

IPR AND THE RELEVANCE OF GANDHI'S PHILOSOPHY OF NAI TALIM

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Abstract:

The paper interlinks Intellectual Property Rights (IPR) and Mahatma Gandhi's philosophy of Nai Talim. It proposes a framework that integrates ethical considerations with knowledge creation and dissemination. Gandhi put forth his educational philosophy 'Nai Talim' to cater to all round development of Indians in particular and pertaining to physical, economic, social, cultural, spiritual and mental attainments. In the age of rapid technological advancements and the increasing commercialization of knowledge, Gandhi's emphasis on "Nai Talim" offers a crucial perspective on balancing individual creativity with social well-being i.e. Sarvodaya. In view of Gandhian educational principles and contemporary IPR frameworks, an attempt is made to explore Gandhi's concepts of self-reliance, social responsibility and the dignity of labour in forming a more equitable and sustainable approach to IPR. Gandhian perspective encourages the development of IPR systems that are based on common good, collaborative innovation and ensure access to essential knowledge for all. There is a need for integrating Gandhian ethics into IPR policy and practice, advocating knowledge as a shared resource rather than a private commodity.

Keywords : Intellectual Property Rights (IPR), Nai Talim, Social Justice, Innovation, Knowledge Dissemination, Self-Reliance.

Introduction :

Intellectual Property Rights (IPR) refer to the legal rights granted to creators and inventors to protect their original works, inventions, and innovations. IPRs provide exclusive rights to creators to use, sell, and distribute their work, and to prevent others from doing so without permission. It includes Patents, Copy right, Trademark, Industrial Design, Geographical Indications and Trade marks.

IPR protects original works such as literature, music, art, and cinema, inventions, including patents and industrial designs, trademarks, including brand names, logos, and slogans, trade secrets, including confidential information and business methods etc.¹

Traditional Knowledge such as use of plants or their extracts for medical treatments, traditional dance, particular techniques used for hunting, craft knowledge/skills etc, find appearance in the culture, stories, legends, folklore, rituals, songs, etc. Now it is recognized as IPR under TRIPS Agreement.²

IPR fosters innovation and ensures an equitable access to knowledge. It aims at



initiating creativity and technological advancement. But it also raises concerns on monopoly due to rights claimed on account of particular design, art, copyright, methodology, procedure etc. It is also said that IPR has added in intensifying socio economic inequalities especially between technology rich and technology poor countries.

In this context, Mahatma Gandhi's concept of "Nai Talim" (basic education) offers an alternative perspective. Gandhi's educational vision based on the principles of self-reliance, social responsibility and dignity of labour provides a framework for understanding knowledge as a tool for social transformation rather than just a commodity.

Objectives :

1. To analyze core principles of Gandhi's philosophy of education and their relevance to IPR.
2. To review the existing IPR framework from a Gandhian perspective.
3. To explore the potential of integrating Gandhian ethical principles into IPR policy and practice.

Research Question :

How can Mahatma Gandhi's Nai Talim contribute to the development of a more ethical and equitable Intellectual Property Rights (IPR) system?

Hypothesis :

Integrating the principles of Gandhi's "Nai Talim" into IPR frameworks can promote a more socially responsible and equitable system, fostering innovation while ensuring access to knowledge for all.

Gandhi's Philosophy of Nai Talim :

Experimentation was one of the deepest passions of Gandhi's life. He experimented with food, health and cure, clothes and dress, politics and economics, ethics and spirituality, education and reforms, organization and revolution, ethics and spirituality.³ Such experimentation forms the basis of IPR.

Gandhi's "Nai Talim" insisted on holistic education that integrated physical labour, intellectual development and moral values. "Whatever good there is in the old education will of course, be retained in the Nai Talim; but there will be enough of the new element besides".⁴ It advocated for the following.

