must be attuned to the political and social landscapes and should aim to bolster social cohesion and enhance transparency.

It is evident that a supportive environment is essential for the establishment and growth of enterprises. This can be accomplished by attracting investments, providing training for displaced individuals, revitalizing agricultural production, and resuming trade following the conflict. Considering the economic hardship suffered by the population due to the war, exploring international markets may facilitate the development of the private sector, especially in sectors where the country holds a comparative advantage, such as mineral resources and specific agricultural products.⁴⁰ The private sector plays a crucial role in identifying partners and clients overseas. This approach can offer early support with relatively low risks for foreign companies, thereby aiding in job creation and initiating a positive trend in economic growth. However, mechanisms like, **"investor-state dispute settlement" (ISDS)**, which is a part of dispute resolution in many bilateral investment treaties (BITs), allows corporations to sue the states in arbitration tribunals if they believe their investments have been expropriated or unfairly treated and therefore these kind of mechanisms can always deter post-conflict states from renegotiating unfair contracts or introducing social and environmental regulations.

VII. Case Study of Democratic Republic of Congo :

Having discussed about the obligations and role played by the state and the corporates in a post conflict scenario, it is very pertinent to discuss the recent judgment (2022) of the ICJ in the *Armed Activities Case*,⁴¹ wherein it ordered Uganda to pay \$325 million in reparations to the Democratic Republic of Congo (DRC) for its occupation and exploitation of the Ituri region between 1998 and 2003. The court held Uganda accountable for serious violations of international law, including acts that led to the deaths of approximately 15,000 Congolese civilians.⁴²

³⁹ (Muia, 2002, p.12)

⁴⁰ (Muia, 2002, p.12)

⁴¹ International Court of Justice. (2022). *Armed activities on the territory of the Congo (Democratic Republic of the Congo v. Uganda), reparations judgment* (I.C.J. Reports 2022, para. 45). <https://www.icj-cij.org/en/case/116>

⁴² International Law Matters: Implications of the ICJ Reparations Judgment in the DRC v. Uganda Case. (2022, February 9). *Africa Trends*. <https://www.idsa.in/publisher/africa-trends/international-law-matters-implications-of-the-icj-reparations-judgment-in-the-drc-v-uganda-case>

This war remains to be one of the longest and most devastating conflicts to have happened since the conclusion of the Cold War. It is estimated that approximately 4 million individuals perished as a result of this conflict, which commenced in 1994 and concluded with ceasefire agreements in 1999 and 2002, although sporadic violence persisted well into 2006 and beyond.⁴³ The role of natural resources in intensifying and financing the conflict in the DRC is so profound that it exemplifies the concept of the 'resource curse'⁴⁴. The ICJ addressed the case of exploitation of illegal resources in *Armed Activities Case*⁴⁵. Among the various legal issues that were presented before the ICJ in the case, which included violations of the prohibition of use of force against another state's territorial integrity, violations of human rights, and breaches of international humanitarian law (IHL), one of the most persuasive was the DRC's claim regarding the unlawful exploitation of its natural resources, encompassing minerals, coffee, and wildlife products. The ICJ's decision in this case proves to a significant advancement in the realm of state responsibility for resource exploitation during armed conflict for several reasons, as the legal principles governing the exploitation of natural resources in such contexts were clarified by affirming that International Humanitarian Law (which includes the prohibition of pillage) and the law of occupation constitute the applicable legal frameworks.

The court also ordered that an occupying State can be held accountable for the illegal actions of private entities, including corporations and rebel armed groups, within the occupied territory, particularly when the State fails to meet its obligations under the law of occupation. The ICJ further determined that an occupying state is required to prevent violations of international law within the territory it governs, regardless of whether these violations are perpetrated by its own military forces or by private entities. In the cases of exploitation of natural resources, the obligation of vigilance becomes more important as the actions of non-state actors can be more challenging to be directly attributed to a State.

VIII. Conclusion:

The usurpation of the natural resources in post-conflict situations poses a major challenge in building an equitable and sustainable nation. While investment coming from the private sector is primarily seen as a necessary instrument of economic recovery and growth, the unfettered incursion of multinational corporations—particularly in resource-rich countries -- may result in the eventual scarcity of common resources and major environmental degradation.

⁴³ Cusato, E. (2016). Natural resources, plunder and reparations in the DRC: How the ICJ is setting precedents: Are cases over the exploitation of natural resources in the DRC helping establish new norms over reparations? *Conflict and Environment Observatory*. <https://ceobs.org/natural-resources-plunder-and-reparations-in-the-drc-how-the-icj-is-setting-precedents/#:~:text=Lights%20and%20shadows%20in%20the%20ICJ%27s%20judgement,its%20obligations%20under%20the%20law%20of%20occupation>

⁴⁴ (Cusato, 2016)

⁴⁵ (United Nations, 2002)

The recent cases of many countries, especially the DRC, indicate as to how resource mistreatment by the corporations can perpetuate fresh cycles of violence rather than resolving them. The ICJ's ruling in the *Armed Activities Case* has to certain extent reaffirmed the international legal norms governing occupation, exploitation, and corporate responsibility. However, legal and corporate accountability alone is not sufficient. A more proactive approach is needed. States should develop a strong regulatory mechanism to fulfill their primary responsibility of protecting and managing natural resources and of promoting an equitable distribution of resource benefits. Together with this, the corporate also must adopt due diligence practices that uphold basic human rights, sustainable environmental and meaningful association with the local community, which may prove to be a genuine step towards social responsibility. International business and human rights treaties and stronger compliance of international humanitarian law can prove to be a major catalyst in peacebuilding. Ultimately, the security and equitable use of natural resources can not only make the nations economically strong but this is also critical for the future prosperity of post-conflict societies.

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