1. Self-reliance:

As per Nai Talim, education should empower individuals to be self-sufficient and contribute to their communities. It should foster local innovation and indigenous knowledge systems which are often overlooked in global IPR practices. Nai Talim encourages individuals to be self-sufficient and reliant on their own abilities, rather than depending on external authorities or resources. "Real education has to draw out the best from the boys and girls to be educated. This can never be done by packing ill-assorted and unwanted information into the

heads of the pupils. It becomes a dead weight crushing all originality in them and turning them into mere automata”⁵.

As envisioned in Nai Talim ,Self-reliance will develop individual autonomy and confidence, promote economic self-sufficiency and reduce dependence on external markets and encourage community-based decision-making and collective problem-solving and contribute to the well-being of their communities

Gandhi believed that self-reliance was essential for building strong, resilient communities that could withstand the challenges of colonialism and modernization.

2. Social Responsibility:

Education should cultivate a sense of duty towards society. To Gandhi, knowledge should be used for the common good, rather than solely for private gain. Gandhi emphasized on the importance of social responsibility in education as it encouraged individuals to recognize their duties and obligations towards society and to work towards the common good. Knowledge is justified only when it is put to good use and employed in the public cause.⁶

Gandhi believed that education should cultivate individuals who were knowledgeable and skilled and also morally and ethically responsible. By emphasizing social responsibility, Nai Talim aimed to create individuals who would work towards creating a more just and equitable society. This approach remains relevant today, as the humanity faces global challenges that require collective action and social responsibility.

3. Dignity of Labor :

Manual labour and practical skills are as valuable as intellectual pursuits. This challenges the hierarchical view of knowledge that prioritizes more on theoretical advancements than on practical applications.

Gandhi recognized the value and dignity of manual and the intellectual labour. “Given the right kind of teachers, our children will be taught the dignity of labour and learn to regard it as an integral part and a means of their intellectual growth, and to realize that it is patriotic to pay for their training through their labour. The core of my suggestion is that handicrafts are to be taught, not merely for productive works, but for developing the intellect of the pupils.”⁷ Through the principle of dignity of labour, Gandhi challenged the caste-based hierarchy of occupations. He promoted a sense of self-respect and self-worth among individuals and encouraged them to take pride in their work. It also developed a sense of social equality and justice. By promoting the dignity of labor, Nai Talim aimed to create individuals who would value and respect all forms of work, and who would work towards creating a more just and equitable society.

4. Education through Craft:

Nai Talim insists on learning through hands on experience. This teaches practical skills, and promotes innovation. Nai Talim emphasized the importance of education through craft. This approach recognized the value of hands-on learning and the importance of developing



practical skills. In Nai Talim, craft was seen as a means to develop manual dexterity and practical skills and encourage creativity and self-expression.

Gandhi believed that education should be holistic, integrating intellectual, manual, and moral development. By emphasizing education through craft, Nai Talim aimed to create individuals who were skilled, creative, and self-reliant. Gandhi popularized art, craft and skill of spinning, weaving, carpentry, woodworking, pottery and ceramics, agriculture, gardening etc. Today's digital world also demands skills in software and hardware and thus welcome necessary expertise and innovations.

5. Moral and Ethical Development:

“That is true education which leads to freedom”⁸ Gandhi believed that education should aim to produce individuals who were not only knowledgeable and skilled but also morally and ethically sound. IPR should reflect ethical concerns regarding the use and distribution of knowledge. Through moral and ethical development Gandhi wanted individual to develop sense of social responsibility and duty, promote honesty, integrity, and truthfulness, encourage compassion, empathy, and kindness and develop self-discipline and self-control.

Gandhi recommends cultivation of certain cardinal values such as Satya (truth) Ahimsa (non-violence), Asteya (non-stealing), Aparigraha (non-possession). Brahmacharya (celibacy).⁹ It works for humanity and can overcome the tendency of few in claiming economic and technological benefits through IPR.

Review of the Prevailing IPR Framework :

The current IPR system which is largely driven by Western principles often prioritizes individual rights and market-driven innovation. Thus it becomes evident that patents and copyrights can create monopolies, limiting access to essential technologies and knowledge. Nai Talim challenges the monopolization of knowledge. It promotes decentralized knowledge systems where knowledge is generated and shared at the local level. It reduces dependence on centralized authorities and promotes community-based innovation. Nai Talim emphasizes the importance of making knowledge accessible to all and thus promotes social equality.

Nai Talim promotes experiential learning, where knowledge is generated through hands-on experience. Its moral, cultural and economic value will be immense to the individual and to the nation. Not only will it promote dignity of labour, but self-reliance and proper creative values of life.¹⁰ It reduces reliance on textbook knowledge and promotes practical innovation. Nai Talim recognizes the value of community-based knowledge and promotes its development and preservation.

Combating Inequalities in Developing nations:

Developing countries often struggle to compete in the global IPR scenario. It results in exploitation of their resources and traditional knowledge. Nai Talim ensures that education is tailored to the needs of the local community, reducing dependence on external knowledge systems. It empowers local communities to take control of their own development. True humility means most strenuous and constant endeavour entirely directed to the service of



humanity.¹¹ It also challenges the dominance of Western knowledge systems and promotes cultural diversity overcoming digital divide in developing nations.

Suppressing of Collaborative Innovation:

The emphasis on individual ownership can hinder collaborative innovation and the free exchange of ideas. Nai Talim promotes community-based learning, where individuals learn from each other and work together to solve problems. It encourages sharing knowledge and skills, rather than protecting individual interests. It can be seen as a form of open-source innovation, where knowledge is shared freely and collaboratively.

Biopiracy :

Biopiracy refers to the unauthorized use, exploitation, and commercialization of traditional knowledge, biological resources, and genetic materials, often without fair compensation or benefit-sharing with the indigenous communities that developed and conserved them. Patenting of traditional medicinal plants, unauthorized use of traditional knowledge in pharmaceuticals, exploitation of genetic resources in biotechnology are prominent examples of biopiracy. Through Nai Talim, by empowering local communities to develop and control their own knowledge systems, biopiracy can be prevented. Nai Talim recognizes the value of indigenous knowledge systems and promotes their development and preservation. This can help to prevent the exploitation of traditional knowledge by external parties. Ethical frameworks for knowledge sharing and innovation also need to be developed.

Through cooperation at local and regional level, Nai Talim ensures that IPR regimes are fair, equitable and supportive of development goals. It will allow building, nurturing and sustaining local industry and skills. Gandhi's concept of Swadeshi will strive to achieve it. For Gandhi, Swadeshi is only doctrine consistent with the law of humility and love.¹² It will allow innovations at local level too. It builds an atmosphere for protecting local knowledge and promoting local ownership.

Conclusion :

- i. The principle of self-reliance in Nai Talim has significant implications for IPR. By promoting self-reliance, Nai Talim encourages individuals and communities to develop their own knowledge and innovations, rather than relying on external sources.
2. By integrating the principle of self-reliance into IPR frameworks, a more equitable and sustainable approach to knowledge creation and dissemination can be promoted.
3. By developing IPR mechanisms that recognize and protect indigenous knowledge systems, fair compensation and benefit-sharing can be ensured.
4. Gandhi's Nai Talim offers a valuable perspective on the ethical and social dimensions of IPR.
5. By emphasizing self-reliance, social responsibility, and the dignity of labor, Gandhi provides a framework for understanding knowledge as a tool for social transformation rather than a mere commodity.
6. Integrating Gandhian principles into IPR policy and practice can balance individual creativity with the common good and ultimately work for Sarvodaya.

7. 6.Gandhi's vision of education promotes a holistic approach where innovation serves the needs of all its members.
8. There is a need of reformation in the current IPR system with respect to emphasis and
9. access on community.

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